



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

May 11, 2021

The Council of the City of Fredericksburg, Virginia, held a regular session on Tuesday, May 11, 2021, beginning at 3:00 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, Budget Manager Brenna Erford, Police Chief Brian Layton, Senior Planner Michael Craig, Economic Development Director Bill Freehling 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 Councilor Jason N. Graham.

Consent Agenda Accepted for Transmittal as Recommended (D21-__ thru D21-__). Councilor Kelly moved approval of the City Manager’s consent agenda with the exception of Item 5A; 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).

- Resolution 21-38, Approving the 2021-20022 Community Development Block Grant Annual Action Plan (D21-__).
- Transmittal of Board and Commissions Minutes
 - Planning Commission – March 24, 2021 (D21-__).
 - Planning Commission – April 14, 2021 (D21-__).

Ordinance 21-14, Second Read, Amending the Noise Regulations in the Downtown Business District, Applying a “Plainly Audible” at 200 Feet Standard for Daytime Hours and at a 100 Foot Distance at Midnight Every Night (D21-__). Councilor Kelly requested that the Police Chief report back in six months on how the new ordinance was working. Councilor Kelly made a motion to approve Ordinance 21-14, on second read, amending the noise regulations in the downtown business district, applying a “plainly audible” at 200 feet standard for daytime hours and at a 100-foot distance at midnight every night; 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).

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

Clinton & Dianne VanZandt, 705 Hanover Street, expressed his concerns with the City's financial matters. He spoke of the many high cost projects that the City needed as well as the new school that was being considered. Mr. VanZandt noted that tax increase would affect everyone even the renters because the property owners would likely pass the cost onto its renters. He stated that he would like to know how the Council plans to prioritize and pay for these projects as well as what people would be needed to carry the projects out, and how any future bond issue or new form of debt would financially impact residents and property owners over the next decade. **See D21-__**, for more information.

Bryan Stelmok (D21-__), 1117 Wright Court, stated that the push to build a new school with no plan in place for sharing information from the School Taskforce leads to an air of desperation and panic. Mr. Stelmok had several questions such as what type of school was going to be built; would it be a single stream school; with the Upper Elementary and the high school be added on to and would Hugh Mercer get smaller. He said there were many questions that needed to be answered before the Council committed to building a new school. **See D21-__**, for more information.

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

8A. Resolution Supporting the Construction of a New School – Councilor Graham

Resolution Supporting the Construction of a New School – Councilor Graham presented a resolution to lay out the role of the City Council and the role of the School Board and what the next steps would look like. He explained that the City Council was the bank for the schools and the School Board was responsible for the programing and determining the grade levels. He stated that the Council would need to have those decisions made in order to move forward.

Councilor Graham made a motion to approve the resolution supporting the construction of the new school with amendments under the timeline in the memo to strike the first sentence to read “This is a major capital project that will be part of our community for many decades, and the resolution acknowledges that the time to procure, design, and construct this project may require *time* to complete. The resolution requests that the School Board work to provide the preliminary programming work by December of 2021 so that the City would have it available for the FY 2023 budget process.”; motion was seconded by Councilor Devine.

Mr. Whitley stated that he thought this item was on for transmittal and discussion and it would come back with the Capital Improvements Plan.

Councilor Duffy disclosed that he was the principal for James Monroe High School and he could participate in the transaction fairly, objectively, and in the public interest.

Councilor Frye disclosed that his wife is employed by the Fredericksburg Public Schools and he could participate in the transaction fairly, objectively, and in the public interest.

Councilor Devine clarified that she was not an employee of the City Schools because of previous comments made by the public that she needed to make a disclosure. She noted that this resolution would move the process forward. She said this was a lengthy process and required community input as well as money. She was happy to support.

Councilor Kelly said he was hesitant to put timelines on anything because there was a lot of outstanding information. He would like to hold off on voting on this resolution due this being a meeting in the middle of the day. He would like to present it as part of the Capital Improvements budget.

Councilor Kelly offered a substitute motion to take up this matter at the May 25 meeting along with the Capital budget; motion was seconded by Councilor Withers.

Mayor Greenlaw said the Council would do what it could to support the School Board in the efforts and she said the resolution laid out exactly what the City needed in order to move forward.

Councilor Wither said the City was committed to the schools but it needed to figure out how to fit it in the CIP and there would be some items in the CIP budget that would not get done. He said it would be difficult to support any timeline at the moment.

