

City of Fredericksburg, Virginia

City Council

AGENDA

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. Timothy P. Duffy, Ph.D., Ward Three
Hon. Charlie L. Frye, Jr., Ward Four

**April 28, 2020
7:30 p.m.**

**Mary Katherine Greenlaw, Presiding
Agenda**

The City Council Meeting will hold an e-meeting pursuant to and in compliance with City Council Ord. 20-05. The public is encourage to access the meeting though the broadcast on Cox Channel 84 and Verizon Channel 42. The meetings can also be viewed on our www.regionalwebtv.com/fredcc or Facebook live at www.facebook.com/FXBGgov

1. Call To Order

“This Meeting is being held electronically by “Go to Meeting” application, pursuant to City Council Ordinance 20-05, An Ordinance to Address Continuity of City Government during the Pendency of a Pandemic Disaster.

The members participating are: [List members by name]

Members of the public have been invited to access this meeting by public access television Cox Channel 84, Verizon Channel 42, online at www.regionalwebtv.com/fredcc on Facebook Live at [facebook.com/FXBGgov](https://www.facebook.com/FXBGgov)

2. Invocation

Councilor Matthew J. Kelly

3. Pledge Of Allegiance

Mayor Mary Katherine Greenlaw

4. Presentations

A. COVID-19 Update – Chief Mike Jones

5. Public Hearing

6. Comments From The Public

Citizens who wish to participate in the public comment period will be able to send their comments in writing by (1) dropping them in the Deposit Box at City Hall, (2) U.S. Mail, (3) through a form on our website [HTTPS://WWW.FREDERICKSBURGVA.GOV/677/PUBLIC-COMMENT](https://www.fredericksburgva.gov/677/public-comment) or (4) email to the Clerk of Council. Comments must be received at least one hour in advance of the meeting – for example, comments will be accepted until 4:30 p.m. on nights with a 5:30 work session. The plan is to read these comments out loud during the public comment portion of the City Council meeting. The standard rules apply to public comments: the person must identify himself or herself by name and address, including zip code, limit his or her remarks to 5 minutes or less (read aloud), and address a topic of City business. Public comments submitted during the meeting, through the Facebook Live streaming video, will not be considered part of the official public comments of the meeting.

7. Council Agenda

8. Consent Agenda

A. Ordinance 20-03, Second Read, Amending The Unified Development Ordinance To Regulate Infill Development, By Amending The Designated Front Yards, Secondary Front Yards, And Rear Yards On Corner Lots And Through Lots

Documents:

[8A INFILL CORNER LOTS.PDF](#)

- B. Ordinance 20-09, Second Read, Providing For Issuance And Sale Of General Obligation Refunding Bonds Of The City Of Fredericksburg, Virginia, In An Amount Not To Exceed \$37,000,000, And The Form, Details And Payment Thereof

Documents:

[8B BOND ISSUANCE.PDF](#)

9. Minutes

- A. Special Session – April 7, 2020

Documents:

[9A 04-07-20 SPECIAL SESSION MINUTES.PDF](#)

- B. Regular Session – April 14, 2020

Documents:

[9B 04-14-20 REGULAR SESSION MINUTES.PDF](#)

10. Boards And Commission Appointments

- A. Cable Commission – David Andrews

Documents:

[10A CABLE APPT.PDF](#)

11. City Manager Agenda

- A. Resolution 20-___, First And Second Read, Amending The Fiscal Year 2020 Capital Budget To Reduce Or Defer Capital Projects To Respond To The COVID-19 Pandemic

Documents:

[11A REDUCE-DEFER CAP PROJECT.PDF](#)

- B. Ordinance 20-___, First And Second Read, Ordinance Amending The Continuing Disclosure Provisions In Ordinance No. 18-17 Relating To The City's Series 2018 General Obligation Bonds To Conform The Annual Filing Requirements Therein To Established Practices Contained In The City's Standard Continuing Disclosure Agreement

Documents:

[11B AMEND ORD 18-17.PDF](#)

- C. City Manager's Update

Documents:

[11C CITY MANAGER UPDATE.PDF](#)

D. Calendar

Documents:

[11D CALENDAR.PDF](#)

12. **Adjournment**



MEMORANDUM

Johnston

TO: Timothy J. Baroody, City Manager
FROM: Chuck Johnston, Community Planning and Building Director
RE: Unified Development Ordinance amendments addressing the definition of required yards for corner and through lots.
DATE: 2020 April 20 for April 28 meeting

ISSUE

At its 2020 February 11 meeting, the City Council approved amendments to the Unified Development Ordinance to improve city policies and regulations to ensure that new construction and additions would be compatible and consistent with existing patterns of development. One of the components of this amendment redefines yards on corner lots so that instead of having two front and two side yards, such lots would have a primary front, secondary front, rear, and side yard. This change was included in the proposed ordinance for Council initiation and Planning Commission review, but was inadvertently omitted from the ordinance subsequently placed before Council. The amendment addresses this omission.

RECOMMENDATION

Approval, on second read, of the attached ordinance amending the Unified Development Ordinance: Article 72-8.4.B (3) "Definitions and Interpretations; Required Yards; Corner lots and through lots" (see top of page 2 for text amendment) with an extended effective date. The amendment would apply to all zoning districts and would establish rear yards on corner lots.

BACKGROUND

Council considered this item on first read at its March 10 meeting. Before the March 10 meeting, Council received a public comment indicating that the owner of a corner lot had been planning to submit plans for a dwelling that would not comply with the proposed revised corner lot setbacks. Council agreed to delay the effective date of the ordinance to allow this, and any other, property owner with imminent development plans to submit applications.

- On March 10, Council approved the proposed ordinance on first read, amended to state: **This ordinance is effective *in 90 days*. However, any application submitted and accepted as complete before the *effective* date of this ordinance, but still awaiting final action as of that date, shall be reviewed and decided in accordance with the regulations in effect when the application was accepted. To the extent such an application is approved and proposes development that does not comply with this ordinance, the subsequent development, although permitted, shall be lawfully nonconforming and subject to the provisions of Article 72-6, Nonconformities.**
- On April 14, the Council considered the ordinance on second read with the 90 day effective date (July 13). Council postponed consideration as the corner-lot property owner, who

wished to submit a building application under the current ordinance, was unsure that they could comply with the 90 day limit.

- After the April 14 meeting, the corner-lot property owner was contacted and assured that only a complete application (that could be modified) needed to be submitted within the proposed 90 days (now ending on July 27). The property owner indicated that they could comply with this parameter.

[No change in the following staff report from March 10 or April 14 agenda package]

One of the purposes of zoning ordinances in the Code of Virginia is in Section 15.2-2283 (iii): *to facilitate the creation of a convenient, attractive and harmonious community.* Chapter 7 of the 2015 Comprehensive Plan includes the following statements concerning infill:

Goals for Residential Neighborhoods and Housing

Goal 3. Distinct and Attractive Neighborhoods:

Ensure the residential areas of the City continue to comprise a collection of distinct and attractive neighborhoods, each possessing a sense of place, history, and shared identity.

Goal 6. Compatible Design and Functionality:

Ensure the development and redevelopment is visually compatible with the overall character of the City....

Policies for Residential Neighborhoods and Housing:

Policy 1. Respect the integrity and the character of the City's neighborhoods.

Policy 15. Encourage infill development that is compatible with established neighborhoods, in terms of scale and massing

Initiatives for Residential Neighborhoods and Housing:

Initiative 1. Continue to evaluate infill regulations to ensure that additional and new construction does not adversely impact the character of existing neighborhoods.

This amendment is proposed to achieve the state code intent for a harmonious community, Comprehensive Plan goals, policies, and initiatives, as well as new Comprehensive Plan text. All of these items highlight the importance of protecting neighborhood integrity, character, and scale, specifically in this instance the method of determining front, side, and rear yard setbacks for infill development on corner lots.

As discussed in previous staff reports, the method of front yard setback calculations for corner residential lots would be modified. The current ordinance states that corner lots have two front setbacks and two side setbacks so as to ensure new construction respects both streets it faces. However, it was historically a common practice in Fredericksburg to have minimal setbacks for the secondary street frontage (not the side of the house with the front door). The new text states that corner lot setbacks, for both the primary and secondary street frontage, is based on the four corner lots at an intersection. The result is that new construction or additions will follow the most visible pattern at each intersection. Infill development would be more consistent with traditional patterns.

It is further proposed to make this change applicable to site plan applications submitted after adoption. There are commercial projects that have been under review and to change this method of calculation would adversely affect such projects that are on the verge of approval.

CONCLUSION

The proposed changes would result in new construction and additions that will be more 'harmonious' to neighborhoods in accord with Virginia Code and the City's Comprehensive Plan.

ATTACHMENT

1. Ordinance



MOTION:

SECOND:

April 28, 2020
Regular Meeting
Ordinance No. 20-03
Amended

RE: Amending the Unified Development Ordinance to Regulate Infill Development, by Amending the designated Front Yards, Secondary Front Yards, and Rear Yards on Corner Lots and Through Lots

ACTION: APPROVED: Ayes: 0; Nays: 0

FIRST READ: March 10, 2020

SECOND READ: _____

It is hereby ordained by the Fredericksburg City Council that City Code Chapter 72, “Unified Development Ordinance,” is amended as follows.

I. Introduction.

The City Council adopted a resolution to initiate UDO text amendments to regulate infill development in the R-2, R-4, R-8, R-12, and CT zoning districts at its meeting on November 12, 2019, by adoption of Resolution 19-104. The initiated text amendments included amendments to City Code 72-82, “Rules of Measurement, 72-82.4, “Required yards,” in paragraph 10 of the draft ordinance. The Planning Commission held its public hearing on the amendment on January 15, 2020, after which it voted to recommend the amendment, including paragraph 10, to the City Council. Amendments to 72-82.4(B)(3), included in paragraph 10 of the ordinance as initiated, were omitted from the version of the ordinance published for the City Council public hearing on January 15, 2020, adopted on first reading on that date, and adopted on second reading on February 11, 2020 as Ordinance 20-02. The omission was inadvertent.

City Council advertised and held a public hearing on this amendment on March 10, 2020.

In adopting this ordinance, City Council has considered the applicable factors in Virginia Code § 15.2-2284. The City Council has determined that public necessity, convenience, general welfare and good zoning practice favor the requested rezoning.

II. City Code Amendment.

City Code Chapter 72, “Unified Development Ordinance,” is amended as follows:

1. Section 72-82, “Rules of Measurement,” 72-82.4, “Required yards,” shall be amended as follows:

[Subsection A is not amended. Subsections B(1) and (2) are not amended.]

- (3) Corner lots and through lots. On a corner lot or through lot, the yards adjacent to the front yard lines *parallel to the building front* shall be considered front yards. *The yards adjacent to the front lot line that are not parallel to the building front shall be secondary front yards (for the purposes of averaging setbacks).* *The yard opposite the front yard shall be the rear yard.* ~~and~~ The remaining yards shall be considered side yards.

SEC. III. Effective Date.

This ordinance is effective ~~immediately~~ *in 90 days*. However, any application submitted and accepted as complete before the ~~effective date of adoption~~ of this ordinance, but still awaiting final action as of that date, shall be reviewed and decided in accordance with the regulations in effect when the application was accepted. To the extent such an application is approved and proposes development that does not comply with this ordinance, the subsequent development, although permitted, shall be lawfully nonconforming and subject to the provisions of Article 72-6, Nonconformities.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

Approved as to form:

Kathleen Dooley, City Attorney

Clerk's Certificate

I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Ordinance No. 20-03 duly adopted at a meeting of the City Council meeting held April 28, 2020 at which a quorum was present and voted.

