



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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**August 10, 2021**

**The Council** of the City of Fredericksburg, Virginia, held a regular session on Tuesday, August 10, 2021, beginning at 7:30 p.m. in the Council Chambers of City Hall.

**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, Zoning Administrator James Newman, Fire Chief Mike Jones, Police Chief Brian Layton, Assistant Public Works Director Ray Regan 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 Councilor Jason N. Graham.

**Officer Recognized.** Mayor Greenlaw recognized the presence of Officer David Hibbitts, at this evening's meeting.

**Marcus Alert Legislation (D21-\_\_)**. Executive Director of Rappahannock Community Services Board Jane Yaun explained where legislation was with the Marcus Alert. Marcus Alert was passed in the General Assembly in 2020 and it would require every locality to have a set of protocols, procedures and response teams developed to respond to behavioral health crisis in a less criminalized way. All RACSB must implement a State Plan by July 1, 2022. Chief Layton reached out to RACSB asking what could be done to get this started while working as a region on the State Plan.

Ms. Yaun said the expected outcomes would be a diversion to the behavioral health system instead of the criminal system, decreased police involvement and include safety and better outcome. The State is working on a plan and Kerry Norris, RACSB Emergency Services Coordinator was selected to work on that working group.

Ms. Norris explained that in 2018 Marcus David Peters was fatally shot and killed in Richmond while experiencing a behavioral health crisis. This created an outcry and the community saw the need to address behavioral health crisis.

Ms. Norris presented a PowerPoint presentation discussing the Background of the Marcus Alert, Fredericksburg Co-Response Pilot Program and Benefits to Pilot Co-Response Program. See Doc 21-\_\_ for more information.

Councilor Duffy said this was a wonderful project and he said it speaks to the leadership at the Community Service Board as well as at the Police Department. He spoke of how this would serve the community well. He asked if this would be a regional effort.

Ms. Yaun explained that the state would allow this to be done as a regional effort or all five localities could do their own thing but they were pushing for a regional effort. She said they had a regional meeting recently and they have another meeting scheduled soon and the next step would be to include community input.

Councilor Graham asked about the coverage and Ms. Norris said to start Chief Layton had been full speed ahead and preparing to train multiple people to ensure coverage and the RACSB is starting by hiring one emergency services therapist who would be available 40 hours a week. She said they also plan to train others clinicians for backup. Ms. Yaun said there would also be a small amount of resources coming from the State to help pay for this position and she said they would plan to put in budget requests to help with the costs.

Councilor Graham asked Chief Layton what regional cooperation had he seen to date and Chief Layton said he has talked to the regional Sheriffs and they were all in, but the City decided to create this first response team. He said they would be starting small and what they learn will be passed throughout the region.

Councilor Devine spoke of how thrilled she was with this partnership and she looked forward to hearing how it all works.

Vice-Mayor Frye said it was good to hear about the collaboration between the Police and RACSB. He asked how the public would know the difference between the Police and the clinician. Ms. Norris said they had talked about the officer and the clinician wearing similar outfits such as polo and khakis. They are planning to have the clinician and the officers train together so that each will know how the other operates.

They will have a campaign for 988 (special call number for those in crisis) to educate the public.

Mayor Greenlaw spoke how extraordinary this effort was for RACSB and the Police Department for taking this on as a pilot program.

**COVID-19 Update.** Chief Jones. Gave an update on the COVID cases he said there were three new cases in the City. The seven day moving average in the City was at four. The Health District's seven-day rolling average was 10.4 percent positivity. In eleven days the average went from 6.7 percent to 10.4 percent and from eleven people in the hospital to 35 in the hospital. On Average, there are 77 new cases per day in the Health District. The total number of new cases rose to 846. In the State, a couple weeks earlier there were 200 people are in the hospital and currently there are 879 and the number in Intensive Care has doubled. He reported that 25 out of the 35 Health Districts were in surge.

Chief Jones said the Delta variant was the dominant strand in Virginia and it causes more health issues and the best way to control it is to put vaccines in arms. There were 9.58 million doses issued statewide, 5.25 million have received the first dose and 4.67 million have received their second dose or are fully vaccinated. The number of those vaccinated in Fredericksburg between 18 and above is 13,567, or 56.1 percent of the 18 and above population. The number of cases not fully vaccinated and getting COVID is 98.55 percent. Chief Jones noted that people should go back to wearing mask, social distancing and washing hands to help control the spread.

Councilor Graham expressed his concern for those not getting the vaccine. He spoke about how many vaccines would need to be given in order to catch up to the average but he said average would not work because this virus was a war. He implored everyone to do something to help and he offered his phone number for people to call if they did not know what to do.

