



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

February 9, 2021

The Council of the City of Fredericksburg, Virginia, held a regular session on Tuesday, February 9, 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, Assistant City Manager Doug Fawcett, City Attorney Kathleen Dooley, Assistant City Attorney Dori Martin, Community Planning and Building Services Director Charles Johnston, Senior Planner Michael Craig, Development Administrator Marne Sherman, Historic Resources Planner Kate Schwartz, Fire Chief Mike Jones, Police Chief Brian Layton, Transit Director Jamie Jackson, Human Resources Director Lesley Moore, Diversity, Equity and Economic Advancement Officer Angela Freeman, Budget Manager Brenna Erford 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.

Legislative Update – Mr. Eldon James presented a legislative update to the City Council. He said they had an abbreviated regular session that concluded on February 8 and it would be augmented by a special session that would begin on February 10. The two sessions would be slightly longer than what is expected in a short session year. There were about 1,500 bills and resolution, usually during short session there are 2,800 to 3,000 but they were limited this year. At the close of the session there were 828 bills and resolutions that needed to be finished. The money committees were expected to report out on February 10. The budgets were reasonably similar but there were some key differences such as federal tax conformity.

Ms. Laura Batemen discussed the budget briefly stating there were differences in how the House and the Senate were approaching the deduction cap. The deduction cap conforms the State tax code to the Federal tax code. The House proposed deduction cap of \$25,000 and the Senate proposed deduction cap of \$100,000. The difference would cost the State about \$38 million in revenue up to \$101 million. She said she believes there would be a very good revenue report.

Mr. James discussed some of the legislation such as the Senate Bill (SB 1157) moving all city/town elections from May to November. Ms. Bateman said Virginia Municipal League and Virginia First Cities Coalition had been working on this bill. Virginia

First Cities have seven of the sixteen members that are affected by this proposed bill. The SB 1157 would be on the February 10 docket. This bill was sent to the House Privilege's and Election Committee but she said it should have gone to the Counties, Cities and Towns Committee which considers all the charters. Ms. Bateman said the bill was on a fast track with the leadership of the house. She said their argument against the bill would be that the bill over steps local charters and represents a one size fits all approach. The May elections offer a better opportunity for members of the community to focus on local governments and local issues rather than being overshadowed by national and statewide politics.

Mr. James stated that House Bill (HB 2075) which renames all sections of U.S. Route 1 in Virginia that were designated as "Jefferson Davis Highway" to "Emancipation Highway". This bill would repeal action taken by the General Assembly in 1922. The bill was delayed effective until January 1, 2022 to allow localities who would like to change the name to something different they will have time to do it.

The budget amendment (Item 379) on the house side addresses the City's wastewater upgrade project in the joint efforts with Spotsylvania County. This would allow Department of Environmental Quality to evaluate the match rate for their grants versus what the City would have to put up in finance on the plans to raise rates over a period of time. He said they had been communicating with the subcommittees and they were hopeful. Ms. Bateman explained that there was no corresponding Senate budget amendment, but Senator Linwood Lewis had one in the same section (Item 379) that would help the City, as it would modify eligibility conditions for Water Quality

Improvements Fund (WQIF) grants to allow focus on single nutrient reduction and allow for grants to cover more than half of project costs in localities with high or above average fiscal stress and Fredericksburg would fall in that category.

Councilor Kelly asked if there was anything they needed to be aware of on law enforcement and Mr. James said the major thing on law enforcement that did not get addressed in special session because the two sides could not come to agreement was expungement.

Presentation of the Proceeds from the 8th Annual United Way Benefit Golf Tournament to the Rappahannock United Way. Mayor Greenlaw reported that the golf tournament was held on Monday, October 26 after having to postpone it, due to the pandemic. This was the eighth year that the City had sponsored this golf tournament to raise funds for the Rappahannock United Way (RUW). This year there were 104 golfer, 28 sponsors and several volunteers. The City presented the RUW with a check for the proceeds of the event in the amount of \$11,155. This brings the total funds raised for the RUW over the eight years of the golf tournament to \$104,516.

