



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

March 9, 2021

The Council of the City of Fredericksburg, Virginia, held a regular session on Tuesday, March 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, City Attorney Kathleen Dooley, Fire Chief Mike Jones, Diversity, Equity and Economic Advancement Officer Angela Freeman, Budget Manager Brenna Erford, Community Planning and Building Services Director Charles Johnston, Senior Planner Michael Craig, Community Development Planner Susanna Finn, Zoning Administrator James Newman, Economic Development Administrator Bill Freehling, Transit Director Jamie Jackson, Finance Director Robyn Shugart, Deputy Clerk of Council Brenda Martin and Clerk of Council Tonya B. Lacey.

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

COVID-19 (Coronavirus) Update (D21-__). Chief Jones reported that the numbers were continuing to trend downward. The numbers have been trending down for a month in the Regional Health District, the State and the City of Fredericksburg.

There was a total of 852 new cases in the health district which was down from 1734. The average cases per day was 75 down from 91. There were 33 patients between the three hospitals in the health district with COVID. There were 40 new deaths and a total of 239 deaths in the health district, since the beginning. The positivity rate in the health district was 6.2 percent down from 11.5 percent two weeks ago. The State positivity rate was 5.8 percent.

Statewide there were 1172 people hospitalized which was down by 500. There were 2500 people released from the hospital over the past two weeks. The number of patients in intensive care units (ICU) and on ventilators was down and there was 76 percent ICU usage but that was for all uses not only COVID. There have been 9790 deaths statewide.

In the City there were two new cases and the seven day moving average was two. There have been 2.37 million doses of the vaccine given and 1.54 million have received their first dose and 850, have received the second dose. A total of 18 percent of the population have received the vaccine. The average of shot given per day is above 50,000.

Three quarters of a million over the age of 60 has received at least one dose. There is a 60/40 split between females and males receiving the vaccine. Cases were slowing in Virginia with 33 out of the 35 health districts in declining trajectory. There is a University of Virginia model that says 88 percent of Virginia's counties are above the case rate in the summer of 2020. There could be a spike in the summer worse than the one in January if people start to relax on safety precautions.

Deputy Clerk of Council Martin reported that staff had been working in the call center of the Rappahannock Area Health District but had since switched its focus to outreach in the community and neighborhoods to help get people registered. Today, staff went to Mill Park Terrace and Madonna House to assist residents. Last week they were onsite at Heritage Park and they spent two days at Walmart. In the coming days, they will visit Forest Village, Central Park Townhomes. They have distributed 1500 flyers on how to sign up for the vaccine through the school's free lunch program, Fred bus was also distributing information and will advertise how to register. There are banners placed throughout the City with information on how to register for the vaccine.

Councilor Devine asked if there was a breakdown on race and ethnicity. Chief Jones said they have them on the State's website and he had a little for the local level but he said the problem with that is half of the number of people vaccinated in the local area says not reported, and he was not sure they were getting an accurate count. Councilor Devine asked if there was more the City could do to get people vaccinated. Chief Jones said he thought what the staff was doing was working but it may take time to show dividends. He said he did not know what else they could do.

Dr. Duffy stated that he was proud of the efforts of the City and grateful for all the staff was doing.

City Manager's Recommended Operating and Capital Budget for Fiscal Year 2022. City Manager Baroody presented the Fiscal Year 2022 budget. The recommended general fund budget for FY 2022 was \$102,418,000. The budget document also included recommendations for a variety of other operating funds, including the City's main enterprise funds: Water Operating, Wastewater Operating, Transit Operating and the Parking fund.

Mr. Baroody stated that the recommended budget anticipates continued impacts of the COVID-19 pandemic and associated public health mitigation measures. Several key revenue sources have proved to be more resilient than others, but caution was still required. The pandemic continues to exert major impacts on local excise taxes such as meals, lodging and admissions taxes. Mr. Baroody said the local sales taxes have proved to be more resilient in the current economy and the City's real estate and personal property taxes had been stronger than anticipated. He said the revenue forecasts reflect the expectation of a partial economic recovery from the most severe impacts of the COVID-19 pandemic, accelerating through the second half of FY 2022.

