



CITY OF FREDERICKSBURG, VIRGINIA

**CITY COUNCIL**

# MINUTES

Council Chambers, 715 Princess Anne Street  
Fredericksburg, Virginia 22401

HON. MARY KATHERINE GREENLAW, MAYOR  
HON. CHARLIE L. FRYE, JR., VICE -MAYOR, WARD FOUR  
HON. KERRY P. DEVINE, AT-LARGE  
HON. MATTHEW J. KELLY, AT-LARGE  
HON. JASON N. GRAHAM, WARD ONE  
HON. WILLIAM C. WITHERS, JR., WARD TWO  
HON. DR. TIMOTHY P. DUFFY, WARD THREE

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**January 12, 2021**

**The Council** of the City of Fredericksburg, Virginia, held a regular session on Tuesday, January 12, 2021, 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 Charlie L. Frye, Jr., Council members Kerry P. Devine, Dr. Timothy P. Duffy, Jason N. Graham, Matthew J. Kelly and William C. Withers, Jr.

**Also Present.** City Manager Timothy P. Baroody, Assistant City Manager Mark Whitley, City Attorney Kathleen Dooley, Assistant City Attorney Dori Martin, Community Planning and Building Services Director Charles Johnston, Community Development Planner Susanna Finn, Zoning Administrator James Newman, Fire Chief Mike Jones, and Clerk of Council Tonya B. Lacey.

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

**COVID-19 (Coronavirus) Update.** Chief Jones reported that the Rappahannock Area District had an increase in new cases. The cases increased from 796 in early December to 1377. The average per day had risen from 88 per day to 197. There were 110 registered COVID cases in the hospital. On October 5, there were 18 people in the various hospitals in the health district and on November 5, there were 25. The total number of deaths in the district was 133 and there were 9 deaths in the last two week period. The regions seven day average percent positive was at 18.4%. there were between 700 and 900 people being tested per day.

Statewide there were just over 3,100 people with COVID-19 in the hospital. There are currently 582 with COVID-19 in the intensive care units (ICU) statewide, 349 on ventilators and ICU occupancy has increased five percent. The deaths statewide have gone up by 1,200. The percent positive statewide was 16.4%.

Virginia cases were still surging, 24 of the 35 health districts are in a growth trajectory and the Rappahannock district is still surging. ICU's are filling up quickly but hospital beds were ok at this point.

There were 85 new cases within the city limits in the last week. Chief Jones urged residents to stay home if they were sick, stay within their family unit and use good handwashing.

Currently, there were two vaccines that had been given emergency use authorization by the Federal Drug Administration. The Governor has devised a roll out plan for Virginians groups A-C then it will be given to the general population. Tier 1A, was for healthcare workers and those works and residence of long-term care facilities as

well as public safety workers such as emergency medical transit workers and city law enforcement. Tier 1B, was for other first responders, child care, K-12 teachers, frontline essential workers, manufacturing, food and grocery, transit workers and postal workers also age 75 and up. Tier 1C, included essential workers in construction, transportation, foodservice and utility industry as well as anyone 65 and older and people between 16 and 64 who have high risk medical conditions. The last group would be the general population.

Chief Jones said capacities at hospitals were a little bit of a problem, but most of the hospitals have the capacity to expand and retract. He said more of an issue was with the shortage of staff but that was area and statewide.

Chief Jones said the fire department had started to be affected, with half a dozen people out with the virus and they had to quarantine eight to ten other people. He said because the organization was small it impacts the department. He said they made a decision to split the shifts in order to protect the employees. He said this has also had an impact on their moral, but they make sure to keep check on the employees. Several of the members have been able to get their first dose of the vaccine.

Councilor Devine asked whether there was going to be a surge on top of a surge and Chief Jones said he did not think there would be but they would have to wait and see within the next couple of weeks. Councilor Devine also encourage citizens to give donations to the healthcare workers as well as police and fire.

**Consent Agenda Accepted for Transmittal as Recommended (D21-\_\_ thru D21-\_\_).** Councilor Devine moved approval of the City Manager’s consent agenda; motion was seconded by Councilor Kelly and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Graham, Kelly, Withers. Nays (0).