Ms. Janel Donahue congratulated and thanked the City who give so much. She said they would use the money to help the community. She spoke of how much fun the golf tournament is. She said the money stays in the local area and helps the people of Fredericksburg. Ms. Donahue thanked the City for making a big difference in the community.

Councilor Withers gave a big thank you to Assistant City Manager Doug Fawcett for all his hard work with the golf tournament. He said he knows he has help but he wanted to publically thank Doug for his work on the tournament.

City's Rappahannock United Way Campaign Update. Human Resources Director reported that the City had raised \$23,964 for the RUW Campaign. This amount exceeded the prior year's donations by \$3,566. She said given the environment they were expecting to only match the prior year. Ms. Moore extended her appreciation to all employees as well as the Central Rappahannock Regional Library employees who assisted in those efforts. Ms. Moore acknowledged the City staff's efforts and because of them the campaign was extremely successful.

COVID-19 (Coronavirus) Update. Chief Jones reported that things were trending in the right direction. The total number of cases in the Rappahannock Health District (RHD) were 2,900. The average cases per day was down from 271 to 179. There were currently 80 people in the hospital, down from 110. There was a reduction in deaths over the last two weeks, 18 in total and none for the City.

The average cases in Fredericksburg was about 20 and the seven day average was 12 which was down from 19 in the last two weeks. Chief Jones reported that 29 of the 35 Health districts in Virginia reported declining numbers except one in Northern Virginia.

Mary Washington Healthcare had moved to a code yellow allowing one person with each patient.

Chief Jones noted there had been 1.13 million vaccinations statewide, 913,000 have had their first dose and 217,000 have had their second dose. He said 10.7 percent of the population had been vaccinated, with 35,000 shots being given per day. There has been a half a million over the age of 60 who have received the first dose.

The demographics of the vaccination were as follows 91,000 African Americans have been vaccinated and 41,000 Latinos. There had been twice as many female over males that have received the vaccine, 719,000 females and 392,000 males. Both the Pfizer and Moderna vaccines were being used in the Health District. The health district receives a little over 4,300 doses per week and they were working with pharmacies to get those that are over 65 vaccinated. He said they were hoping to have all of the 1B essential workers vaccinated by the end of the month. CVS would be receiving a separate number of doses to get the 65 and older vaccinated. The two other vaccines Astrazeneca and Johnson and Johnson were both seeking emergency Use authorizations.

Consent Agenda Accepted for Transmittal as Recommended (D21-__ thru D21-__). Councilor Graham moved approval of the City Manager's consent agenda; 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).

- Ordinance 21-03, Amending §54-17 of the City Code to Remove the Crime of Profane Swearing in Public (D21-__).

- Resolution 21-10, Contract Award for Request for Proposals (RFP) #21-0125
Body-on-Chassis (BOC) Transit Vehicles (D21-__).
- Transmittal of Board and Commissions Minutes
 - Architectural Review Board – September 14, 2020 (D21-__).
 - Architectural Review Board – September 28, 2020 (D21-__).
 - Architectural Review Board – October 12, 2020 (D21-__).
 - Clean & Green Commission – January 4, 2021 (D21-__).
 - Fredericksburg Arts Commission – January 15, 2020 (D21-__).
 - Fredericksburg Arts Commission – February 19, 2020 (D21-__).
 - Fredericksburg Arts Commission – March 18, 2020 (D21-__).
 - Planning Commission Work Session – December 2, 2020 (D21-__).
 - Planning Commission – December 2, 2020 (D21-__).
 - Recreation Commission – December 17, 2020 (D21-__).

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.