Tonya B. Lacey, MMC

Clerk of Council



MEMORANDUM

TO: Timothy J. Baroody, City Manager
FROM: Mark Whitley, Assistant City Manager
RE: Ordinance for the 2020A Bond Issuance of \$37,000,000 of General Obligation Debt
DATE: April 14, 2020 {Update April 28, 2020}

ISSUE

Shall the City Council adopt an ordinance that approves the issuance of the general obligation bonds (GO) for the refinancing of the 2011 (A) GO Bond issue?

RECOMMENDATION

{April 28, 2020 Update: The ordinance was approved on first reading, and staff recommends approval on second reading.}

BACKGROUND

In response to a decline in interest rates, the City and the City's financial advisors, PFM, have been evaluating the potential to refinance one or more of the City's debt issues to take advantage of the lower rates.

The initial evaluation done in February showed that the 2011 (A) General Obligation bond issue would be an excellent candidate for refinancing. These bonds are able to be "called" by the City beginning in July 2020, which means that the City is allowed to use the proceeds of the refinancing to pay off the existing bonds. The City's financial advisors were estimating substantial annual savings depending upon the conditions of the market that were in effect at the time of issuance, which was scheduled for Council consideration in April and issuance in May of 2020.

The City Manager's Recommended Budget for FY 2021 included an allowance of \$150,000 in debt service savings from this action, which allowed a margin for error if interest rates rose suddenly between the time the budget was prepared and the issuance of the refunding bonds.

In March, the municipal bond market fluctuated wildly as a result of investor responses to the global pandemic. At first, interest rates dropped to the point that the City would save substantial funds to refinance not only the 2011 GO Bonds, but also the 2015 GO Bonds, which have a very low interest rate of 2.32%. However, as the financial markets continued to react to the global pandemic, investors fled the municipal bond market in favor of other investments. The market fluctuations called into question the City's ability to undertake the refinance.

The demand for municipal bonds has since stabilized, but at a level that only supports the original refinancing plan – for the 2011 (A) GO Bonds. The attached ordinance is sized such that the 2015 (A) bonds could be included in this action as well, but the current thinking is that only the 2011 (A) GO Series will be included.

TERMS OF SALE FOR THE BONDS

These bonds are solely for the refinancing of existing debt, and therefore no public hearing is required under the terms of the Virginia Public Finance Act.

The maximum principal amount of the bond is \$37,000,000. In the attached Ordinance City Council will approve the terms for the sale of the bonds. (See Section Two.) The following is a summary of the terms:

- (i) the true interest cost of the Bonds in the aggregate shall not exceed 3.5%,
- (ii) the sale price of the Bonds to the underwriters or other initial purchasers thereof shall not be less than 98% of the aggregate principal amount of the Bonds
- (iii) the final maturity of the Bonds shall not be later than the Prior Bonds being refunded, and
- (iv) any optional redemption premium shall not exceed 2% of the principal amount of the bonds.

Since the Prior Bonds are “General Obligation” bonds, the refunding bonds are as well. The City Council is approving the City’s “Pledge of Full Faith and Credit.” Below is an excerpt from Section 8 of the Ordinance describing that pledge:

The power and obligation of the City to pay principal of, premium, if any, and interest on the Bonds shall be unlimited and the City shall levy and collect ad valorem taxes upon all taxable property within the City, without limitation as to rate or amount, sufficient to pay the principal of, premium, if any, and interest on the Bonds to the extent other funds of the City are not sufficient or available for such purpose. The full faith and credit of the City are pledged for the payment of principal of, premium, if any, and interest on the Bonds.

The expectation is that the bonds will be sold competitively. The term of the bonds will match the term of the existing 2011 (A) GO Bonds. However, a final determination will be made closer to the “pricing” or sale date of the bonds. The attached debt service schedules were prepared based on information provided by the City’s financial advisors, PFM based on a true interest cost or TIC of 2.32%. However, the actual schedule and TIC will reflect the market conditions on the sale date. Proceeds will also be used to fund the cost of issuing the bonds.

Bond Calendar – Assuming that the first reading is approved on April 14, the 2020A Bond Ordinance will appear before City Council for second reading on April 28, 2020. Rating agency presentations are scheduled for the week of April 20, 2020. A competitive sale for the bonds is scheduled for the week of May 4, 2020, and closing on or around May 20, 2020. The timing, final principal amount and debt service schedule are preliminary and may change.

{April 28, 2020 Update: First reading was approved on April 14, 2020 and the ordinance is before Council for second reading.}

FISCAL IMPACT

Normally, the City would accept refunding savings on a level basis – that is, each year would have an equal amount of savings across the life of the payment projects. Our financial advisor indicates that

based on their analysis, the City would save approximately \$240,000 per year until the bonds are retired for 2037.

The staff and PFM are recommending an alternative strategy for the City for this refunding. The City would front-load the savings. The City would save an estimated \$1.6 million in FY 2021 and \$1.2 million in FY 2022. The City would then save approximately \$80,000 per year from the amount needed over the life of the remainder of the bonds. This action would be a key strategy in terms of coming up with savings for re-working the FY 2021 budget.

This alternative schedule will require the City to increase the amount of debt service payments on the bonds in FY 2022 and FY 2023 going forward, but the payments in FY 2023 and beyond will still be lower than if the proposed refinancing was not approved.

Attachments: Ordinance

cc: Mark Whitley, Assistant City Manager
Doug Fawcett, Assistant City Manager
Brenda Wood, Treasurer
Kathleen Dooley, City Attorney
Robyn Shugart, Director of Finance
Brenna Erford, Budget Manager



MOTION:

April 28, 2020
Regular Session
Ordinance No. 20-09

SECOND:

RE: Ordinance Providing for Issuance and Sale of General Obligation Refunding Bonds of the City of Fredericksburg, Virginia, in an Amount Not to Exceed \$37,000,000, and the Form, Details and Payment Thereof

ACTION: APPROVED: Ayes: 0; Nays: 0

FIRST READ: April 14, 2020

SECOND READ: _____

The Public Finance Act of 1991, Sections 15.2-2600 *et seq.* of the *Code of Virginia* of 1950, as amended (the “Public Finance Act”), permits the issuance of bonds, when authorized by the Council of the City (the “Council”) of Fredericksburg, Virginia (the “City”), at one time or from time to time, in order to finance or refinance the cost of capital improvements.

Prior to the recent disruption of the financial markets arising from the COVID-19 viral pandemic, the City’s financial advisor, PFM Financial Advisors LLC (the “Financial Advisor”), had recommended that then currently favorable market conditions presented an opportunity for the City to achieve debt service savings by refunding all or a portion of the City’s General Obligation Bonds, Series 2011A issued in the original principal amount of \$36,665,000 and its General Obligation Bonds, Series 2015A issued in the original principal amount of \$15,865,000 (collectively, the “Prior Bonds”) through the issuance of general obligation refunding bonds in a maximum amount not to exceed \$37,000,000.

During this period of market volatility, Council desires to position the City to act quickly to take advantage of any return of favorable market conditions that will enable the City to achieve debt service savings in the range estimated by the Financial Advisor, and therefore desires to authorize the issuance and sale of general obligation public improvement refunding bonds, subject to the savings parameter and other approval terms herein provided.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FREDERICKSBURG, VIRGINIA:

1. Authorization of Bonds. The issuance of the refunding bonds is authorized in the maximum principal amount not to exceed \$37,000,000 (the “Bonds”) in order to refund for debt service savings all or a portion of the Prior Bonds and to pay issuance and related costs of the Bonds. The Bonds shall be designated “General Obligation Public Improvement Refunding Bonds,” may be issued in separate series and may also include such other term or terms as part of their designation as the officers herein authorized deem appropriate.

2. Terms of Sale; Delegation of Authority. The Council hereby approves the following terms of the sale of the Bonds. The Bonds may be sold all at one time or at different times, in either case in one or more series as tax-exempt or taxable obligations, as may be determined by the Director of Finance of the City in consultation with the City's Financial Advisor and the City's Bond Counsel, with the approval of the City Manager of the City.

The Bonds shall be sold upon recommendation of the Financial Advisor, at either competitive bid, negotiated sale or private placement, at such price or prices as the Director of Finance, with the approval of the City Manager, shall determine to be in the best interest of the City, provided (i) the true interest cost of the Bonds in the aggregate shall not exceed 3.50%, taking into account any original issue discount or premium, but excluding any credit enhancement premium (ii) the sale price of the Bonds to the underwriters or other initial purchasers thereof shall not be less than 98% of the aggregate principal amount of the Bonds, not taking into account any original issue discount or premium, (iii) the final maturity of the Bonds shall not be later than the final maturity of the Prior Bonds being refunded, and (iv) any optional redemption premium shall not exceed two percent (2%) of the principal amount of the Bonds. The Director of Finance, with the approval of the City Manager, is authorized to negotiate and acquire credit enhancement for the Bonds if it is determined in the City's best interest to do so based upon the recommendation of the Financial Advisor.

The actions of the Director of Finance, with the approval of the City Manager, in selling the Bonds shall be conclusive, and no further action shall be necessary on the part of the Council. This Ordinance is intended to grant to the Director of Finance and the City Manager full and complete authority to finalize the terms of the Bonds, to provide for their issuance and sale and to execute and deliver any and all documentation in connection therewith without further approval by Council, subject to the requirements and conditions of this Ordinance, the Public Finance Act and the Constitution and other laws of the Commonwealth of Virginia.

3. Refunding Provisions. The Director of Finance, with the approval of the City Manager, is authorized and directed to select the principal maturities of the Prior Bonds or portions of such maturities to be refunded and to cause to be called for optional redemption any such maturity or portion thereof to be redeemed prior to its stated maturity in accordance with the provisions of such bonds; provided such maturities or portions thereof selected are expected in the aggregate to provide a minimum savings of at least 3.0% on a net present value basis as determined by the Financial Advisor. In connection with the refunding herein authorized, the City Manager, if determined necessary or appropriate in consultation with the Financial Advisor, is authorized to retain the services of independent consultants to provide verification reports (the "Verification Agent") on aspects of the refunding and is further authorized to retain the services of one or more escrow agents (the "Escrow Agent") and to enter into escrow agreements with them to the extent needed to hold and provide for investment of all or portions of the proceeds of the Refunding Bonds and other funds as needed pending their application to refund the Prior Bonds or portions thereof selected to be refunded.

4. Redemption and Purchase. Subject to the following paragraph, the Bonds may be subject to redemption or purchase prior to maturity at the option of the City on or after dates,

if any, determined by the Director of Finance in consultation with the Financial Advisor, with the approval of the City Manager, in whole or in part at any time, at a redemption price or purchase equal to the principal amount to be redeemed, together with any accrued interest to the redemption or purchase date and a redemption or purchase premium, if any, as set forth in paragraph 2 hereof, not to exceed 2% of the principal amount to be redeemed or purchased, such redemption or purchase premium to be determined by the Director of Finance, with the approval of the City Manager. Any portion of the Bonds issued as term bonds may be subject to mandatory sinking fund redemption as determined by the Director of Finance, with the approval of the City Manager with such redemption terms being set forth in the Bonds.