- Resolution 20-89, Second Read, Amending the Fiscal Year 2021 Budget to Appropriate Carryover Project for FREDericksburg Regional Transit (D21-\_\_).
- Transmittal of the Fredericksburg Arts Commission Annual Report (D21-\_\_).
- Transmittal of Board and Commissions Minutes
  - Architectural Review Board – September 14, 2020 (D21-\_\_).
  - Board of Social Services – October 1, 2020 (D21-\_\_).
  - Board of Zoning Appeals – March 18, 2019 (D21-\_\_).
  - Clean and Green Commission – October 5, 2020 (D21-\_\_).
  - Economic Development Authority – November 9, 2020 (D21-\_\_).
  - Green Committee – March 10, 2020 (D21-\_\_).
  - Public Transit Advisory Board – August 5, 2020 (D21-\_\_).
  - Recreation Commission – November 19, 2020 (D21-\_\_).

**Resolution Accepting Streets in the Vicinity of Celebrate Virginia South and Stonewall Heights Subdivision into the City Street System and Petitioning the Virginia Department of Transportation to Accept the Streets into the State Street System (D21-\_\_).** Councilor Withers stated that this road had been in place for 20 years and the condition was not bad but he wanted to

know the condition and how much it would cost the City to improve the road. He also wanted to know when it would need to be done. He asked to defer this item until the next meeting.

Councilor Kelly asked what the City could do or expect and whether the road could be improved before the City agreed to accept it.

**Public Hearing (D21-\_\_ thru D21-\_\_).** The regular session was recessed in order to conduct scheduled public hearings and immediately reconvened upon their conclusion.

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

**Holly Clark (D21-\_\_),** 1504 Winchester Street, spoke in support of converting Fall Hill Avenue, Washington Avenue and Maury Streets into two way street. She said this would make it make the neighborhood safer. See D21-\_\_, for more information.

**Sabrina Anderson (D21-\_\_),** 1508 Winchester Street, spoke in support of converting Washington Avenue, Fall Hill Avenue and Maury Street into two way streets. See D21-\_\_, for more information.

**Mary Bowe Torrans (D21-\_\_).** 1910 Washington Avenue, spoke in opposition of converting Washington Avenue, Fall Hill Avenue and Maury Street into two way streets. See D21-\_\_ for more information.

**Erin Koza (D21-\_\_),** 640 Stuart Street, spoke about the need to convert Washington Avenue, Fall Hill Avenue and Maury Street into two way streets and how

people use Stuart Street as a cut through. She said the conversion needed to be done in order to make the neighborhood safer. See D21-\_\_ for more information.

**Barry Clark, II (D21-\_\_)**, 1504 Winchester Street, spoke in support of converting Washington Avenue, Fall Hill Avenue and Maury Street into two way streets. See D21-\_\_ for more information.

**Mayo Carter (D21-\_\_)**, 424 Hanson Avenue, submitted a petition with 476 signatures to preserve and perpetuate the existing historic Crape Myrtle trees along Hanson Avenue. She spoke about how the Crape myrtles were and integral part of the neighborhood. See D21-\_\_ for more information.

**Kevin Dart**, 327 Hanson Avenue, expressed his concern with decisions being made about the future of Hanson Avenue's Crepe Myrtles. He asked that the City have conversations with the residents before making any decisions. See D21-\_\_ for more information.

**Shelly Pineo-Jensen, Ph.D.**, 428 Hanson Avenue, spoke of her disappointment to hear that the City wanted to replace the Crape Myrtles with tall trees. She said 100 percent of the properties contacted were in support of keeping the crapes. See D21-\_\_ for more information.

**Susan Brown**, 460 Riverside Drive, wrote in support of retaining the crape myrtles in the median. She said the crape myrtles have been a favorite of hers. She asked that the City retain the crape myrtles and she asked that the City replace the few that were missing. See D21-\_\_ for more information.

