



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 24, 2021**

**The Council** of the City of Fredericksburg, Virginia, held a regular session on Tuesday, August 24, 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. (phone-in), 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, Senior Planner Michael Craig, Zoning Administrator James Newman, Fire Chief Mike Jones, Assistant Director for Tourism MC Morris, Public Works Director Diane Beyer, Transit Director Jamie Jackson, 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 Councilor Matthew J. Kelly, followed by the Pledge of Allegiance led by Councilor Jason N. Graham.

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

**Chiari Malformation Awareness Month (D21-\_\_).** Mayor Greenlaw presented a proclamation to Ms. Stephanie Walker as she recognized and encouraged everyone to participate in the annual Conquer Chiari Walk Across America on September 18<sup>th</sup> and she proclaimed September, 2021 as Chiari Malformation Awareness Month.

**September 11 Day of Remembrance Proclamation (D21-\_\_).** Mayor Greenlaw read a proclamation into record recognizing September 11 as a Day of Remembrance. She asked that everyone remember all the victims of September 11, 2001, and their loved ones through prayer, memorial services, ringing of bells, and visiting memorials and acknowledge the dedication of our first responders on this solemn September 11 Day of Remembrance.

**COVID-19 Update.** Chief Jones. Gave an update on the COVID cases he said the Federal Drug Administration had fully approved the Pfizer vaccine for ages 16 and older. All the vaccine makers were gearing up for booster shots which will begin in October.

In the last two months, the Health District went from 1.7 percent positivity to 10 percent positivity. COVID cases admitted to the hospital went from 4 to over 50 and intensive care cases are at 30. The seven-day average cases in Fredericksburg was 7 per day and deaths were way down.

The states positivity level was at 9.5 percent. There have been 9.8 million doses of the vaccine administered, 5.38 million have received their first dose and 4.76 million have received both doses. The number of daily vaccinations were up and 63.1 percent of the Virginia population has received at least one dose. 11.9 million over the age of 55 had

received at least one dose. Fredericksburg was just under 14,000 people who had received one dose or 57-58 percent of the population.

Chief Jones said the vaccines do make a difference and he asked the public to keep wearing mask and practice washing of hands and social distancing.

Councilor Duffy reported that schools were working to provide vaccinations at James Monroe and Walker Grant Schools.

**Introduction of New Assistant Director of Tourism.** City Manager Baroody introduced the new Assistant Director of Economic and Tourism, MC Morris. He said there were three dozen or so applicants and Ms. Morris quickly rose to the top. Ms. Morris was a University of Mary Washington graduate, she had a background in real estate, she spent a decade or so in Stafford County helping with their tourism and marketing operations. Ms. Morris also had a background in public information and she worked for the Sheriff's Department and most recently she worked for the R-Board. Her main focus will be the Visitor Center among other priorities.

Ms. Morris said she was looking forward to working with the Council and developing a tourism program that exceeds what is given to date. She thanked the City for the opportunity.

**Consent Agenda Accepted for Transmittal as Recommended (D21-\_\_ thru D21-\_\_).** Councilor Withers pulled item 5C Transmittal of an Update on the Disposable Plastic Bag Tax.

Councilor Kelly moved approval of the City Manager's consent agenda minus item 5C; 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 21-68, Second Read, Amending the Fiscal Year 2022 Budget to Appropriate City and Grant Funds for Bankside Trail (D21-\_\_).
- Resolution 21-69, First Read, Amending the Fiscal Year 2022 Budget to Appropriate Grant Funds for Flashing Yellow Arrow Traffic Signals (D21-\_\_).
- Transmittal of Board and Commissions Minutes
  - Architectural Review Board – June 14, 2021 (D21-\_\_).
  - Architectural Review Board – June 28, 2021 (D21-\_\_).
  - Architectural Review Board – July 12, 2021 (D21-\_\_).
  - Economic Development Authority – July 12, 2021 (D21-\_\_).

**Transmittal of an Update on the Disposable Plastic Bag Tax (D21-\_\_).**

Councilor Withers wanted the public to understand that this tax would only be for grocery, convenience and drug stores but excluded prescriptions. He said this would be publically heard and first and second read at the next meeting and go into effect after that. He was not sure this could be ready so quickly. He noted that the draft the Council received was not complete and there were provisions needing clarification by the State and he wanted to know when that information would be available.