If less than all of the Bonds are called for optional redemption or purchase, the maturities of bonds to be redeemed or purchased shall be selected by the Director of Finance in such manner as such officer may determine to be in the best interest of the City. If less than all the bonds of a particular maturity are called for redemption or purchase, the bonds within such maturity to be redeemed or purchased shall be selected by the Securities Depository, herein defined, for the Bonds, if any, pursuant to its rules and procedures or, if the book-entry system is not in effect, shall be selected by the Registrar, herein defined, by lot in such manner as the Registrar in its discretion may determine. In either case, (a) the portion of any bond to be redeemed or purchased shall be in the principal amount of \$5,000, or an integral multiple thereof, and (b) in selecting bonds for redemption or purchase, each bond shall be considered as representing that number of bonds that is obtained by dividing the principal amount of such bond by \$5,000. The City shall cause notice of the call for redemption identifying the bonds or portions thereof to be redeemed to be sent by facsimile or electronic transmission, registered or certified mail or overnight express delivery, not less than 30 nor more than 60 days prior to the redemption date, to the Securities Depository for the bonds or its nominee as the registered owner thereof, or, if the book-entry system is not in effect, to the persons shown on the registration books of the Registrar to be the registered owners of the bonds. If the book-entry system is in effect, the City shall not be responsible for giving notice of redemption to anyone other than the Securities Depository for the bonds or its nominee; provided, however, the City will comply with any redemption notice requirement set forth in paragraph 15 hereof relating to its continuing disclosure undertaking. If a portion of a bond is called for redemption, a new bond in principal amount of the unredeemed portion thereof shall be issued to the registered owner upon surrender thereof.

5. Bond Details. The Bonds shall be in registered form and shall be designated by title, date and series, bear interest from the date, be payable on the payment dates, and mature at such time or times not exceeding the final maturity of the Prior Bonds or portions thereof to be refunded, subject to the limitations set forth above, and in amounts as either serial or term bonds, or both, with sinking fund payments, if any, all as determined by the Director of Finance, with the approval of the City Manager.

Each bond shall be issued in the denomination of \$5,000 or any integral multiple thereof and shall bear interest at such rate as shall be determined at the time of sale, calculated on the basis of a 360-day year and a 30-day month, payable semiannually as determined by the Director of Finance, with the approval of the City Manager, subject to the terms of this Ordinance.

Principal and premium, if any, shall be payable to the registered owners upon surrender of bonds as they become due at the office of the Registrar. Interest shall be payable to the registered owners by check, draft or electronic transfer at their addresses as they appear on the registration books kept by the Registrar on the date prior to each interest payment date that shall be determined by the Director of Finance, with the approval of the City Manager (the “Record Date”); provided however, any Record Date contained in the bond certificate shall be deemed the determination of such officers. Principal, premium, if any, and interest shall be payable in lawful money of the United States of America.

Initially, unless the bonds are issued in a private placement, one bond certificate for each maturity of the Bonds shall be issued to and registered in the name of The Depository Trust Company, New York, New York (“DTC”), or its nominee. The City has heretofore entered into a Blanket Issuer Letter of Representations relating to a book-entry system to be maintained by DTC with respect to the Bonds. “Securities Depository” shall mean DTC or any other securities depository for the Bonds appointed pursuant to this Section.

In the event that (a) the Securities Depository determines not to continue to act as the securities depository for the Bonds by giving notice to the Registrar, and the City discharges its responsibilities hereunder, or (b) the City, in its sole discretion, determines (i) that beneficial owners of Bonds shall be able to obtain certificated bonds or (ii) to select a new Securities Depository, then the City’s Director of Finance shall, at the direction of the City Manager, attempt to locate another qualified securities depository to serve as Securities Depository and authenticate and deliver certificated bonds to the new Securities Depository or its nominee, or authenticate and deliver certificated bonds to the beneficial owners or to the Securities Depository participants on behalf of beneficial owners. In delivering certificated bonds, the City’s Director of Finance shall be entitled to rely on the records of the Securities Depository as to the beneficial owners or the records of the Securities Depository participants acting on behalf of beneficial owners. Such certificated bonds will then be registrable, transferable and exchangeable as set forth herein.

So long as there is a Securities Depository for the Bonds, (1) it or its nominee shall be the registered owner of the Bonds, (2) notwithstanding anything to the contrary in this Ordinance, determinations of persons entitled to payment of principal, premium, if any, and interest, transfers of ownership and exchanges, and receipt of notices shall be the responsibility of the Securities Depository and shall be effected pursuant to rules and procedures established by such Securities Depository, (3) the Registrar and the City shall not be responsible or liable for maintaining, supervising or reviewing the records maintained by the Securities Depository, its participants or persons acting through such participants, (4) references in this Ordinance to registered owners of the Bonds shall mean such Securities Depository or its nominee and shall not mean the beneficial owners of the Bonds, and (5) in the event of any inconsistency between the provisions of this Ordinance and the provisions of the above-referenced Blanket Issuer Letter of Representations, such provisions of the Blanket Issuer Letter of Representations, except to the extent set forth in this paragraph and the immediately preceding paragraph, shall control.

6. Preparation, Execution and Delivery of Bonds. The City Manager, the Director of Finance and the City Clerk are authorized and directed to take all proper steps to have the Bonds prepared and executed in accordance with their terms and to deliver the Bonds to or for the account of the purchasers thereof upon payment therefor. The Bonds shall be signed by the manual or facsimile signatures of the Mayor or Vice Mayor, and the City's seal may be affixed thereto or a facsimile thereof printed thereon and attested by the manual or facsimile signature of the City Clerk or the Deputy City Clerk. The Bonds may also be signed by manual or facsimile signature of the City Manager. No bond signed by facsimile signatures shall be valid until it has been authenticated by the manual signature of an authorized officer or employee of the Registrar or it has been authenticated by an accepted method of electronic or remote authentication of the Registrar, and the date of authentication noted thereon.

7. Form of Bonds. The Bonds shall be in substantially the form attached hereto as Exhibit A or in such other form as the Director of Finance may select, with such terms and provisions not inconsistent with this Ordinance as may be approved by the officers signing the Bonds, whose approval shall be evidenced conclusively by the execution and delivery thereof.

8. Pledge of Full Faith and Credit. The power and obligation of the City to pay principal of, premium, if any, and interest on the Bonds shall be unlimited and the City shall levy and collect ad valorem taxes upon all taxable property within the City, without limitation as to rate or amount, sufficient to pay the principal of, premium, if any, and interest on the Bonds to the extent other funds of the City are not sufficient or available for such purpose. The full faith and credit of the City are pledged for the payment of principal of, premium, if any, and interest on the Bonds.

9. Duties of Registrar. The Registrar shall be selected by the Director of Finance, with the approval of the City Manager. The Director of Finance may also serve as Registrar. The Registrar shall maintain registration books for the registration of the Bonds. Upon surrender of any bond to the Registrar, together with an assignment duly executed by the registered owner or his duly authorized attorney or legal representative in such form as shall be satisfactory to the Registrar, the City shall execute, and the Registrar shall authenticate and deliver in exchange, a new bond or bonds having an equal aggregate principal amount, in authorized denominations, of the same form and maturity, bearing interest at the same rate, and registered in names as requested by the then registered owner or such owner's duly authorized attorney or legal representative. Any such exchange shall be at the expense of the City, except that the Registrar may charge the person requesting such exchange the amount of any tax or other governmental charge required to be paid with respect thereto.

The Registrar shall treat the registered owner as the person exclusively entitled to payment of principal, premium, if any, and interest and the exercise of all other rights and powers of the owner, except that interest payments shall be made to the person shown as owner on the registration books as of the Record Date.

10. Legal Debt Limit. The Council has ascertained and hereby determines and states that the maximum principal amount of the Bonds authorized by this Ordinance and all other

outstanding general obligation bonds or other general obligation indebtedness heretofore issued or contracted by the City for any purpose, or in any manner, does not exceed 10% of the assessed valuation of the real estate in the City subject to taxation, as shown by the last preceding assessment for taxes, and as a result, issuance of the Bonds will be within the limitation of indebtedness as provided in Section 15.2-2634 of the Public Finance Act and Article VII, Section 10 of the Virginia Constitution.

11. Offering Documents. The City Manager and the Director of Finance are authorized and directed to have prepared and distributed, in accordance with standard practices of municipal securities, one or more Preliminary Official Statements of the City describing the Bonds as authorized herein, the security therefor, and providing any other pertinent or relevant information. The Director of Finance shall make such completions, omissions, insertions and changes in such Preliminary Official Statement not inconsistent with this Ordinance as are necessary or desirable to complete it as a final Official Statement. The City shall arrange for the delivery to the purchasers of the Bonds of a reasonable number of copies of the final Official Statement, within seven business days after the date the Bonds have been awarded or their sale negotiated, for delivery to each potential investor requesting a copy of the final Official Statement and to each person to whom any underwriter or bidder and members of the underwriting or bidding group initially sell Bonds.

12. Offering Document Determination. The Director of Finance is authorized, on behalf of the City, to deem such Preliminary Official Statement in final form, and such Official Statement in final form, each to be final as of its date within the meaning of Rule 15c2-12 (the “Rule”) of the Securities and Exchange Commission (the “SEC”), except for the omission in such Preliminary Official Statement of certain pricing and other information allowed to be omitted pursuant to the Rule. The distribution of such Preliminary Official Statement and such Official Statement in final form shall be conclusive evidence that each has been deemed final as of its date by the City, except for the omission in such Preliminary Official Statement of such pricing and other information.

13. Tax Compliance Undertakings.

(a) The City covenants that it shall not take or omit to take any action the taking or omission of which will cause any of the Bonds issued as tax-exempt obligations to be “arbitrage bonds” within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, including regulations issued pursuant thereto (the “Code”), or otherwise cause interest on the Bonds issued as tax-exempt obligations to be includable in the gross income for federal income tax purposes of the registered owners thereof under existing law. Without limiting the generality of the foregoing, the City shall comply with any provision of law that may require the City at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds of the Bonds, unless the City receives an opinion of nationally recognized bond counsel that such compliance is not required to prevent interest on the Bonds issued as tax-exempt obligations from being includable in the gross income for federal income tax purposes of the registered owners thereof under existing law. The City shall pay any such required rebate from its legally available funds.

(b) Such officers of the City as may be requested are authorized and directed to execute appropriate certificates setting forth facts and covenants related to the expected use and investment of the proceeds of the Bonds issued as tax-exempt obligations in order to show that such expected use and investment will not violate the provisions of Section 148 of the Code and any elections such officers deem desirable regarding rebate of earnings to the United States for purposes of complying with Section 148 of the Code. Such certificates, covenants and elections shall be in such form as may be requested by bond counsel for the City.

(c) The City covenants that it shall not permit the proceeds of the Bonds issued as tax-exempt obligations or the facilities financed with the proceeds of such Bonds to be used in any manner that would result in (a) 10% or more of such proceeds or the facilities financed with such proceeds being used in a trade or business carried on by any person other than a governmental unit or 5% or more of such proceeds or facilities financed with such proceeds being used for such purpose where such use is unrelated or disproportionate to the governmental use of such proceeds, as provided in Section 141(b) of the Code, (b) 5% or more of such proceeds or the facilities financed with such proceeds being used with respect to any output facility (other than a facility for the furnishing of water), within the meaning of Section 141(b)(4) of the Code, or (c) 5% or more of such proceeds being used directly or indirectly to make or finance loans to any person other than a governmental unit, as provided in Section 141(c) of the Code; provided, however, that if the City receives an opinion of nationally recognized bond counsel that any such covenants need not be complied with to prevent the interest on the Bonds issued as tax-exempt obligations from being includable in the gross income for federal income tax purposes of the registered owners thereof under existing law, the City need not comply with such covenants.

(d) Notwithstanding the foregoing, if between the date of adoption of this Ordinance and the date of issuance of the Bonds, changes to federal tax law impose new or additional requirements to establish and maintain the tax-exempt status of bonds issued as tax-exempt obligations; impose requirements for the issuance of bonds under any tax-advantaged status to be established or impose requirements generally for the issuance of governmental obligations, the Director of Finance, with the approval of the City Manager, is authorized to comply with any generally applicable requirements and with any specific requirements applicable to the tax status of the Bonds selected by such officers.