**Consent Agenda Accepted for Transmittal as Recommended (D21-\_\_ thru D21-\_\_).** Councilor Kelly moved approval of the City Manager's consent agenda; motion was seconded by Councilor Graham.

Council Duffy disclosed that he was the Principal at James Monroe High School but he could participate fairly, objectively and in the public interest.

Councilor Frye disclosed that his spouse was an employee of the Fredericksburg Public Schools but he could participate fairly, objectively and in the public interest.

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

- Resolution 21-55, Second Read, Amending the Fiscal Year 2022 Budget to Appropriate Funds for Safety Improvements to Plank Road Near Altoona Drive (D21-\_\_).
- Resolution 21-56, Second Read, Amending the Fiscal Year 2021 School Budget to Appropriate Additional School Grants (D21-\_\_).
- Resolution 21-67, Authorizing the City Manager to Execute a Service and Maintenance Agreement for Public Safety Radios (D21-\_\_).

- Transmitting a Report on Redistricting (D21-\_\_).
- Transmittal of Board and Commissions Minutes (D21-\_\_).
  - Board of Social Services – June 3, 2021 (D21-\_\_).
  - Clean & Green Commission – June 7, 2021 (D21-\_\_).
  - Economic Development Authority – June 14, 2021 (D21-\_\_).
- Transmitting the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding (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.** There were no comments given or submitted to be read during the citizen comment portion of this evening’s meeting.

**Council Agenda Presented.** There were no items presented to Council for discussion.

**Adoption of Minutes.** Councilor Duffy moved approval of the February 9, February 23, March 9, March 23, April 6, April 13 and April 20, 2021 Work Sessions and the July 13, 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 and Withers. Nays (0).

**Transportation Advisory Committee – Laura Shepperson (D20-\_\_).**  
Councilor Kelly made a motion to appoint Laura Shepperson to the Transportation

Advisory Committee; 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).

**Healthy Generations Board (RAAA) (D21-\_\_)**. After the recorded vote was taken, Julie Ellis was appointed to serve on the Healthy Generations Board with a vote resulting between applicants Julie Ellis, Carol Walker and Donna Stanton. Ellis (6). Greenlaw, Frye, Devine, Duffy, Kelly, Withers. Walker (1) Graham. Stanton (0).

**Parking Advisory Committee (D21-\_\_)**. Councilor Duffy made a motion to appoint Mary Beth Black to the Parking Advisory Committee; 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).

**Update on Sidewalk Cafes and Policies (D21-\_\_)**. Zoning Administrator Newman presented a PowerPoint presentation and he discussed the Definition of Sidewalk Café, Overview, Approval and Renewal Criteria, Picture of dining area at Mellow Mushroom – 609 William Street, Staff Walk Route July 21, 2021, Staff Walking Tour, and Conclusion. Mr. Newman said the disAbilities Resource Center (DRC) staff walked with staff and they also submitted an ADA Inspection report.

Councilor Kelly thanked staff for the work and follow-up but he expressed a concern that he noticed two restaurants were in violation since the follow up and he asked staff to do random inspections along with DRC and he would like to see them more than twice a year.

**Police Executive Research Forum (PERF) Final Report (D21-\_\_).** Chief Layton reported that it had been 15 months since the civil unrest in the City and he said there had been great progress since then. The Council has adopted a racial equity plan, hired Police Executive Research Forum (PERF) to review the Police Department's response to the civil unrest and a comprehensive review of the Police Department. The Police Department completed an internal after action review and identified several areas for positive change. The self-initiated positive change included several things: reviewing and revising their resistance directive which included expanded de-escalation expectations and adding a duty to intervene, reviewing and revising the tactical field course guide, advance planning and preparations for incidents of unrest, communication and engagement with the community demonstrators and organizers during events of unrest, training and coordination with mutual aid partners and expansion of the Citizen Advisory Panel (CAP) from six to nine members.

Chief Layton noted that the community should take pride in knowing they have a professional and progressive Police Department. He said they are willing to evaluate their actions and adopt best practices. They are committed to doing the right thing for their community. The Department had endorsed and mandated de-escalation training before the PERF report and prior to the General Assembly mandates. They also mandated that de-escalation be utilized where safe to do so. In August of 2020, the department added a duty to intervene clause to its response resistance directive. This was done proactively ten months prior to the requirements of the General Assembly.