Assistant City Attorney Martin explained that the State Department of Taxation planned to issue guidelines for the implementation of this tax. The guidelines were in

draft form and she contacted the department and they were under review internally and once that process was complete they would submit for publication and public comment. The public comment period would be 30 days and after that was complete they would write the final version. This will be approximately a 60-day process and final guidelines should be in November or December. Councilor Withers said this would be voted on prior to the State guidelines being approved and Ms. Martin said that was correct, and she explained that if the Council approved the ordinance before the State guidelines were approved the ordinance would have to be amended. Councilor Withers noted that staff was doing what the Council asked but he was concerned with passing this ordinance without final State guidelines.

Councilor Withers asked if the City had a plan on how this tax would be broken up and he asked if the staff had spoken with merchants about it. Mr. Baroody said he would be happy to spend more time on this and to speak with merchants. Mr. Withers said he was in favor, but he wanted to know all the details before he could firmly vote on it.

Councilor Kelly said he was a firm believer that the businesses that will be directly affected should have an opportunity to have a say. He said many of those businesses that would be affected already have ideas.

Councilor Devine said she agrees that the players should be involved and that's why she wanted all the pieces in place so it could be ready for January 1. She was hopeful that with these conversations that people would embrace the change. Councilor Devine said it was important to take this first step because it affects the watershed.

Councilor Withers made a motion to move this item forward: 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).

**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 given or submitted to be read during the citizen comment portion of this evening's meeting.

**Amber Peebles**, 400 Hanover Street, stated that council would be voting to appropriate funds for the curator position. She noted that the Memorandum of Understanding Section I(A)1 stated that the job description referenced was not attached to the packet and she was concerned that the Council does not have all the information nor does the public.

**Frank Robinson (D21-\_\_)**, 206 Braehead Drive, Applauded the support of the Council for considering a tax on plastic bags. He said the elimination of plastic bags was needed to protect the river. He was hopeful that Stafford and Spotsylvania would join in the efforts. Please see D21-\_\_ for more information.

**Julie Kay (D21-\_\_)**, 1616 Franklin Street, thanked the Council for all of their work to make Fredericksburg a Green City and she encouraged them to become leaders in fighting climate change in the George Washington Regional Commission (GWRC) area, and she suggested ways to reduce the use of cars in our area. Ms. Kay said it was

disheartening to read about plans to add another off-ramp from I-95 and a development between Cowan Drive and Route 3. She said there needed to be an increase in the use of the FRED buses and bikes should be given priority in the streets. See D21-\_\_ for more information.

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

8A. Correction to the Citizen Transportation Advisory Committee – Mayor Greenlaw

8B. Vaccinations – Councilor Graham

**Correction to the Citizen Transportation Advisory Committee (D21-\_\_)** – Mayor Greenlaw asked Clerk Lacey to explain. Clerk Lacey explained that the applicant that was appointed at the August 10 meeting, Laura Shepperson needed to be corrected. The applicant's name should have been Patricia Encarnacion. Ms. Encarnacion explained that she used autofill on her phone when completing the application and it auto filled her deceased mother's information.

Councilor Kelly made a motion to appoint Ms. Encarnacion to the Citizen Transportation Advisory Committee; 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).

**Vaccinations.** Councilor Graham informed the public how they could find a vaccine location (vaccine.gov). He said he understood why many were hesitant to get the

vaccine because there is a lot of misinformation. He said the common misconceptions are you have to have insurance or pay for your vaccine – vaccinations are free and no insurance is needed; vaccines are not safe – there is data on millions of vaccinations and if there are issues they would be known and the vaccine is not as new as most think; vaccine causes infertility – no vaccine can cause infertility; do not know how long post infection will protect you; you can still get COVID after vaccination – if you are vaccinated it is less likely to have a severe breakout and less likely to pass it along to others.

**Adoption of Minutes.** Councilor Devine moved approval of the March 30, 2021 Work Sessions and the August 10, 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 21-22, Second Read, Amending the Unified Development Ordinance to Permit Additional Height by Special Use Permit for Outdoor Recreation Structures in the Planned Development-Commercial (PD-C) District (D21-\_\_).** After staff presentation Councilor Graham made a motion to approve Ordinance 21-22, on second read, amending the Unified Development Ordinance to permit additional height by Special Use Permit for outdoor recreation structures in the Planned Development-Commercial (PD-C) District; motion was seconded by Councilor Duffy.