14. Post-Issuance Tax Compliance. The Post Issuance Policies and Procedures previously established by the City Manager as directed by Council to ensure compliance with the Tax Compliance Undertakings shall apply to the Bonds, and shall be administered by the City Manager and such other officers and staff as the City Manager may designate and authorize for such purpose.

15. Continuing Disclosure Undertakings. The City desires to assist the purchasers of the Bonds in complying with the provisions of Section (b)(5)(i) of the Rule. In order to accomplish this, the City covenants to do the following to the extent required or requested:

(A) Annual Disclosure.

(1) The City shall provide annually certain financial information and operating data in accordance with the provisions of Section (b)(5)(i) of the Rule, as follows:

(a) audited financial statements, prepared in accordance with generally accepted accounting principles; and

(b) the operating data with respect to the City of the type appearing in portions of the Official Statement in final form under the heading “Tax Data.”

(2) The City shall annually provide the financial information and operating data described in subsection (1) above (the “Continuing Disclosure”) within 10 months after the end of the City's fiscal year, commencing with the City's fiscal year in which the Bonds are issued, to the Municipal Securities Rulemaking Board (“MSRB”) through its Electronic Municipal Market Access System or such other system as the MSRB may designate for such purpose.

(3) Any of the Continuing Disclosure may be included by specific reference to other documents previously provided to the MSRB or filed with the SEC; provided, however, that any final official statement incorporated by reference must be available from the MSRB.

(4) The City shall provide in a timely manner to the MSRB notice specifying any failure of the City to provide the Continuing Disclosure by the date specified.

If the City fails to comply with any covenant or obligation specified in this Section, any holder (within the meaning of the Rule) of the Bonds then outstanding may, by notice to the City, proceed to protect and enforce its rights and the rights of the holders by an action for specific performance of the City's covenant to provide financial information and operating data.

(B) Event Disclosure. The City shall provide notice in a timely manner to the MSRB of the occurrence of any of the following events with respect to the Bonds, such notice to be provided not more than ten business days after the occurrence of the event:

- (1) principal and interest payment delinquencies;
- (2) non-payment related defaults, if material;
- (3) unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) unscheduled draws on credit enhancement reflecting financial difficulties;
- (5) substitution of credit or liquidity providers, or their failure to perform;
- (6) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with

respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;

- (7) modifications to rights of Bond holders, if material;
- (8) Bond calls, if material, and tender offers;
- (9) defeasances;
- (10) release, substitution, or sale of property securing repayment of the Bonds, if material;
- (11) rating changes;
- (12) bankruptcy, insolvency, receivership or similar event of the City;
- (13) the consummation of a merger, consolidation or acquisition involving the City or sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
- (14) appointment of a successor or additional trustee or the change of name of a trustee, if material;
- (15) incurrence of a financial obligation of the City, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a financial obligation of the City, any of which affect holders of the Bonds, if material; and
- (16) default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a financial obligation of the City, any of which reflect financial difficulties.

The term “financial obligation” means a (i) debt obligation; (ii) derivative instrument entered into in connection with, or pledged as security or source of payment for, an existing or planned debt obligation, or (iii) guarantee of (i) or (ii). The term “financial obligation” shall not include municipal securities as to which a final official statement has been provided to the MSRB consistent with the Rule.

(C) Termination. The covenants and obligations of the City specified in subsections (A) and (B) to the extent they apply shall terminate upon the redemption, defeasance (within the meaning of the Rule) or payment in full of all the Bonds.

(D) Amendment. The City reserves the right to modify its obligations specified in subsections (A) and (B) without the consent of bondholders, provided that such modification

complies with the Rule as it exists at the time of modification. The City shall, within a reasonable time thereafter, send to the MSRB, a description of such modification(s).

(E) **Additional Disclosure.** The City may from time to time disclose certain information and data in addition to the Continuing Disclosure. Notwithstanding anything herein to the contrary, the City shall not incur any obligation to continue to provide, or to update, such additional information or data.

16. Filing of Ordinance. The City Clerk, with the assistance of the City Attorney, is authorized and directed to see to the immediate filing of a certified copy of this Ordinance in the Circuit Court of the City of Fredericksburg and is directed to make a copy of this Ordinance continuously available for inspection by the general public during normal business hours at the City Clerk's office from the date of adoption hereof through the date of the issuance of the Bonds.

17. Confirmation and General Authorization. All other actions of officers of the City in conformity with the purposes and intent of this Ordinance and in furtherance of the issuance and sale of the Bonds are approved and confirmed. The officers of the City are authorized and directed to execute and deliver all certificates and instruments and to take all such further action as may be considered necessary or desirable in connection with the issuance, sale and delivery of the Bonds, including entering into agreements to evidence its continuing disclosure undertaking and contracts and arrangements for the purchase of the Bonds in connection with a negotiated sale with one or more underwriters or private placement, to provide credit enhancement or insurance for all or a portion of the Bonds and to provide for the investment of the proceeds of the Bonds.

18. Investment Authorization. The City Council hereby authorizes the Director of Finance to utilize the State Non-Arbitrage Program of the Commonwealth of Virginia ("SNAP") in connection with the investment of the proceeds of the Bonds or any portion thereof, if the Director of Finance determines that the utilization of SNAP is in the best interest of the City. The City Council acknowledges that the Treasury Board of the Commonwealth of Virginia is not, and shall not be, in any way liable to the City in connection with SNAP, except as otherwise provided in any contract with SNAP.

19. Effective Date. This Ordinance shall take effect immediately.

Approved as to form:

Kathleen Dooley, City Attorney

[First Reading: April 14, 2020]

[Second Reading: _____, 2020]

At a meeting of the City Council of the City of Fredericksburg, Virginia, held on the [_____] day of [April], 2020, at which the following members were [present] and absent:

PRESENT:

ABSENT:

Ordinance No. 20-____ entitled “Ordinance Providing for Issuance and Sale of General Obligation Refunding Bonds of the City of Fredericksburg, Virginia, in an Amount Not to Exceed \$37,000,000, and the Form, Details and Payment Thereof” was adopted by the affirmative roll call vote of a majority of all members of the Council, the ayes and nays being recorded in the minutes of the meeting as shown below:

<u>Member</u>	<u>Vote</u>
Mary Katherine Greenlaw, Mayor	
Williams C. Withers, Jr., Vice Mayor	
Kerry P. Devine	
Timothy P. Duffy, Ph.D.	
Charlie L. Frye, Jr.	
Matthew J. Kelly	

The undersigned City Clerk of the City of Fredericksburg, Virginia, certifies that the following ordinance constitutes a true and correct extract from the minutes of a meeting of the Council held on the [_____] day of [April], 2020 and of the whole thereof so far as applicable to the matters referred to in such extract, adopted by the foregoing vote at such meeting at which the foregoing members were [present] and absent.

WITNESS my signature and the seal of the City of Fredericksburg, Virginia, this ____ day of _____, 2020

(SEAL)

City Clerk, City of Fredericksburg
Virginia

(BOND FORM)

REGISTERED

REGISTERED

No. R-__

\$_____

**UNITED STATES OF AMERICA
COMMONWEALTH OF VIRGINIA
CITY OF FREDERICKSBURG**

**GENERAL OBLIGATION PUBLIC IMPROVEMENT REFUNDING BOND, SERIES
2020A**

<u>INTEREST RATE</u>	<u>MATURITY DATE</u>	<u>DATED DATE</u>	<u>CUSIP</u>
_____%	[JULY 15], 20__	[_____,]2020	355856 ____

REGISTERED OWNER: CEDE & CO., INC.

PRINCIPAL AMOUNT: \$_____

The City of Fredericksburg, Virginia (the “City”), for value received, promises to pay, upon surrender hereof at a designated corporate trust office of [U.S. Bank National Association] (the “Registrar”), to the registered owner hereof, or registered assigns or legal representative, the principal amount stated above on the maturity date stated above, and to pay interest hereon semiannually on each [January 15] and [July 15], beginning [July 15, 2020], at the annual interest rate stated above. Interest is payable (a) from the dated date set forth above, if this bond is authenticated prior to [July 15, 2020], or (b) otherwise from the [January 15] or [July 15] that is, or immediately precedes, the date on which this bond is authenticated (unless payment of interest hereon is in default, in which case this bond shall bear interest from the date to which interest has been paid). Interest is payable by check, draft or wire transfer to the person shown as owner hereof on the registration books kept by the Registrar on the first day of the month of each interest payment date. Principal and interest are payable in lawful money of the United States of America.

This bond is one of an issue of \$_____ General Obligation Public Improvement Refunding Bonds, Series 2020A (the “Bonds”). This bond is issued pursuant to the Constitution and statutes of the Commonwealth of Virginia, including the Public Finance Act of 1991, and an ordinance adopted by the City Council of the City on [_____,] 2020 to refund [all] [a portion] of the City’s General Obligation Bonds, Series 2011A and General Obligation Bonds, Series 2015A and to finance related costs of issuance.

The full faith and credit of the City is irrevocably pledged for the payment of principal of and interest on this bond.

This bond is issuable as a fully registered bond in the denomination of the principal amount thereof. Upon surrender of this bond at the corporate trust office of the Registrar, together with an assignment duly executed by the registered owner or his duly authorized attorney or legal representative in such form as shall be satisfactory to the Registrar, the City shall execute, and the Registrar shall authenticate and deliver in exchange, a new bond or bonds having an equal aggregate principal amount, in authorized denominations, of the same form and maturity, bearing interest at the same rate, and registered in names as requested by the then registered owner hereof or his duly authorized attorney or legal representative, all subject to the limitations and conditions provided in the ordinance providing for the issuance of the bonds. Any such exchange shall be at the expense of the City, except that the Registrar may charge the person requesting such exchange the amount of any tax or other governmental charge required to be paid with respect thereto.

Notwithstanding any other provision hereof, this bond is subject to a book-entry system maintained by The Depository Trust Company (“DTC”), and the payment of principal, premium, if any, and interest, the providing of notices and other matters shall be made, as described in the City’s Letter of Representations to DTC.

Bonds maturing on or before [July 15, 2030], are not subject to redemption prior to maturity. Bonds maturing on or after [July 15, 2031], are subject to redemption prior to maturity at the option of the City on or after [July 15, 2030], in whole or in part, in integral multiples of \$5,000, at any time, upon payment of the principal amount of bonds to be redeemed plus accrued interest to the redemption date.

[Bonds maturing on [July 15], 20__are subject to mandatory sinking fund redemption on [July 15] of the years and in the principal amounts thereof plus accrued interest to the redemption date, without premium, according to the following schedule:]

<u>Year</u>	<u>Amount</u>
-------------	---------------

The City shall cause notice of the call for redemption identifying the bonds or portions thereof to be redeemed to be sent not less than 30 nor more than 60 days prior to the redemption date, by the Registrar to the registered owner hereof. If a portion of a bond is called for redemption, a new bond in principal amount equal to the unredeemed portion thereof shall be issued to the registered owner upon the surrender thereof.

The Registrar shall treat the registered owner as the person exclusively entitled to payment of principal and interest and the exercise of all other rights and powers of the owner, except that interest payments shall be made to the person shown as owner on the registration books on the first day of the month of such interest payment date.

All acts, conditions and things required by the Constitution and statutes of the Commonwealth of Virginia to happen, exist or be performed precedent to and in the issuance of this bond have happened, exist and have been performed, and this bond, together with all other indebtedness of the City, is within every debt and other limit prescribed by the Constitution and statutes of the Commonwealth of Virginia.