Mr. Baroody said although the economy was generally stable, the City must continue to invest as they continue the community building priorities and with that in mind he was recommending a 3 cent increase to the real estate tax rate from \$0.80 to \$0.83 per \$100 in valuation, and a new recycling fee of \$3 per billing cycle. These

changes estimate to raise \$1,350,000 and \$125,000 in FY 2022. He explained that these new monies, in addition to organic growth in revenue are required to meet increased community service requirements.

Staff recommends the additional \$3.00 of the utility customers to defray the cost of the R-Board charges as well as the costs to the City to collect the recycling and delivering it to the R-Board.

Mr. Baroody noted that due to the level of capital investment that will be necessary for the potential wastewater treatment plant consolidation it would be necessary for rate increases over the next several years to fund required upgrades to the City's critical water and wastewater infrastructure. The recommendation in water rates was 10 percent and 10 percent in wastewater in FY 2022.

The recommended budget for schools include an operating transfer of 30,049,266. There is a total of \$1,267,000 in new monies to the schools, \$850,000 in operating funds and \$417,000 in capital funds. The School Board initially proposed a City contribution of \$30,437,000, an increase of \$1.2 million over FY 2021 in operating. The budget also recommends an additional \$1 million from the City's unassigned fund balance move to the existing \$1 million in the "Assigned School Capital" line in the budget. Mr. Baroody said the Superintendent has verbally agreed to match that number from the Schools Fund Balance. If approved there will be \$3 million reserved as a down payment to the soon to be identified school capacity plan.

Mr. Baroody explained that there were significant wage pressures and competitive opportunities for strong professionals over the past several years especially

in the public safety sectors. He stated that both Stafford and Spotsylvania counties have outpaced the City in wage growth across the board. This budget attempts to respond to the pressure by offering a general raise for all employees of 3 percent effective the first pay in July. The budget also recommends a class and compensation study.

Mr. Barody spoke about the historic investments already made in public safety and he said this budget would further invest in the valued public safety professionals by funding growth ladders for the Fire and Rescue Department. If this is adopted, the funding will enable a firefighter to advance training and credentials while climbing in rank and compensation. The budget also recommends public safety stipends for health care coverage beyond retirement, until Medicare eligibility.

Various Department and agencies requested 36 new positions, which were driven in part by the City Council Priorities and the recent growth in population and developed areas. After review the City Manager's office recommends a net of five new positions: a full-time Assistant Director of Economic Development and Tourism, maintenance worker for Parks, Recreation and Events, assistant in Registrar's office, one new position in the police department, a new Fire Captain, a new Property Maintenance Manager, Environmental sustainability Manager, Equity Officer.

Mr. Barody stated that this will be the first full year of funding the Diversity/Equity Officer position. He also announced that Mrs. Freeman, who has been the Diversity/Equity officer would be moving back into the private sector and leaving the City later this month. Mr. Barody spoke highly of Mrs. Freeman and her work.

Health insurance premiums are only expected to increase by 1 percent. Social Services continue to accomplish important work but will require additional support moving forward. Partner agencies have received level funding in the proposed budget. (See **D21-__** for more information.)

Update on Racial Equity Plan. Mayor Greenlaw stated that Ms. Freeman would be missed and she spoke of how well she has done and she said she had given the City a great start on racial equity.

Equity and Economic Advancement Officer Freeman presented an update of the Racial Equity Plan Phase 1. She said many of the things the City committed to doing had been completed. The PERF report had been delivered and it was the last piece for the Council to consider. There were several updates please see **D21-__** for more information.

Ms. Freeman suggested the City join GARE she said they could be a tool to provide support to the City and support to the Council as its moves into its spring retreat. She stated that the City needed to look at what its community looked like and the population shows several demographic trends. A highlight included a growth in the immigrant population, increase in mixed race and ethnicity marriages, the elder population has increased, and there is a significant diverse workforce. There is also an increase in multi-generational families in one household. Ms. Freeman said Virginia had a net growth of population of 6.5 percent and the region had a 13.5 percent increase and the City of Fredericksburg had a 20 percent increase and the non-white in the region was 77 percent increase and Fredericksburg was made up 50 percent of that increase. She

said this make GARE a unique tool to help the City step into the last component of the Racial Equity Plan.

Ms. Freeman spoke about GARE and what type of support it provided to local governments and she said all employees would have access to the tools. She said this could really launch the City's efforts. See D21- [REDACTED] for more information.