David K. James (D21-__), President of Historic Fredericksburg Foundation, requested the Council wait to approve the Unified Development Ordinance on Commercial Downtown until after the Historic Preservation Working Group completed

and made a recommendation to the Council on the Fredericksburg Design Guidelines as well as the revision of the Historic District Handbook. See D21-___, for more information.

Jason Smith (D21-___), Brock's Riverside Grill Managing Partner, 503 Sophia Street, asked the Council to reconsider the Friday and Saturday curfew hours. Mr. Smith asked that the proposed 11:00 p.m. be changed to 12:00 a.m. See D21-___, for more information.

Mitzi Brown (D21-___). Charlotte Street, spoke of her disappointment in comments that she felt were disparaging of the Economic Development Authority (EDA) and she asked that Mr. Kelly walk back his accusations and apologize to the EDA. See D21-___ for more information.

David Mersiovsky (D21-___), 1801 Washington Avenue, asked the City to change the street from one way to two way sooner rather than later. He said doing this sooner would help people to comply with the law by reducing their speeds, drivers would save time, it would make the community safer, make the neighborhood quieter, make the navigation convenient and there would be less complaints from the residents. See D21-___ for more information.

Julie Kay (D21-___), 1616 Franklin Street, co-founder of Fossil Free Fredericksburg thanked the City for managing the many crises of 2020. Ms. Kay noted there had been some positive steps taken but there was much that remains to be accomplished. She said the key to getting this work done was the hiring of a sustainability/energy specialist. See D21-___ for more information.

Christine Thompson (D21-__), 438 Bridgewater Street, encouraged the Council to fulfill the resolution it adopted in 2019 to achieve 100% renewable energy. Ms. Thompson also mentioned the need for a Sustainability Director. See **D21-__** for more information.

Meghan Colon (D21-__), 112 Kinloch Drive, encourage the Council to keep the climate at the forefront of all decisions and policies. Ms. Colon said she would like the City to hire a sustainability manager as soon as possible so that the City could help meet the goal of 100% renewable energy. See **D21-__** for more information.

Emily Taylor (D21-__), 437 Hanson Avenue, stated that she was impressed with the City's plans to begin replacing some vehicles in the city's fleet with electric vehicles. She said it was time to make further progress and without a plan it would be hard to meet its commitment. Ms. Taylor asked the City to hire a Sustainability coordinator. See **D21-__** for more information.

Chuck Koch (D21-__), 3108 Normandy Avenue, said developing and energy plan with benchmarks would promote a path to a goal and he said hiring a Sustainability Manager would help with this. He asked the Council to include this position in its budget. See **D21-__** for more information.

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

8A. Resolution 21-11, Approved, In Support of Localities Scheduling Election Dates – Mayor Greenlaw

8B. Council Sustainability Goal – Councilor Devine

8C. Preservation Comments – Councilor Kelly

Resolution 21-11, Approved, In Support of Localities Scheduling

Election Dates – After a brief discussion Councilor Kelly made a motion to approve Resolution 21-11, in support of localities scheduling election dates; motion was seconded by Councilor Withers and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Graham, Kelly, Withers. Nays (0).

Council Sustainability Goal – Councilor Devine addressed what the City was doing to meet its sustainability goals which were adopted in December 2019. She stated that prior to the meeting the City released a press release and in the fourteen months since the adoption of the goals the City has accomplished: the City and School officials met to work on an Request for Proposal (RFP) to analyze and reduce energy consumption in City buildings including schools buildings, City Manager Baroody plans to recommend in the budget the hiring of a Sustainability Manager, the City is looking at hybrid vehicles for the Police Department in Fiscal Year 2022, there are solar energy projects in Riverfront Park, Thurman Brisben and Fred Nats Stadium. She said the City was the second locality in Virginia to adopt a C-Pace program and one of four active C-Pace programs. The City is also partners with the CLEAR Group and Tree Fredericksburg. Councilor Devine assured people that the City was working hard and have not lost any momentum. She was proud of staff for continuing to move in this direction even with COVD.