This bond shall not be valid until the Registrar shall have executed the Certificate of Authentication appearing hereon and inserted the date of authentication hereon.

IN WITNESS WHEREOF, the City of Fredericksburg, Virginia, has caused this bond to be signed by the signature of its Mayor, its seal to be affixed or printed hereon and attested by its City Clerk, and this bond to be dated the dated date set forth above.

(FORM)
Mayor,
City of Fredericksburg, Virginia

(SEAL)

ATTESTED:

(FORM)
City Clerk,
City of Fredericksburg, Virginia

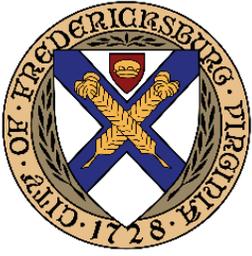
CERTIFICATE OF AUTHENTICATION

Date Authenticated: _____

This bond is the bond described in the within-mentioned ordinance.

_____, as Registrar

By: (FORM) _____
Authorized Officer



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

April 7, 2020

The Council of the City of Fredericksburg, Virginia, held a special session on Tuesday, April 7, 2020, beginning at 4:00 p.m. using electronic communication through GoToMeeting.

City Council Present. Mayor Mary Katherine Greenlaw. Vice-Mayor 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, City Attorney Kathleen Dooley, Deputy Fire Chief Mike Jones, Economic Development Director Bill Freehling, Community Planning and Building Services Director Charles Johnston, Zoning Administrator James Newman, Development Administrator Marne Sherman, Budget Manager Brenna Erford 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.

Resolution 20-24, Approved, Approving Meeting by Electronic Communication Means Under Virginia Code §2.2-3708.2 (D19-__).

Councilor Kelly made a motion approving meeting by electronic communication means

under Virginia Code §2.2-3708.2; 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).

Ordinance 20-05, First Read Approved, Addressing Continuity of City Government During the Pendency of a Pandemic Disaster (D19-__).

City Attorney Dooley presented the continuity of government ordinance and noted that there was correction to the ordinance. Ms. Dooley asked the Council to approve the ordinance and make the following correction to Article III, Section 2-5, which states in the draft that the public meeting agenda will “identify Public Entity members physically and/or electronically present.” She noted that when the agenda is first published, the staff would not know which members will be present at the meeting, therefore, she recommended the Council adopt the ordinance with that language stricken from Article III, Section 2-5.

Councilor Kelly made a motion approving Ordinance 20-05, on first read, addressing continuity of city government during the pendency of a pandemic disaster, as amended; motion was seconded by Councilor Frye and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Frye, Graham and Kelly. Nays (0).

Ordinance 20-05, Second Read Approved, Addressing Continuity of City Government During the Pendency of a Pandemic Disaster. Councilor

Graham made a motion approving Ordinance 20-05, on second read, addressing continuity of city government during the pendency of a pandemic disaster; 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).

Coronavirus (COVID-19) Update (D19-__). Deputy Chief Mike Jones reported that in the Rappahannock Health District there were 93 positive cases and nine of those were in Fredericksburg. There was one person in Fredericksburg hospitalized all the others were self-quarantined. There have been two deaths in the district.

Chief Jones said they continue to get the message out daily to keep the public up to date. There is an expected surge in mid-April to May. Testing is coming along, albeit slow, 28,000 have been tested in the Commonwealth and there are over 3,000 cases.

Chief Jones said the City has created a tiered system for the government to determine when the City should close and go to teleworking and from teleworking to opening emergency operations center. He said the City was the first in the area to do this and this shows that the City was out in front of the pandemic.

Mayor Greenlaw said she had received many compliments on how informative the updates were.

Councilor Devine thanked staff and the fire department and all who keep the City safe.

Budget Overview Fiscal Year 2020 (D20-__). Assistant City Manager Whitley reported that meals, lodging and sales taxes were heavily impacted by the restrictions put in place to protect the public health. Those taxes equal about a quarter of the general budget. Budget Manager Erford prepared a general revenue outlook for FY20 and there may be a shortfall of \$4 to \$8 million. Given this reduction they presented a table to show

proposed reductions in FY20 General Fund. The proposed reductions can be seen in **D20-**
_____.

Councilor Graham asked staff if they knew the amount or the timeline of the money coming from the federal government. Ms. Erford noted that given the City was under 500,000 people the City would not be able to get money from the \$2 trillion stimulus in brevity like many of the larger jurisdictions. The City would have to wait and it was not clear on the share the City would get from the Commonwealth. She noted that a lot of the guidance from the federal and state governments were not available yet.

Councilor Graham also asked if she thought the City would be eligible for any sort of bridge loans at zero to very low interest rates if the need were to arise to make ends meet. Ms. Erford said these were federal aids that were coming through and that was not the direction the federal government was taking at this time. Mr. Whitley said the City's financial policy prohibits short term borrowing. He said the Council could look at suspending the policy or amending it if there was a need to pay bills. He said that was not something they were looking to do at this time.

Councilor Devine said these cuts were an eye opener and she understands that many would be affected. She wanted to make sure everyone understood that cuts to local library funding would also affect state contributions to the library.

Councilor Kelly said this was important information for the citizens to know and he said the City needed to prepare for the worst case scenario. He said this is a time to think outside the box but he was against borrowing money. He said he would like this information out to the public sooner rather than later.

Mayor Greenlaw agreed that the City must be realistic and share this information to the public and businesses as soon as possible. She said the cuts would have to be strenuous.

Councilor Duffy was hopeful that the City would be able to work with some of the partners to get some savings such as through the schools and the pool. He expressed his concern with pay reductions.

Councilor Frye urged small businesses to get to know the Economic Development Authority because they could be a big help to those businesses.

Postponement of Various Tax Deadlines. Mr. Whitley proposed that each of the tax payments be extended for 60 days for both the excise taxes (admission, lodging and meals) and the personal property taxes.

Councilor Graham asked staff if they could make sure businesses were aware, in advance, when the schedule would be condensed and staff said they would take care of it.

Councilor Devine asked if the changes had already happened and whether Council was approving what had already been put in place and Mr. Whitley explained that businesses have a copy of the proposal but they have been telling people to pay what they could.

Councilor Kelly said the City would like to maintain its tax base so that the businesses would be here when it gets through the pandemic. He said this was an effort to help businesses out. He also asked if the payments could be spread out some so that the businesses were not hit all at once.

Ordinance 20-06, First Read Approved, Extending the Due Dates for Payment of Admissions, Lodging, and Meals Taxes Due to the COVID-19 Public Health Emergency. Councilor Kelly made a motion to approve

Ordinance 20-06, on first read, extending the due dates for payment of admissions, lodging, and meals taxes due to the COVID-19 Public Health Emergency; 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).

Ordinance 20-06, Second Read, Approved, Extending the Due Dates for Payment of Admissions, Lodging, and Meals Taxes Due to the COVID-19 Public Health Emergency. Councilor Kelly made a motion to approve Ordinance 20-06, on second read, extending the due dates for payment of admissions, lodging, and meals taxes due to the COVID-19 Public Health Emergency; 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).

Ordinance 20-07, First Read Approved, Extending the May 15 Due Date for Fiscal Year 2020 Personal Property Taxes. Councilor Devine made a motion to approve Ordinance 20-07, on first read, extending the May 15 due date for Fiscal Year 2020 personal property taxes; motion was seconded by Councilor Frye and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Frye, Graham and Kelly. Nays (0).

Ordinance 20-07, Second Read, Approved, Extending the May 15 Due Date for Fiscal Year 2020 Personal Property Taxes. Councilor Devine made a motion to approve Ordinance 20-07, on first read, extending the May 15 due date for Fiscal Year 2020 personal property taxes; 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).

Resolution 20-25, Approved, Appropriating \$54,000 from the Economic Development Opportunity Fund to the Fredericksburg Economic Development Authority (EDA) for a Business Relief Grant Program (D19-__). Mr. Freehling reported that this was an emergency business relief program and a possible city appropriation into this fund. The EDA created the fund on March 23 for businesses struggling in the wake of COVID-19. They took applications from small businesses and received approximately 225 applications, total funds requested was approximately \$825,000. EDA taskforce and staff would be reviewing the applications. The money could be used to help keep the business afloat. He said there were many federal grants available for small businesses but this was something to help.

Councilor Graham asked why not empty the entire \$54,000 out of the Economic Development Opportunity Fund account to put towards the cause. Mr. Whitley said he would amend the resolution to reflect Council's wishes.

Councilor Kelly was concerned that this amount was not going to help much but he said the City could not help all the businesses. He said he was aware the EDA had additional money that could add more funding but the City would have to do the same if it asked the EDA to give additional funding. He also offered his salary to put towards the EDA or where ever so that it could be used for grants to give back to the community.

Vice-Mayor Withers said this is what the EDA was here for, to help maintain existing businesses as well as recruiting new businesses. He said they were in a better position to help than the City until the City could figure out its finances.

Mayor Greenlaw asked what the process would be to determine who received funding. Mr. Freehling explained that the Taskforce would be evaluating the applications based on their fiscal impact to the community, length of time they have been in business, demonstrated need and other factors. The taskforce would be making a recommendation to the EDA and the EDA would be asked to allocate additional funding in at its next meeting. she said clearly this what not what everyone needed but it was a stop gap for the businesses and she was sure the money would be allocated well.

Councilor Graham made a motion to approve Resolution 20-25, on second read, amending the appropriation to \$54,000 from the Economic Development Opportunity Fund to the Fredericksburg Economic Development Authority (EDA) for a Business Relief Grant Program; 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).

Ordinance 20-08, First Read Approved, Suspension of Deadlines for the General Reassessment of Real Estate, to Assure the Continuity of Government During the Pendency of the COVID-19 Disaster (D19-__).

After staff presentation Councilor Kelly made a motion to approve Ordinance 20-08, on first read, suspension of deadlines for the general reassessment of real estate, to assure the continuity of government during the pendency of the COVID-19 Disaster; 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 20-26, Approved, Approving an Emergency Appendix to the Unified Development Ordinance Procedures Manual Relating to Commercial Temporary Signs (D19-__). After staff presentation Councilor Devine made a motion approving an emergency appendix to the Unified Development Ordinance Procedures Manual relating to commercial temporary signs; 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).

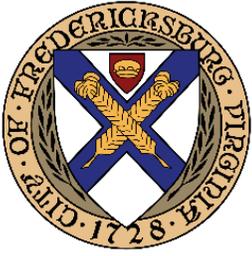
Mayor Greenlaw thanked the residents of Fredericksburg for wearing their mask, staying home and staying 6 feet apart. She asked that everyone take care of their family's and to give aid to those in need.

Adjournment. There being no further business to come before the Council at this time, Mayor Greenlaw declared the meeting officially adjourned at 5:19 p.m.

Mary Katherine Greenlaw, Mayor

Tonya B. Lacey, Clerk of Council, CMC

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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

April 14, 2020

The Council of the City of Fredericksburg, Virginia, held a regular session on Tuesday, April 14, 2020, beginning at 7:30 p.m. using electronic communication through GoToMeeting pursuant to and in compliance with the City Council Ordinance 20-05, an ordinance to address Continuity of City Government during the pendency of a pandemic disaster.

City Council Present. Mayor Mary Katherine Greenlaw. Vice-Mayor 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, City Attorney Kathleen Dooley, Assistant City Attorney Dori Martin, Community Planning and Building Services Director Charles Johnston, Fire Chief Eddie Allen, Deputy Chief Mike Jones and Clerk of Council Tonya B. Lacey.