Councilor Frye thanked Ms. Freeman for her work and he said it would be a loss for the City with her leaving. He also thanked Ms. Victoria Matthews for all her work.

Councilor Graham expressed that Ms. Freeman had done an amazing job taking on the racial equity and he asked more about other localities that were using GARE. Ms. Freeman said there were 230 communities across the nation to include Alexandria, Richmond, Hampton, Virginia Beach and Albemarle who has a great program working with the University.

Mr. Baroody stated that he was planning to join GARE unless there was objection from the council. He said the cost was \$1,000 and he wanted to hand it to his working group that had already been selected.

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

- Resolution 21-17, Second Read, Amending the Fiscal Year 2021 Budget to Appropriate \$155,000 for FREDericksburg Regional Transit for Marketing and Branding Assistance (D21-__).
- Transmittal of an Amendment to the Comprehensive Plan Revising Chapter 8: Historic Preservation (D21-__).
- Transmittal of Board and Commissions Minutes
 - Fredericksburg Arts Commission – October 21, 2020 (D21-__).
 - Fredericksburg Arts Commission – November 18, 2020 (D21-__).
 - Fredericksburg Arts Commission – December 16, 2020 (D21-__).
 - Fredericksburg Arts Commission – January 20, 2021 (D21-__).
 - Pathways Committee – February 2, 2021 (D21-__).
 - Planning Commission – January 13, 2021 (D21-__).
 - Planning Commission – January 27, 2021 (D21-__).
 - Recreation Commission – January 21, 2021 (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.

Jonathan Ross (D21-__), 218 Princess Anne Street, asked the Council not to stop the music in the downtown. He said it was time for the City government to show

support for the vibrancy the citizens are proud of. He noted that the noise ordinance was too subjective to be effectively enforced and he suggested having a decibel limit. See D21-___ for more information.

Brittany Frompovich (D21-___), 111 Ashby Street, stated that she could see how the noise ordinance proposal could threaten businesses especially in light of the changes due to COVID. She spoke of how COVID had sidelined her orchestra for a year. She stated that she was concerned that they would be violating the proposed ordinance in their new practice space because of the make-up of the building. She thought the ordinance wording was too vague and subjectively imposed. See D21-___ for more information.

Samuel MacGregor (D21-___), 1805 William Street, asked the Council not to amend the noise ordinance. He said the current noise ordinance provided ample noise protection for residents and patrons. Mr. McGregor said narrowing the noise guidelines would eliminate a fading art and entertainments outlet but also further diminish the entertainment revenue outlets for local businesses. See D21-___ for more information.

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

8A. CSX Tanker Car Update – Vice-Mayor Frye

CSX Tanker Car Update. Councilor Frye reported that all representatives from the State and Federal governments were either at the meeting or sent a representative to the meeting. He said they reported the number of tanker cars that

have been onsite since Council found out about the problem. He said that Mr. Randy Marcus from CSX had been meeting quarterly with the City Manager and himself and the problem went away but it has recently resurfaced. He said the problem was bigger than Mr. Marcus.

Mr. Marcus noted that Mayor Greenlaw, Vice-Mayor Frye and City Manager Baroody were all forceful advocates for the City. He explained that the Fredericksburg rail yard was a servicing yard for CSX which means a large long haul train stops, drops off a bunch of cars in Fredericksburg, the cars are then picked up by a local train that operates six days a week. The local train delivers those cars to the customer and it picks up cars and brings them back to Fredericksburg and a long haul will pick them up from there. He said this was the delivery process. He said trains are not being stored in the yard they are picked up by the next available train.

Mr. Marcus stated that this situation was different from the ethanol situation that occurred years ago but he understood the community's concerns. He said the increased tank cars was due to a seasonal propane customer and the volumes would decrease with the warm weather. CSX hazmat manager have been working with the Fire Department to let them know what hazmats were moving through the area.

Mr. Marcus said they are working to be good neighbors with the community but they must strike a balance because they are required by Federal law to transport all products for their customers and they work diligently to abide by all laws for safe and efficient handling of all products.

Councilor Graham suggested that maybe CSX could need to come up with some sort of formula to determine how many cars could be sitting on the track for a period of time.