Chief Layton reported that in July 2020 City Council had engaged PERF to conduct an independent review of the Police Department's response to mass demonstrations and the department cooperated fully with the review and provided all the information needed to conduct the review. PERF provided a report in July and it included 66 recommendations for improvements. The recommendations were divided into six topics with overlapping topics placed in three categories. He said he also met with the regions chief and sheriffs requesting members of their agencies assist in reviewing the PERF recommendation on three separate committees to include members of the CAP and a University of Mary Washington professor. The Committees made recommendations to the Chief and he incorporated them into the Departments directives.

Chief Layton said the Department was complete with the review of the 66 recommendations there were a two that the Chief said required further work and review on his part. The first was working with the mutual aid partners on understanding how mutual aid responses would be conducted and the second was the creation of a Critical Incident Review Board. Chief Layton said he fully intends to implement this board but needed more time to review sample policies and best practices. He said he knows the City Police department is better equipped to support the community's first amendment rights and ensure the safety of the residents, business owners, employees and visitors. Chief Layton expressed how proud he was of the first responders.

Councilor Duffy stated how remarkable it was that the department put themselves in to their work and he was grateful for the chief's leadership.

Councilor Kelly stated that as the City moved forward he hoped the department could reach out to the community and say what happened and report on what the department had done. He said he knows the community would be supportive. He also noted that he had never see the staff work unprofessionally.

Vice-Mayor Frye noted that a lot happened to the officers that was not mentioned and there was a lot the officers do to make the community better but people do not recognize that work they only want to scrutinize.

Councilor Devine thanked Chief Layton for his report and how the department embraced change. She said the department was constantly striving to do better and have community involvement.

Councilor Graham asked the chief how the morale was in the department given all they had been through and Chief Layton said the morale was good but he noted that the entire nation went through this rough spot. He also reported that they were only a few officers down and he said they were currently looking for officers but they would not lower their standards and he was hopeful they would be fully staffed by the end of the year.

Councilor Withers thanked the whole force for their work and he said the City had a great community police department.

Mayor Greenlaw noted that this was a remarkable body of work but even more remarkable was that it arrived from great stress and strain on the department. She said the department approached self-examination and she asked that the Chief to let the

Captains and everyone on the force know how well they are respected and the high level of professionalism they exhibit.

**Resolution 21-68, First Read Approved, Amending the Fiscal Year 2022 Budget to Appropriate City and Grant Funds for Bankside Trail (D21-\_\_).** After staff presentation Councilor Graham made a motion to approve Resolution 21-68, on first read, amending the Fiscal Year 2022 budget to appropriate City and Grant Funds for Bankside Trail; 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).

**Update on Energy Performance Contract Process (D21-\_\_).** Assistant City Manager Whitley reported on the current process of the City and the Fredericksburg City Public Schools to engage in an energy performance contract to upgrade the energy efficiency of City and School buildings.

The City and the Fredericksburg City Public Schools issued a joint request for proposal for an energy services project. The Commonwealth of Virginia's Department of Mines, Minerals, and Energy had a process outlined that local governments and school divisions may follow. The first step would be to issue an RFP for a small number of select facilities, called a "back-of-the-envelope" evaluation, which is then included in a proposal for the City and the Schools to evaluate. The City and Schools received proposals from four highly qualified firms, and they selected ABM Building Services, LLC, as the contractor.

The next step would be to finalize an agreement with ABM and move forward with what is called an investment-grade audit and this allows, the City and the Schools to add facilities to the evaluation process and there is a cost of approximately \$50,000. The City is considering the following facilities: the Police Department, the Library, the Bass Ellison building, the City Shop, City Hall, the Wastewater Treatment Plant, and the Dixon Maintenance building and parks lighting.

When this process is completed they will have the vendor come and present the capital projects and their energy savings to Council.

**City Manager's Report and Council Calendar (D21-\_\_ thru D21-\_\_).**

City Manager Baroody directed the Council's attention to the Manager's Update: Community Meeting, 100 Block of William Street Stormwater Pipe Replacement Begins, Traffic Safety Initiative, Wind Down Wednesday Live Concert Series, Stuff the Bus Campaign a Big Success, COVID-19 Vaccines Update, Weekend Downtown Shuttle, CARES Utility Relief Funds for Water and Wastewater Service Billed by the City of Fredericksburg, Fall Catalog Released, Board and Commission Openings, The Fredericksburg Farmer's Market, Fred Focus and Building and Property Maintenance Stats.

**Adjournment.** There being no further business to come before the Council at this time, Mayor Greenlaw declared the meeting officially adjourned at 9:33 p.m.

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Mary Katherine Greenlaw, Mayor

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Tonya B. Lacey, Clerk of Council, MMC