**John C. Lafley**, 327 Hanson Avenue, stated that he chose this location to live because of the uniqueness of the crape myrtles. He said the removal of these trees would forever change the value and the face of Hanson Avenue. See D21-\_\_ for more information.

**Annie Harpe**, 404 Hanson Avenue, encouraged the City to preserve the mature trees that were an icon of the neighborhood, a beautiful addition to the overall City and an aid to pollinators. Ms. Harpe said the neighborhood would be willing to care for the trees themselves. See D21-\_\_ for more information.

**Theodore Schaefer**, 441 Hanson Avenue, stated that before any action is taken that he would like the City to meet with the residents and share the plans, and collect residents' opinions. See D21-\_\_ for more information.

**Maria Luisa McGraw**, 304 Pitt Street, asked the City not to kill the beautiful trees and to be considerate and conscious about their decisions. See D21-\_\_ for more information.

**Ron Knight**, 401 Hanson Avenue, asked the City not to remove the crape myrtles. He said they are known as a landmark. See D21-\_\_ for more information.

**Kevin Brown**, 460 Riverside Drive, stated that after meeting with City staff they received written reassurance that they heard the concerns from the citizens and they were committed to maintaining the historic Hanson Avenue median by all means possible. The city's arborist would also try to take sprouts from existing trees to replace the four missing trees. See D21-\_\_ for more information.

**Kayleigh Rongey**, 322 Cannon Circle, requested information on how to legally get the name of her neighborhood (Confederate Ridge) changed. She had exhausted all the ways she knew how to get it done. See D21-\_\_ for more information.

**Karen Franklin**, 603 Hawke Street, spoke in support of the Brompton Community School and she encourage the Council to vote to approve the special use permit. See D21-\_\_ for more information.

**Cynthia G. Kohl**, 17 Myers Drive, 22405, asked the City to please reconsider removing and replacing the crape myrtles on Hanson Avenue. She said the trees provide a pollen source for bee species and they add historic charm to the older homes in the neighborhood. See D21-\_\_ for more information.

**Rebecca M. Segal**, 227 Beechtree Circle, Rutherfordton, NC, spoke in opposition of the removal of the crape myrtles. She said the removal would reduce the value of her rental property. See D21-\_\_ for more information.

**Archer Di Pepe**, 12107 Christina Court, 22407, stated that the City Council should protect the crape myrtles because Hanson Avenue was the only street people make a point to visit every year when they are in bloom.

**Charles Andrew Lynn**, 27 Monroe Farm Road, 22406, stated that the crape myrtles were iconic and residents of the entire region share in the appreciation of the trees. Mr. Lynn addressed many concerns in his comments and they can be seen in D21-\_\_. See D21-\_\_ for more information.

**Rick Segal**, 227 Beechtree Circle, Rutherfordton, NC, stated that the crape myrtles were a historic element that brings cohesion to the historic status of the area.



He said as a property owner he was concerned with the negative impact the removal of the trees could have on the neighborhood and property values.

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

7A. Hanson Avenue Crape Myrtles – Councilor Withers

7B. Gun Giveback – Councilor Frye

**Hanson Avenue Crape Myrtles** – Councilor Withers said he met with some of the residents of the Fairground subdivision and he feels the City and the neighborhood was in a good place. He read a portion of the letter from City Manager Baroody to the neighborhood (D21-\_\_).

Councilor Kelly stated that he wanted to be sure the right people were included in discussions in the beginning, so there is no confusion. Councilor Devine agreed but understood how difficult this is during the pandemic. She said the Council adopted a tree plan years ago as good practice, but she said that does not mean they cannot look at things differently.

Mr. Baroody explained that the City was willing to work through any issues with the community but he said he could not if he does not know about the problem. He encouraged residents to contact his office when they have issues.

Mayor Greenlaw was appreciative of everyone's concerns and willingness to speak and those who met with the staff. She was glad to be able to share accurate information.

Vice-Mayor Frye noted that because of the pandemic the Council could not have as many meetings with the public and he explained that it can be hard to balance it all.

Councilor Withers said he was appreciative of what was going on in the City with the trees and he was grateful for all those who work with our trees.