Preservation Comments – Councilor Kelly addressed the comments from the public speaker Mitzi Brown and he said he get passionate when he talks about preservation and the downtown. He noted that the City has a very proactive Economic Development Authority who has done and continues to do great things. When he spoke to the Council he commented on about events that had occurred since he had been on Council, some before events in question and some after. He was not intending to bash the EDA in anyway. He apologized to the EDA for casting any aspersion upon the EDA.

Adoption of Minutes. Councilor Devine moved approval of the October 13, 2020 Work Session minutes and the January 26, 2021 Public Hearing and Regular Session minutes; motion was seconded by Councilor Withers and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Graham, Kelly, Withers. Nays (0).

Building Codes Appeals Board – Melissa Colombo (D21-__). Councilor Kelly moved to approve the appointment of Melissa Colombo to the Building Codes Appeals Board; 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).

Fredericksburg Arts Commission – Melanie Johnson (D21-__). Councilor Devine moved to approve the appointment of Melanie Johnson to the Fredericksburg Arts Commission; motion was seconded by Vice-Mayor Frye and passed

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

Ordinance 21-01, First Read Approved, Amending the Unified Development Ordinance §72-32.2, Commercial Downtown District, §72-40.2, Use Table, §72-41.2 Institutional Uses, §72-53.1 Off-Street Parking and Loading, and §72-84 Definitions, to Modify the Commercial Downtown (CD) Zoning District Regulations to Permit Additional Project-Based Residential Density, Clarify Rules for Mixed-Use Projects, and Update Permitted Uses (D21-__). Senior Planner Craig presented a PowerPoint presentation and he said the ordinance focused on the T-5 Transect (Commercial Downtown), T4M Transect (Creative Maker Districts) and Transect 4 (Neighborhood/Mixed Use). Mr. Craig presented photos to explain the changes to the ordinance. See D21-__ for more information.

Councilor Graham asked if the Unified Development ordinance amendment aligned with the preservation plan or would it need to be further refined. Historic Resources Planner Schwartz said it absolutely aligned with the Preservation Plan. It does not change the Architectural Review Process, and they still planned to use form to manage the intensity of land use. Councilor Graham asked if there were actual adaptive reuse projects waiting for this UDO amendment to be adopted and whether there were property owners who may lose projects if the Council delayed action. Mr. Craig said

there were projects that could move forward if the ordinance was approved and there were projects and businesses that could be lost if there was a delay.

Councilor Kelly noted that the adaptive reuse had never been an issue and he understands that needed to be done. The issue was the Preservation Plan that was in draft form and was currently being reviewed by the Committee and some of them had concerns with some of the things in the draft and there had been discussions to have the draft reviewed by an outside organization. He said there were many items that were not finalized with new construction. He said he would like to incentivize the type of project that City would like to see in the downtown. Councilor Kelly said he was not looking at the downtown as a money maker, he was looking at the historic character which must be maintained. Councilor Kelly asked the Council to let the Preservation Group finish their work so that the City can be sure to get what it wants in the downtown.

Mayor Greenlaw stated that the Small Area Plans and the work of the planning staff was the best she had seen in Fredericksburg. She noted that this process was coordinated with other processes that were going on. She had concern with the misunderstanding that the ordinance was a threat to the downtown. The downtown is the original mixed use project from the 18th Century. Overtime the ordinances approved prohibited residences above and the adaptive reuse of the downtown buildings. Mayor Greenlaw noted that under the current density caps the downtown character could not be replicated and does need to be changed. Mayor Greenlaw said she supports the changes as did majority of the Council but after discussions she can support the delay of the second read for a few months.

Councilor Devine said overall this was a positive thing for the downtown and it had received a thorough review by the Planning Commission and the Architectural Review Board. She agreed that the Preservation Plan and the UDO changes should complement each other and rather than having to unravel something later she suggested postponing the vote.