Councilor Devine asked what had changed to make this so noticeable to residents and she also asked how residents would know whether the tanks are full or not. Mr. Marcus said nothing had changed this was a regular customer. He suggested maybe market force had caused the increase. He said the Fire Department could find out if cars were empty but this was not available to the general public for safety reasons.

Motion to Suspend the Rules. Councilor Kelly made a motion to suspend the rules to meet past 11:00 p.m.; motion was seconded by Councilor Devine and passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Devine, Duffy, Graham, Kelly and Withers. Nays (1). Councilor Frye.

Councilor Kelly asked why the spur was not working and Mr. Marcus explained that the spur was for cars that would be left for an extended amount of time and the customer could not accept. He said the first train now takes the car directly to the customer. Councilor Kelly also asked where the next rail yard would be and Mr. Marcus said the next one south would be in Richmond and north Washington DC. He said this customer was their largest customer and that was the reason for its location. He asked would it be worth talking to the customer about changing the location. Mr. Marcus said the long haul trains do not have the capacity to push in and out of industry tracks so that is why there is a need for a local to do that.

Mr. Baroody said the next steps would be a continued daily inspection by the Fire Department and they will continue to track the cars by serial numbers. He has also reached out to the owner of the Milford Terminal Company and he will share a copy of the resolution with them.

Adoption of Minutes. Councilor Devine moved approval of the February 23, 2021 Public Hearing and Regular Session minutes; motion was seconded by Councilor Duffy and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Graham, Kelly and Withers. Nays (0).

Appointment to Memorials Advisory Commission – Councilor Withers made a motion appoint A. Blanton Massey to the Memorial Advisory Commission; motion was seconded by Councilor Devine and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Graham, Kelly and Withers. Nays (0).

Resolution 21-19, Approved, Approval of Financing Terms for the Purchase of Equipment in the Public Works Department with Truist Bank (D21-__). After staff presentation Councilor Devine made a motion to approve Resolution 21-19, approving the financing terms for the purchase of equipment in the Public Works Department with Truist Bank; motion was seconded by Councilor Graham and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Graham, Kelly and Withers. Nays (0).

Resolution 21-20, Approved, Approving a Radio Communications System Use Agreement with Stafford County for FRED Transit (D21-__).

After staff's presentation Councilor Kelly made a motion to approve Resolution 21-20, approving a radio communications system use agreement with Stafford County for FRED Transit; motion was seconded by Councilor Withers and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Graham, Kelly and Withers. Nays (0).

Resolution 21-21, Approved, Adopting an Amendment to the 2015 Comprehensive Plan to Adopt a New Small Area Plan for Planning Area 2 (D21-__). After staff presentation Councilor Graham made a motion to approve Resolution 12-21, adopting an amendment to the 2015 Comprehensive Plan to adopt a new Small Area Plan for Planning Area 2; motion was seconded by Councilor Devine and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Graham, Kelly and Withers. Nays (0).

Ordinance 21-04, First Read Approved, Providing for the Election of City Council Members and School Board Members at the November General Election Date of Odd-Numbered Years (D21-__). City Attorney Dooley presented a PowerPoint presentation and Councilor Graham made a motion to approve Ordinance 21-04, providing for the election of City Council members and School Board members at the November general election date of odd-numbered years; motion was seconded by Councilor Withers and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Graham, Kelly and Withers. Nays (0).

Resolution 21-22, Approved, Recommending the Appointment of Certain Persons by the Circuit Court to the Board of Equalization and Setting the Compensation of Board Members (D21-__).

After staff presentation Councilor Kelly made a motion to approve Resolution 12-22, recommending the appointment of certain persons by the Circuit Court to the Board of Equalization and setting the compensation of board members; motion was seconded by Councilor Withers and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Graham, Kelly and 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: Ask the Mayor Video, CSX Storage Tanker Cars Update, PERF Survey, COVID-19 Vaccination Update, Lafayette Boulevard Delays beginning March 8, French John’s Wharf Wayside Panel Installed, 2021 Parks and Recreation Spring Catalog, FXBG Diverse City, Chatham Bridge Update from VDOT, Upcoming Council Meetings, Dog Easter Egg Hunt, Spring 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 11:45 p.m.

Mary Katherine Greenlaw, Mayor

Tonya B. Lacey, Clerk of Council, MMC