Opening Prayer and Pledge of Allegiance. Council was led in prayer by Councilor Charlie L. Frye, Jr. followed by the Pledge of Allegiance led by Mayor Mary Katherine Greenlaw.

Coronavirus (COVID-19) Update (D19-__). Chief Mike Jones reported that currently in the United States there were 603,000 confirmed cases, 534,000 are active

cases, 25,000 deaths, and 44,000 people have recovered and the last several days the number recovered has exceeded the number of deaths.

In Virginia, 42,000 have been tested and approximately 6,000 have tested positive or they are symptomatic with known exposure, 978 have been hospitalized and 154 have passed away.

In the local Rappahannock District, there have been 10-20 new cases daily, 17 new cases in the past 24 hours, four deaths in the local health district. Chief Jones said the local cases were as follows: Stafford 95 cases, Spotsylvania 56 cases, King George 16 cases, Caroline 7 cases and Fredericksburg had 14 cases. He said there were no outbreaks in any particular location. The largest population affected in the Rappahannock region was the 40-49 year olds, and they make up 20 percent of the total population affected. Second were the 50-59 and 60-69 both groups make up 19 percent of the total cases and the three age groups make up 58 percent of the total cases in the Rappahannock region. The gender cases are almost split equally between male and females.

In the Virginia healthcare system, 1282 people who tested positive for COVID-19 are currently in the hospital, 721 have been discharged, 422 in the state are in the intensive care unit, 276 ventilators were in use and that was about 25 percent of the total ventilator capacity in the state.

Chief Jones reported that the Fire Department had received a shipment of supplies and they were in good shape. He said they have also given supplies to the Sheriff and Police Departments. Police and Fire are both cleaning units regularly and they were both prescreening their employees for fevers and any symptoms before they are allowed to work.

Citizen Comment. The following speaker submitted a comment to be read during the citizen comment portion of this evening's meeting.

Steve Treon (D20-__), Best Western, 2205 Plank Road, asked the Council to consider waiving the transient lodging tax and grant those funds back to the hotel from April 1, 2020 to December 31, 2020. See **D20-__** for more information.

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

7A. 2020 Census – Councilor Devine

7B. Business Counters/Plastic Barriers – Councilor Frye

2020 Census. Councilor Devine expressed the importance of everyone completing the census especially now after this pandemic. She noted that each person missed in the count could cost the City \$20,000.

Business Counters/Plastic Barriers. Councilor Frye requested the City Manager to look into the use of plastic barriers that are used to shield employees from customers. His concern was that this could cause a spread of the coronavirus because he did not think they were being cleaned properly or frequently.

City Manager's Consent Agenda Accepted for Transmittal as Recommended (D20-__ thru D20-__). Councilor Kelly pulled item 8A for discussion.

Councilor Kelly moved approval of the City Manager's consent agenda with the exception of item 8A; 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).

- Ordinance 20-03, Second Read Approved, Amending the Unified Development Ordinance to Regulate Infill Development, by Amending the designated Front Yards, Secondary Front Yards, and Rear Yards on Corner Lots and Through Lots (D20-__).
- Ordinance 20-04, Second Read Approved, Rezoning Approximately 4.04 Acres of Land Along Fall Hill Avenue at GPIN 7769-77-5997 from Commercial Highway to Planned Development – Commercial (D20-__).
- Ordinance 20-08, Second Read Approved, Suspension of Deadlines for the General Reassessment of Real Estate, to Assure the Continuity of Government During the Pendency of the COVID-19 Disaster (D20-__).
- Resolution 20-27, Approved, Setting the Personal Property Tax Relief Percentage for the 2020 Billing in Accordance with the Changes to the Personal Property Tax Relief Act of 1998 (D20-__).
- Transmittal of Board and Commission Minutes (approved minutes can be found on the board/commission webpages after they are approved at subsequent meeting of said board/commission).
 - Architectural Review Board – January 13, 2020 (D20-__).
 - Architectural Review Board – February 10, 2020 (D20-__).
 - Economic Development Authority – February 10, 2020 (D20-__).
 - Planning Commission Work Session – November 13, 2019 (D20-__).
 - Planning Commission – February 26, 2020 (D20-__).

Ordinance 20-03, Second Read Postponed, Amending the Unified Development Ordinance to Regulate Infill Development, by Amending the designated Front Yards, Secondary Front Yards, and Rear Yards on Corner Lots and Through Lots (D20-__). Councilor Kelly said due to COVID-19 this has caused some delay in getting plans done in a timely manner and he would like to give any applicants additional time to contact the Planning department.

Councilor Devine said she felt like they have already given that additional time.

Mr. Johnston said he would do whatever the council wishes but he also had a couple applicant who were waiting for the new ordinance to be passed. Mr. Johnston explained that the way the ordinance was set up, that an applicant must have a complete application submitted and fees paid by July 13. The application does not have to be approved by that date.

Councilor Graham asked if there were any known applications otherwise he suggest moving on and approving the ordinance. Councilor Kelly said the original applicant that came forward received his plans and they have to go to the contractor before they can submit a completed application and they were not sure they could get it done within the 90 day time period. Councilor Graham was concerned with pushing an ordinance off because of one applicant.

Councilor Devine said she understands there are challenges with this applicant but staff and Council were aware and she did not want to hold up an ordinance for one scenario. Councilor Kelly said he wanted to give the applicant time between this meeting and the next to talk with staff.

City Attorney Dooley explained that the ordinance would go into effect after 90 days. Anyone wishing to have their application reviewed under the current rules need to submit their application before the 90 days was up. She said it was important to have an effective date that was known.

After considerable discussion Council agreed to postpone the vote until April 28.

Adoption of Minutes. Councilor Graham moved approval of the January 14, January 28, February 11, February 22, February 25 and the March 10, 2020 work session minutes, the March 10, 2020 public hearing and regular session minutes and the March 20, 2020 special session minutes; 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).

Appointment to the Citizen Transportation Advisory Committee

(D20-__) – Councilor Kelly made a motion to appoint John Castellarin and Matthew Rowe to the Citizen Transportation Advisory Committee; 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 20-28, Approved, Appointing Members of the Celebrate Virginia South Community Development Authority Board of Directors

(D20-__). Councilor Kelly made a motion to approve Resolution 20-28, appointing members of the Celebrate Virginia South Community Development Authority Board of Directors; 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).

Reappointment to Rappahannock Area Community Services Board

– **Rev. Lawrence A Davies (D20-__)**. Councilor Devine made a motion to reappoint Rev. Lawrence A. Davies to the Rappahannock Area Community Services Board; 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).

Ordinance 20-09, First Read Approved, Providing for Issuance and Sale of General Obligation Refunding Bonds of the City of Fredericksburg, Virginia, in an Amount Not to Exceed \$37,000,0000, and the Form, Details and Payment Thereof (D19-__).

Councilor Devine made a motion providing for issuance and sale of general obligation refunding bonds of the City of Fredericksburg, Virginia, in an amount not to exceed \$37,000,0000, and the form, details and payment thereof; motion was seconded by Councilor Frye and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Frye, Graham and Kelly. Nays (0).

Resolution 20-29, Requesting General Assembly Action to Provide COVID-19 Relief to Localities (D19-__).

Assistant City Attorney Martin explained that the proposed resolution asked the General Assembly to consider the impacts on local governments when making the tough decisions specifically it asked that localities be included in the discussions about potential cuts to state and local programs. The resolution also asked that the General Assembly consider the number of bills that would impose increased costs to

local governments without adequate state funding. It also addresses State Water Quality Improvements Funding as the City and Spotsylvania are working to consolidate its three wastewater treatment facilities.

Ms. Martin said she had an additional amendment that came out after the proposed resolution was submitted to Council and she would like the amendment to read: Council supports Governor Northam's proposed Amendment 28 to HB 29, confirming the authority of public bodies to meet virtually during a declared state of emergency. Council finds that this amendment is consistent with the procedures enacted in City Ordinance 20-05 to provide for continuity of government during the COVID-19 pandemic disaster.

Councilor Duffy stated that during this crisis he appreciated the fact that the resolution addresses the housing issue.

Vice-Mayor Withers said there were also a lot of businesses struggling to pay rents and he asked Council to consider adding business properties.

City Attorney Dooley explained that the Virginia Supreme Court has suspended the filing of any new evictions actions until April 26 and she anticipates that they may push it out further.

Councilor Duffy said he was not oppose to adding businesses to the list. Councilor Kelly agreed he said the City might as well put it all on the table. Councilor Devine agreed but she said there were landlords who may also need help with the banks because they still have to pay their mortgages.

Councilor Duffy made a motion to approve Resolution 20-29, requesting General Assembly action to provide COVID-19 relief to localities with the addition of adding businesses to the list; motion was seconded by Councilor Devine.

Councilor Graham made a substitute motion to approved Resolution 20-29, with the amendment proposed by Ms. Martin stating that Council supports Governor Northam’s proposed Amendment 28 to HB 29, confirming the authority of public bodies to meet virtually during a declared state of emergency. Council finds that this amendment is consistent with the procedures enacted in City Ordinance 20-05 to provide for continuity of government during the COVID-19 pandemic disaster and the recommended amendment from Vice-Mayor Withers to add businesses to the bullet point on evictions; motion was seconded by Councilor Frye 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 (D19-__ thru D19-__).

City Manager Baroody directed the Council’s attention to the Manager’s report and Council Calendar. Activities highlighted on the report were as follows: COVIS-19 (Coronavirus), Update on Budget FY20 and FY21, Step Outside, Say Hello! 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 8:51 p.m.

Mary Katherine Greenlaw, Mayor

Tonya B. Lacey, Clerk of Council, CMC

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MEMORANDUM

A handwritten signature in blue ink, appearing to be 'T. B. Lacey', is positioned to the right of the memorandum header.

TO: Mayor Greenlaw and City Council
FROM: Tonya B. Lacey, Clerk of Council
DATE: April 23, 2020
SUBJECT: Cable Commission Appointment

BACKGROUND

The Cable Commission is in need of two appointments. Currently, Mr. Fred Howe is serving although his second term has expired and Mr. Howard Piggie resigned because he moved out of town. I have received one application at this time from Mr. David Andrews. Mr. Andrew's is eligible and interested in being appointed to the commission. In the meantime, Mr. Howe will continue serving until we get an interested applicant.

RECOMMENDATION

At the April 28, regular session, Council is requested to appoint Mr. Andrew's to the Cable Commission.

The appointment application is attached for your review and consideration.

Attachments: Applications

Print

Boards & Commissions Appointment Application - Submission #26797

Date Submitted: 4/13/2020

First Name*

David

Last Name*

Andrews

Address1*

1416 Stafford Ave

Address2

City*

Fredericksburg

State*

VA

Zip*

22401

Phone Number*

5403680676

Work Number

Email*

davandrews@comcast.net

Occupation

Retired

Employer

Retired

Are you a City of Fredericksburg Resident?*



Yes



No

Employer Address

1416 Stafford Ave

City

Fredericksburg

State

VA

Zip

22401

Board / Commission you wish to serve on:*

Cable Television Commission

Specify if other

Education

B.S. Government, College of William & Mary, 1984; Certified Professional Registrar, Weldon Cooper Center, UVa, 2002;

Volunteer Experience / Community Service

I worked with Fredericksburg Voter Registrar Juanita Pitchford for numerous years as a Precinct Chief Officer and Elections Manager. I have served on the Audio/Video worship committees for each church I have been a member of since the 1980s, chairing committees often. When serving as Voter Registrar in Williamsburg, I assisted with the production of the City Council chambers television and archival.

Areas of Interest

Photography; elections; public meetings.