Councilor Devine moved to postpone the second read of the ordinance to coincide with the adoption of the Preservation Plan and she asked that the Clerk of Council schedule an additional public hearing on the UDO text amendment to coincide with the City Council public hearing on the Preservation Plan-Comprehensive Plan amendment; motion was seconded by Councilor Kelly and passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Frye, Devine, Duffy, Kelly, Withers. Nays (1). Councilor Graham.

Ordinance 21-02, Second Read Approved, Amending §58-453 of the City Code to Increase the Maximum Fees for Towing a Motor Vehicle from Private Property (D21-__). After staff's presentation Councilor Withers made a motion to approve Ordinance 21-02, on second read, amending §58-453 of the City Code to increase the maximum fees for towing a motor vehicle from private property; motion was seconded by Councilor Graham and passed by the following recorded votes. Ayes (5). Councilors Greenlaw, Devine, Duffy, Graham, Withers. Nays (2). Councilors Frye and Kelly.

Resolution 21-12, Approved, Initiating Amendments to the Unified Development Ordinance to Specify the Size, Number, Place, and Manner of Display of Temporary Signs (D21-__). After staff's presentation Councilor Graham made a motion to approve initiating amendments to the Unified Development Ordinance to specify the size, number, place, and manner of display of temporary signs; 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 21-13, Approved, Receiving the Transmittal of the PERF Report and Establishing a Review Framework (D21-__). City Attorney Dooley and the Diversity, Equity and Economic Advancement Officer Freeman presented a PowerPoint presentation and they discussed the Racial Equity context, the Police Executive Research Forum, Assessments and Recommendations, community participation and input and the proposed review framework. See **D21-__** for more information.

Councilor Kelly stated that no one wanted to ever see the events that happened in the City to ever happen again. He said he would like the public to have something to look at and comment on to judge the actions by. He would like the public to be able to come and speak after the Police Department completed their timeline in April.

Mayor Greenlaw said as was discussed this was a part of the plan to address racial equity and it was going to be an ongoing dialog with the community and the City would meet people where they are. She noted the City had been handicapped by the pandemic

with planning meetings and small groups. Mayor said this was part of the plan that the council adopted to address racial biases in the community. Mr. Baroody reminded the Council that at the two day December meeting the Council prescribed a path to delay conversations on priorities and racial equity until COVID issues were somewhat behind us. The intentions were to gather the Council every couple of years to discuss priorities and racial equity. The plan was to bring this forward in April or May.

Councilor Withers noted that some of the items would affect the budget and he wanted to know if the budget would be padded for some of the recommendations. Mr. Baroody said he has had conversations with Chief Layton about some of the issues and there were no real surprises. He said they would be prepared to tackle some of the issues in the fiscal year.

Mayor Greenlaw thanked everyone who was involved and who were willing to come out and talk. She stated that the City has a police department that is willing to train its officers and make changes. Mayor Greenlaw said this was a tough report but it offers the City an opportunity that everyone was willing to accept.

Councilor Duffy said he look forward to engaging the public and with the report he said the City was trying to be transparent on what happened. He encouraged the public to review the recommendations. He said it was important for the City to think of equity as the bottom line in all that the City does.

Councilor Withers made a motion to approve Resolution 21-13, receiving the transmittal of the PERF Report and establishing a review framework; 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 (D21-__ thru D21-__).

City Manager Baroody directed the Council's attention to the Manager's Update: FXBG Black History Month, Ask the Mayor Video, Freehling Finds Video, FXBG Diverse City, COVID-19 Vaccination Update, 2021 Parks and Recreation Winter Catalog, Fredericksburg Fine Arts Show Returns for its 70th Year this Spring, COVID-19 (Coronavirus), Chatham Bridge Update from VDOT, Upcoming Council Meetings, Winter Program 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 9:51 p.m.

Mary Katherine Greenlaw, Mayor

Tonya B. Lacey, Clerk of Council, MMC