**Gun Giveback** – Councilor Frye announced that on January 23 from 10:00 am to 2:00 p.m. the Annual Gun Giveback would be taking place at the Fredericksburg Police Department.

**Adoption of Minutes.** Councilor Graham moved approval of the December 8, 2020 Public Hearing and Regular Session minutes; motion was seconded by Councilor Kelly and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Graham, Kelly, Withers. Nays (0).

**Memorials Advisory Commission – Jervis Hairston, John Lyles (D21-\_\_)**. Councilor Kelly moved approval of reappointing Jervis Hairston and John Lyles to the Memorials Advisory Commission; motion was seconded by Councilor Devine and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Graham, Kelly, Withers. Nays (0).

**Resolution 20-01, Approved, Granting a Special Use Permit for Brompton Community School at 123 Lee Drive in the R-2 Zoning District (D21-\_\_)**. After a brief presentation from staff, Councilor Kelly stated that he wanted to be sure the National Park Service (NPS) was involved in any decisions related to that property. He said it was in the original documents submitted to Council but had been

removed. Mr. Newman added, that in regards to the changing of the road and water line the applicant would be paying for it and the NPS was not. As for the review by the NPS Council could not delegate that review authority to them.

City Attorney Dooley explained that the NPS was an adjoining property owner so by law they would be involved in any discussions about the property.

Ms. Dawson added that NPS had been involved since the beginning and they had to approve the widening of the driveway because they owned the driveway and they were allowing the school to use it.

Councilor Kelly requested a letter be sent to the council from the City Attorney that says any discussions related to this property would include the NPS.

Councilor Duffy thanked Mr. Newman for getting the neighbors together, it was a great way to get that relationship going. He also asked if the school would be using the 123 Lee Drive address for the school and all services and Mr. Newman said all traffic would be using the Central Road address with the exception of trash service because that had been the address used for this property for trash service previously. Mr. Johnston explained that the trash truck was not considered a commercial vehicle.

Councilor Graham made a motion to approve Resolution 21-01, granting a Special Use Permit for Brompton Community School at 123 Lee Drive in the R-2 Zoning District; motion was seconded by Councilor Devine and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Graham, Kelly, Withers. Nays (0).

**Resolution 21-02, Approved, Initiating Amendments to the Official Zoning Map to Rezone Eleven Parcels Along the Eastern Side of Woodford Street from Commercial Office Transitional (CT) to Residential (R-4) as Recommended in the Small Area Plan for Area 6, and to Rezone the Property Located at 2701 Princess Anne Street from Residential (R-4) to Commercial Office Transitional (CT), and Initiating a Comprehensive Plane Amendment to Update the T-4 Transect to Include 2701 Princess Anne Street Consistent with its Existing Use (D21-\_\_).**

After staff's PowerPoint presentation Councilor Devine made a motion to approve Resolution 21-02, initiating amendments to the official zoning map to rezone eleven parcels along the eastern side of Woodford Street from Commercial Office Transitional (CT) to Residential (R-4) as recommended in the Small Area Plan for Area 6, and to rezone the property located at 2701 Princess Anne Street from Residential (R-4) to Commercial Office Transitional (CT), and initiating a Comprehensive Plan Amendment to update the T-4 Transect to include 2701 Princess Anne Street consistent with its existing use; motion was seconded by Councilor Graham and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Graham, Kelly, Withers. Nays (0).

**City Manager's Report and Council Calendar (D20-589 thru D20-590).**

City Manager Baroody directed the Council's attention to the Manager's Update: Winter Restaurant Week, Deadline Extended for the CARES Utility Relief Funds, New City Core

Values Video, Year End Video, New Public Art Mural, Fall Leaf Collection, 2021 Winter Catalog, Alum Spring Park Playground, Fredericksburg Fine Arts Show Returns for its 70<sup>th</sup> Year this Spring, COVID-19 (Coronavirus), Chatham Bridge Closure, Upcoming Council Meetings, Winter Programs 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 9:48 a.m.

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Mary Katherine Greenlaw, Mayor

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Tonya B. Lacey, Clerk of Council, MMC