Specify membership to any other governmental or community board / commission / authority / committee

No other committees at this time

Provide a brief narrative outlining your reasons for seeking appointment (resume or additional information may be attached)

I have a long history and background with IT and television/radio. Prior to working for the City of Williamsburg, I worked for ESPN as an audio Engineer, and then served as the Engineer and Program Director of WPTG-FM for 3 years. I feel it very important that the licensees who have been granted a franchise to serve the citizens of Fredericksburg uphold their obligations. It is also important that those who serve on a Cable commission have some background or understanding of the technologies available, and I do stay aware of what is occurring in the industry, just out of interest. It is also important that the interests of the citizens of the City, and the City itself, are protected and maximized.

Resume or Additional Information

Choose File No file selected

I hereby request consideration for appointment to the selected Board or Commission of the City of Fredericksburg, Virginia.

Applicant Signature: I understand that checking the box below is the equivalent of signing my name.*



I Accept

Applicant name*

David R. Andrews

Date*

April 12, 2020



MEMORANDUM

TO: Timothy J. Baroody, City Manager
FROM: Mark Whitley, Assistant City Manager
RE: Resolution Amending the Budget in FY 2020 to Reduce or Defer Capital Projects
DATE: April 23, 2020 (for the April 28 Council Meeting)

ISSUE

Shall the City Council approve a resolution that amends the FY 2020 budget to eliminate or reduce several capital projects in response to the downturn in the economy caused by the COVID-19 epidemic?

RECOMMENDATION

Staff recommends approving the attached resolution on first and second reading.

BACKGROUND

The public health emergency related to the COVID-19 Pandemic has created an additional economic crisis as business activity is reduced throughout the Commonwealth. The City is actively reducing expenditures in Fiscal Year 2020 as a result of the economic slowdown.

The City Council reviewed a general plan in work session on April 7, 2020 to reduce expenditures in a variety of areas throughout the budget in FY 2020. The plan set approximate targets in a variety of different areas for reduction. The plan included the reversal of a mid-year increase in the capital budget for additional small area plans, in the amount of \$300,000. In addition, capital project reductions were identified for reduction or deferral, with a target of \$1,000,000.

Staff is requesting the adoption of the attached resolution, which accomplishes two items:

- 1) Reverses the additional funding for additional small area plans in FY 2020, which will restore \$300,000 to the General Fund.
- 2) Reduces or defers additional capital projects, and restores from their funding sources \$885,000 to the General Fund. This includes \$720,000 from the Public Works Capital Fund and \$165,000 from the Public Facilities Capital Fund. These funds will reduce the authorized use of the fund balance in the General Fund for capital projects. In addition, the attached resolution reduces the request for the use of surplus motor fuels taxes by \$170,000 in the capital fund.

These projects are identified for reduction or deferral to the extent they rely on local funds, and not bond funds or grant funds. These projects are also identified by staff as able to be deferred or reduced without impacting essential maintenance work to a detrimental extent.

The projects identified for deferral or reduction include the following:

- 1) Small Area Plans - \$300,000 in supplemental funding in FY 2020
- 2) Idlewild Pathway Improvements - \$115,000
- 3) Traffic Calming- \$125,000
- 4) Neighborhood enhancements - \$50,000
- 5) Asphalt Paving - \$600,000 reduction in this project, which includes savings in motor fuels taxes
- 6) Energy Retrofits - \$105,000
- 7) Visitor's Center Repairs - \$60,000

All of these projects have been identified as able to be reduced or deferred without having a major detrimental impact to capital maintenance or community needs.

FISCAL IMPACT

The attached resolution eliminates expenditures from the FY 2020 Budget in the amount of \$1,355,000. Of that total, \$1,185,000 is restored to the General Fund and reduces the use of the fund balance assigned for capital in FY 2020. The remaining \$170,000 will reduce the utilization of surplus motor fuels taxes in FY 2020.

Attachment: Resolution



MOTION:

April 28, 2020
Regular Meeting
Resolution 20-xx

SECOND:

RE: Amending the Fiscal Year 2020 Capital Budget to Reduce or Defer Capital Projects to Respond to the COVID-19 Pandemic

ACTION: APPROVED: Ayes: 0; Nays: 0

FIRST READ: _____ **SECOND READ:** _____

The public health emergency related to the COVID-19 Pandemic has created an additional economic crisis as business activity is reduced throughout the Commonwealth. The City is actively reducing expenditures in Fiscal Year 2020 as a result of the economic slowdown.

Therefore, City Council wishes to reduce total appropriations, as follows:

Section I. Eliminate Supplemental Small Area Plan Project

PUBLIC FACILITIES CAPITAL FUND (FUND 0305)

Source

Small Area Plan Project

Other Professional Services 30594512 431600 \$ 300,000

Department Total: \$ 300,000

Total Source: \$ 300,000

Use

Transfer from General Fund 0305 341050 \$ 300,000

Department Total: \$ 300,000

Total Use: \$ 300,000

GENERAL FUND (FUND 0100)

Source

Transfer to Capital Projects 10093100 492040 \$ 300,000

Department Total: \$ 300,000

Total Source: \$ 300,000

Use

Fund Balance Committed for Capital 0100 361012 \$ 300,000

Department Total: \$ 300,000

Total Use: \$ 300,000

Section II. Public Works Capital Fund Reductions

Source

PUBLIC WORKS CAPITAL FUND (FUND 302)

Idlenwild Pathway Improvements

Construction Contracts	30294937 431700	<u>\$ 115,000</u>
Department Total:		<u>\$ 115,000</u>

Traffic Calming

Construction Contracts	30294942 4317000	<u>\$ 125,000</u>
Department Total:		<u>\$ 125,000</u>

Neighborhood Enhancements

Construction Contracts	30294947 431700	<u>\$ 50,000</u>
Department Total:		<u>\$ 50,000</u>

Asphalt Paving

Construction Contracts	30294903 431700	<u>\$ 600,000</u>
Department Total:		<u>\$ 600,000</u>

Total Source: \$ 890,000

Use

Surplus Motor Fuels Tax	0302 312130	<u>\$ 170,000</u>
Department Total:		<u>\$ 170,000</u>

Transfer to General Fund	0302 492060	\$ 408,500
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Transfer from General Fund	0302 341050	<u>\$ 311,500</u>
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Department Total:		<u>\$ 720,000</u>
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Total Use: \$ 890,000

GENERAL FUND (FUND 0100)

Source

Transfer to Capital Projects	10093100 492040	\$ 311,500
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Transfer from Capital Projects	0100 341062	<u>\$ 408,500</u>
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Department Total:		<u>\$ 720,000</u>
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Total Source: \$ 720,000

Use

Fund Balance Committed for Capital	0100 361012	<u>\$ 720,000</u>
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Department Total:		<u>\$ 720,000</u>
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Total Use: \$ 720,000

Section III. Public Facilities Capital Fund Reductions

Source

PUBLIC FACILITIES CAPITAL FUND (FUND 305)

Energy Retrofits

Construction Contracts	30594503 431700	\$ 105,000
Department Total:		<u>\$ 105,000</u>

Visitor's Center Renovations

Construction Contracts	30594539 437100	\$ 60,000
Department Total:		<u>\$ 60,000</u>

Total Source: \$ 165,000

Use

Transfer from General Fund	0305 341050	\$ 110,000
Transfer to General Fund	0305 492060	\$ 55,000

Department Total: \$ 165,000

Total Use: \$ 165,000

GENERAL FUND (FUND 0100)

Source

Transfer to Capital Projects	10093100 492040	\$ 110,000
Transfer from Capital Projects	0100 341062	\$ 55,000

Department Total: \$ 165,000

Total Source: \$ 165,000

Use

Fund Balance Committed for Capital	0100 361012	\$ 165,000
Department Total:		<u>\$ 165,000</u>

Total Use: \$ 165,000

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

Clerk's Certificate

I certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Resolution No. 20-xx, adopted at a meeting of the City Council held _____ 2020, at which a quorum was present and voted.

Tonya B. Lacey, MMC
Clerk of Council



MEMORANDUM

TO: Timothy J. Baroody, City Manager
FROM: Mark Whitley, Assistant City Manager
RE: Ordinance Amending the Continuing Disclosure Provisions of Ordinance
18-17 Relating to the City's Series 2018 General Obligation Bonds
DATE: April 21, 2020 (for the City Council's April 28, 2020 Regular Meeting)

ISSUE

Shall the City Council amend Ordinance 18-17, which issued General Obligation Bonds, relating to Continuing Disclosure obligations?

RECOMMENDATION

Yes. Staff recommends adoption of the attached ordinance on both first and second reading.

BACKGROUND

The City of Fredericksburg, as an issuer of bonds, has an obligation to continually update the City's financial information to the bond market through the use of an electronic filing system known as "EMMA."¹

The City's bond counsel, Mr. George Scuggs of the firm Kutak Rock, discovered a need to amend Ordinance 18-17 relating to these continuing disclosure requirements with respect to the City's annual financial reports. Mr. Scuggs has prepared an explanation for City Council, which is attached. The proposed ordinance makes a correction to the operating data that needs to be reported, and allows for 10 months after the end of the fiscal year, rather than 180 days.

Mr. Scuggs has asked the City to make this change in conjunction with the City's ordinance to issue refunding bonds for the 2011 (A) Court bonds, which is being considered for second reading at this meeting.

The City's Finance Department meets the City's continuing disclosure requirements for the City's bond issues.

¹ The Municipal Securities Rulemaking Board, or "MSRB," set up the Electronic Municipal Market Access, or "EMMA" system. The MSRB is a regulatory agency of the federal government.

FISCAL IMPACT

There is no fiscal impact to this amendment.

cc: Robyn Shugart, Director of Finance
Kathleen Dooley, City Attorney

Attachment: Explanation of the proposed changes from Mr. Scruggs
Ordinance Amending Ordinance 18-17

FROM: George Scruggs, Esq., Kutak Rock
DATE: April 21, 2020

Explanation

The amendment to Ordinance 18-17 amends Section 15 regarding annual continuing disclosure to conform the City's annual information filing requirement related to the City's Series 2018 General Obligation Public Improvement Bonds to the City's standard annual information filing requirement for all other publicly issued bonds of the City. The City's standard annual filing requirement is contained in the City's continuing disclosure agreement provided with each series of publicly issued bonds. The agreement requires filing of the City's audited financial statements and certain other limited information within 10 months after the end of the City's fiscal year. The continuing disclosure agreement delivered in connection with the Series 2018 Bonds reflected the standard filing requirement. Amending Ordinance 18-17 to conform to the agreement brings consistency to the requirement and eliminates confusion concerning the filing due date and information required.

The complete text of Section 15 of Ordinance 18-17 containing the proposed amendment is shown below. Deleted text is shown in red with a strikethrough. Added text is shown in red and underlined.

Section 15 of Ordinance 18-17 with Proposed Amendment

15. Continuing Disclosure Undertakings. The City desires to assist the purchasers of the Bonds in complying with the provisions of Section (b)(5)(i) of the Rule. In order to accomplish this, the City covenants to do the following to the extent required or requested:

(A) Annual Disclosure.

(1) The City shall provide annually certain financial information and operating data in accordance with the provisions of Section (b)(5)(i) of the Rule, as follows:

(a) audited financial statements, prepared in accordance with generally accepted accounting principles; and

(b) the operating data with respect to the City of the type appearing in portions of the Official Statement in final form under the ~~headings "Authorization of Debt", "General Obligation Bonded Debt", "Certain Debt Ratios", "General Governmental Revenues" and "General Governmental Expenditures"~~ heading "Tax Data."