Vice-Mayor Frye said these were not easy decisions to make. The goal was to provide all that the City needed.

Councilor Devine said this would jumpstart the schools to get things ready on their end so that the Council could do what it needed to do on their end.

The substitute motion passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Frye, Duffy, Graham, Kelly and Withers. Nays (1). Councilor Devine.

Council voted to bring the resolution back on the March 25 meeting and it passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Graham, Kelly and Withers. Nays (0).

Adoption of Minutes. Councilor Withers moved approval of the April 27, 2021 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 and Withers. Nays (0).

Ordinance 21-11, Second Read Approved, Amending Water and Sewer Fees Rates and Charges (D21-__). Councilor Kelly made a motion to approve Ordinance 21-11 on second read, amending water and sewer fees rates and charges; 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).

Ordinance 21-12, Second Read Approved, Adopting a Recycling Fee for the City of Fredericksburg (D21-__). Councilor Devine made a motion to approve Ordinance 21-12, on second read, adopting a recycling fee for the City of Fredericksburg; motion was seconded by Councilor Kelly and passed by the following

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

Ordinance 21-13, Second Read Approved, Adopting Several Planning Fees to Support an Archaeological Program for the City of Fredericksburg

(D21-__). Councilor Kelly made a motion to approve Ordinance 21-13 on second read, adopting several planning fees to support an Archaeological Program for the City of Fredericksburg; 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 21-35, First Read Approved, Appropriating Funds for Fiscal Year 2022 Beginning July 1, 2021 through June 30, 2022 (D21-__).

Councilor Withers made a motion postponing the second reading of Resolution 21-35 until May 25; motion was seconded by Councilor Kelly.

Councilor Kelly suggested holding off on voting on the budget until it was explained to the public what they should expect in the next four to five years.

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

Resolution 21-38.1, First Read, Appropriating Funds for the Fredericksburg City Public Schools for Fiscal Year 2022 (D21-__). Councilor

Graham made a motion to approve Resolution 21-38.1 appropriating funds for the Fredericksburg City Public Schools for Fiscal Year 2022; 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 21-38.1, Second Read, Appropriating Funds for the Fredericksburg City Public Schools for Fiscal Year 2022 (D21-__). Councilor Graham made a motion to approve Resolution 21-38.1, on second read, appropriating funds for the Fredericksburg City Public Schools for Fiscal Year 2022; 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 21-10, First Read Approved, Setting the Real Estate Tax Rate at \$0.83 per Every \$100 of Assessed Value of Real Estate for Fiscal Year 2022 (D21-__). With no objection from the Council, Mayor Greenlaw delayed action on Ordinance 21-10 due to the delay of action on the final budget vote.

Resolution 21-39, Approved, Authorizing the City Manager to Execute a Contract for the Purchase of 3.88 Acres of Land Adjacent to the City Shop (D21-__). After staff presentation Councilor Withers made a motion to approve Resolution 21-39, authorizing the City Manager to execute a contract for the purchase of 3.88 acres of land adjacent to the City Shop; 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 21-40, First Read Approved, Amending the Fiscal Year 2021 Budget to Appropriate \$520,000 in the General Fund to Purchase Land Adjacent to the City Shop (D21-__).

After staff presentation Councilor Withers made a motion to approve Resolution 21-40, on first read, amending the Fiscal Year 2021 Budget to appropriate \$520,000 in the general fund to purchase land adjacent to the City Shop; 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 21-40, Second Read Approved, Amending the Fiscal Year 2021 Budget to Appropriate \$520,000 in the General Fund to Purchase Land Adjacent to the City Shop (D21-__).

Councilor Graham made a motion to approve Resolution 21-40, on second read, amending the Fiscal Year 2021 Budget to appropriate \$520,000 in the general fund to purchase land adjacent to the City Shop; 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: Annual Gun Giveback, 60th Commemoration of the Freedom Rides, New Location for "Picnic in the Park", Recommended Budget Fiscal Year 2021-2022, Wall of Honor, Board and Commission Openings, Kids to Park Day, Farmer's Market Opening, Fredericksburg Clean and Green Commission, COVID-19 Vaccination Update, FXBG Diverse City, Upcoming

Council Meetings, United Way Benefit Golf Tournament, Spring/Summer 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 4:07 p.m.

Mary Katherine Greenlaw, Mayor

Tonya B. Lacey, Clerk of Council, MMC