(2) The City shall annually provide the financial information and operating data described in subsection (1) above (the "Continuing Disclosure") within ~~180 days~~ 10 months after the end of the City's fiscal year, commencing with the City's fiscal year in which the Bonds are

issued, to the Municipal Securities Rulemaking Board (“MSRB”) through its Electronic Municipal Market Access System or such other system as the MSRB may designate for such purpose.

(3) Any of the Continuing Disclosure may be included by specific reference to other documents previously provided to the MSRB or filed with the SEC; provided, however, that any final official statement incorporated by reference must be available from the MSRB.

(4) The City shall provide in a timely manner to the MSRB notice specifying any failure of the City to provide the Continuing Disclosure by the date specified.

If the City fails to comply with any covenant or obligation specified in this Section, any holder (within the meaning of the Rule) of the Bonds then outstanding may, by notice to the City, proceed to protect and enforce its rights and the rights of the holders by an action for specific performance of the City's covenant to provide financial information and operating data.

(B) Event Disclosure. The City shall provide notice in a timely manner to the MSRB of the occurrence of any of the following events with respect to the Bonds, such notice to be provided not more than ten business days after the occurrence of the event:

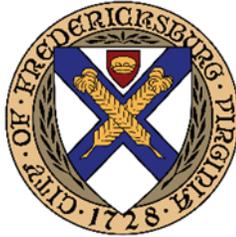
- (1) principal and interest payment delinquencies;
- (2) non-payment related defaults, if material;
- (3) unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) unscheduled draws on credit enhancement reflecting financial difficulties;
- (5) substitution of credit or liquidity providers, or their failure to perform;
- (6) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
- (7) modifications to rights of Bond holders, if material;
- (8) Bond calls, if material, and tender offers;
- (9) defeasances;
- (10) release, substitution, or sale of property securing repayment of the Bonds, if material;
- (11) rating changes;

- (12) bankruptcy, insolvency, receivership or similar event of the City;
- (13) the consummation of a merger, consolidation or acquisition involving the City or sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
- (14) appointment of a successor or additional trustee or the change of name of a trustee, if material;
- (15) incurrence of a financial obligation of the City, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a financial obligation of the City, any of which affect holders of the Bonds, if material; and
- (16) default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a financial obligation of the City, any of which reflect financial difficulties.

(C) Termination. The covenants and obligations of the City specified in subsections (A) and (B) to the extent they apply shall terminate upon the redemption, defeasance (within the meaning of the Rule) or payment in full of all the Bonds.

(D) Amendment. The City reserves the right to modify its obligations specified in subsections (A) and (B) without the consent of bondholders, provided that such modification complies with the Rule as it exists at the time of modification. The City shall, within a reasonable time thereafter, send to the MSRB, a description of such modification(s).

(E) Additional Disclosure. The City may from time to time disclose certain information and data in addition to the Continuing Disclosure. Notwithstanding anything herein to the contrary, the City shall not incur any obligation to continue to provide, or to update, such additional information or data.



MOTION:

April 28, 2020
Regular Session
Ordinance No. 20-__

SECOND:

RE: Ordinance Amending the Continuing Disclosure Provisions in Ordinance 18-17 Relating to the City's Series 2018 General Obligation Bonds to Conform the Annual Filing Requirements Therein to Established Practices Contained in the City's Standard Continuing Disclosure Agreement

ACTION: APPROVED: Ayes: 0; Nays: 0

FIRST READ: _____

SECOND READ: _____

Ordinance No. 18-17 authorizing the issuance of the City of Fredericksburg, Virginia General Obligation Public Improvement Bonds, Series 2018 contained certain continuing disclosure provisions in Section 15 thereof requiring the annual filing of the City's audited financial statements and other information in a manner not consistent with City's annual filing requirements set forth in the City's standard continuing disclosure agreement related to its bonds.

The City Council desires to amend ordinance No. 18-17 to conform the terms thereof relating to continuing disclosure to the terms of the City's standard continuing disclosure agreement.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FREDERICKSBURG, VIRGINIA:

1. **Amendment.** Ordinance No. 18-17 is hereby amended as set forth below:

Section 15(A)(1)(b) thereof is amended and restated as follows:

(b) the operating data with respect to the City of the type appearing in portions of the Official Statement in final form under the heading "Tax Data."

Section 15(A)(2) thereof is amended and restated as follows:

(2) The City shall annually provide the financial information and operating data described in subsection (1) above (the "Continuing Disclosure") within 10 months after the end of the City's fiscal year, commencing with the City's fiscal year in which the Bonds are issued, to the Municipal Securities Rulemaking Board ("MSRB") through its Electronic Municipal Market Access System or such other system as the MSRB may designate for such purpose.

2. **Effective Date.** This Ordinance shall take effect immediately.

Approved as to form:

Kathleen Dooley, City Attorney

First Reading: [April 28, 2020]

Second Reading: [April 28, 2020]

At a regular meeting of the City Council of the City of Fredericksburg, Virginia, held on the 28th day of April, 2020, at which the following members were present and absent:

PRESENT:

ABSENT:

Ordinance No. 20-____ entitled "ORDINANCE AMENDING THE CONTINUING DISCLOSURE PROVISIONS IN ORDINANCE NO. 18-17 RELATING TO THE CITY'S SERIES 2018 GENERAL OBLIGATION BONDS TO CONFORM THE ANNUAL FILING REQUIREMENTS THEREIN TO ESTABLISHED PRACTICES CONTAINED IN THE CITY'S STANDARD CONTINUING DISCLOSURE AGREEMENT" was adopted by the affirmative roll call vote of a majority of all members of the Council, the ayes and nays being recorded in the minutes of the meeting as shown below:

Member

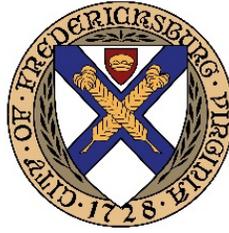
Vote

The undersigned City Clerk of the City of Fredericksburg, Virginia, certifies that the following ordinance constitutes a true and correct extract from the minutes of a regular meeting of the Council held on the [28th] day of [April], 2020 and of the whole thereof so far as applicable to the matters referred to in such extract, adopted by the foregoing vote at such meeting at which the foregoing members were present and absent.

WITNESS my signature and the seal of the City of Fredericksburg, Virginia, this ____ day of _____, 2020.

(SEAL)

City Clerk, City of Fredericksburg
Virginia



MEMORANDUM

Timothy J. Baroody

TO: Mayor Greenlaw and Members of City Council
FROM: Timothy J. Baroody, City Manager
DATE: April 23, 2020 (for April 28 Council meeting)
SUBJECT: City Manager's Update

Highlights of major activities and other notable developments:

Update on Budget Work Sessions and Meetings – There are many adjustments to the dates for upcoming budget meetings due to COVID-19. See attached calendar. All meetings will be held virtually until further notice. The public is encouraged to access the meetings through the broadcast on Cox Channel 84 and Verizon Channel 42. The meetings can also be viewed on our www.regionalwebtv.com/fredcc or Facebook live at www.facebook.com/FXBGgov

Citizens who wish to participate in the public comment period will be able to send their comments in writing by (1) dropping them in the Deposit Box at City Hall, (2) U.S. Mail, (3) through a form on our website <https://www.fredericksburgva.gov/677/Public-Comment> or (4) email to the Clerk of Council. Comments must be received at least one hour in advance of the meeting – for example, comments will be accepted until 4:30 p.m. on nights with a 5:30 p.m. work session. The plan is to read these comments out loud during the public comment portion of the City Council meeting. The standard rules apply to public comments: the person must identify himself or herself by name and address, including zip code, limit his or her remarks to 5 minutes or less (read aloud), and address a topic of City business. Public comments submitted during the meeting, through the Facebook Live streaming video, will not be considered part of the official public comments of the meeting. See www.fredericksburgva.gov for more details or call (540) 372-1010.

COVID-19 (Coronavirus) – Daily information is provided through videos and written form in a variety of ways through our website, and social media platforms. See our website for full details. www.fredericksburgva.gov Stay vigilant and practice social distancing and frequent hand washing.

Also stay updated in the following ways: follow the [Virginia Department of Health for updates](#), be notified when we make City Government related updates on this page by subscribing to the "[Fredericksburg News](#)" [News Flash](#), subscribe to [FredericksburgAlert.com](#) for announcements for City Government, City Schools and also any changes in trash pickups, traffic, events and more.

Census 2020 – Did you know that every person counted is worth \$20,000 for our community? Your participation in the Census is more important now than ever! Census data informs federal funding for more than 100 programs, including school lunches, highway construction, and education. You have three options for responding: 1) Online. 2) By phone. 3) By mail. Read more: <https://2020census.gov/en.html>



Step Outside, Say Hello! – We are continuing to ask all residents to open their front doors, walk out and say “hello” to your neighbors (from a distance). Help us check on all of our neighbors, especially our elderly. Step Outside, Say Hello! And remember that even though we have to practice social distancing, we continue to care for our community. We are encouraging all residents to do this for the foreseeable future – check on your neighbors! Step Outside, Say Hello! at 6:00 p.m. daily. This helps our community keep in touch – if you notice a neighbor who has stopped saying hello at 6:00 p.m. each day,

maybe it’s a good time to check on them to see if they are okay. A simple ‘hello’ can mean a lot! We are Fredericksburg Strong!



Fred Focus

Fred Focus – The [Fredericksburg Department of Economic Development and Tourism](#) is pleased to bring you Fred Focus, a weekly e-newsletter that goes out every Thursday and keeps you up-to-date on Fredericksburg business and tourism information and events. This week’s [edition](#).



**CHATHAM
BRIDGE PROJECT**

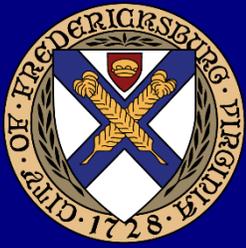
BE A ROAD SCHOLAR
www.FXBGBridge.com

Currently on track to close
the bridge in late May.

No COVID-19 Delays

See more project information at www.fxbgbridge.com

****** All meetings are subject to change due to COVID-19 impacts ******



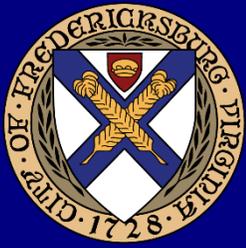
CITY COUNCIL MEETINGS & EVENTS CALENDAR

City Hall Council Chambers, 715 Princess Anne Street, Fredericksburg, VA 22401

4/28/20	5:30 p.m.	Work Session <ul style="list-style-type: none"> • FY 20 & 21 Budget Discussion 	Virtual
	7:30 p.m.	Regular Session	Virtual
5/5/20	5:00 p.m.	Joint Work Session with Schools <ul style="list-style-type: none"> • FY 21 School Budget Discussion 	Virtual
5/12/20	5:30 p.m.	School Budget Public Hearing	Virtual
	7:30 p.m.	Regular Session 1 st reading of School Budget	Virtual
5/19/20	6:00 p.m.	2 nd reading of School Budget	Virtual
5/26/20	5:30 p.m.	Work Session <ul style="list-style-type: none"> • FY 21 Budget 	Virtual
	7:30 p.m.	FY 21 City Budget Public Hearing	Virtual
6/9/20	5:30 p.m.	Work Session <ul style="list-style-type: none"> • City Council Budget Propositions 	Virtual
	7:30 p.m.	Regular Session First reading of City Budget	Virtual
6/23/20	7:30 p.m.	Regular Session Second reading of City Budget	Virtual

Future Work Session Topics: Economic Development Incentives, Action on UDO Text Amendment from 2018: Paying Taxes at Approval Instead of Application, and New FEMA Flood Plain Maps.

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