Councilor Kelly said he was voting for this with the understanding that any structure of this height that was in violation of the Memorandum of Understanding that is attached to that land would be denied.

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

**Resolution 21-70, Approving the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding (MOU) (D21-**

**\_\_)**. City Attorney Dooley explained that the Attorney General had approved and signed the MOU as well as the other litigating localities in the Commonwealth of Virginia. This litigation began in 2019, when the Council declared the opioid epidemic public nuisance and authorized the filing of civil litigation against pharmaceutical manufacturers, distributors and benefits managers. Fredericksburg was one of many localities in Virginia and across the nation who filed suit to recover the cost of opioid addiction abatement and treatment as a result of the suit the pharmaceutical companies have begun to settle claims and the negotiation discussion. There will be multiple steps to come before the Council in the future.

Ms. Dooley explained that one of the key features of the MOU is that it documents the office of the Attorney General's agreement to allocate 30% of gross opioid litigation recoveries directly to participating localities (15% totally unrestricted and 15% for approved opioid abatement uses) and 15% of gross opioid litigation recoveries directly to the Commonwealth. The MOU stipulates that the remaining 55% of gross

opioid litigation recoveries flow through the Opioid Abatement Authority and funds that were established via legislation enacted into law earlier this year. That fund is earmarked 50% for localities exclusively and another 35% for which localities, along with state agencies, are fully eligible.

Councilor Duffy moved approval of Resolution 21-70, approving the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding; motion was seconded by Councilor Withers.

Councilor Kelly asked where the funds would be dispersed and Mr. Baroody said they did not have a formal plan yet.

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

**Resolution 21-71, Authorizing the City Manager to Award a Contract for the Renovation of the Executive Plaza Building at 601 Caroline Street (D21-\_\_).** After staff presentation Councilor Kelly reminded the Council that he did not support renovations of this building and he would maintain that position.

Councilor Devine made a motion to approve Resolution 21-71, authorizing the City Manager to award a contract for the renovation of the Executive Plaza Building at 601 Caroline Street; motion was seconded by Councilor Withers and passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Frye, Devine, Duffy, Graham and Withers. Nays (1). Councilor Kelly.

**Resolution 21-72, First Read, Amending the Fiscal Year 2022 Budget to Carry Forward and Appropriate Funding to Renovate the Interior of the Executive Plaza Building at 601 Caroline Street (D21-\_\_).** Councilor Devine made a motion to approve Resolution 21-72, on first read, amending the Fiscal Year 2022 budget to carry forward and appropriate funding to renovate the interior of the Executive Plaza Building at 601 Caroline Street; motion was seconded by Councilor Withers and passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Frye, Devine, Duffy, Graham and Withers. Nays (1). Councilor Kelly.

**Suspend the Rules.** In order to second read Resolution 21-72 Councilor Devine made a motion to suspend the rule; motion was seconded by Councilor Withers and passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Frye, Devine, Duffy, Graham and Withers. Nays (1). Councilor Kelly.

**Resolution 21-72, Second Read, Amending the Fiscal Year 2022 Budget to Carry Forward and Appropriate Funding to Renovate the Interior of the Executive Plaza Building at 601 Caroline Street (D21-\_\_).** Councilor Devine made a motion to approve Resolution 21-72, on second read, amending the Fiscal Year 2022 budget to carry forward and appropriate funding to renovate the interior of the Executive Plaza Building at 601 Caroline Street; motion was seconded by Councilor Withers and passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Frye, Devine, Duffy, Graham and Withers. Nays (1). Councilor Kelly.

**Resolution 21-73, Amending the Fiscal Year 2022 Budget to Appropriate Funds for a Fredericksburg Area Museum Curator Position**

**(D21-\_\_)**. After staff presentation City Manager Baroody addressed public comments about documents missing in the packet. He noted that Council took action on July 13 authorizing the City Manager to execute a Memorandum of Understanding with Fredericksburg Area Museum for sponsorship of a new curator position and the job description was included in that packet.

Councilor Graham moved approval of Resolution 21-73, amending the Fiscal Year 2022 budget to appropriate funds for a Fredericksburg Area Museum curator position; 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 21-74, Adopting Council Priorities for 2021-2023 (D21-\_\_)**

**(D21-\_\_)**. After staff presentation Councilor Graham moved approval of Resolution 21-74, adopting Council Priorities for 2021-2023; 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).

**Transmittal of Real Estate Tax Relief Program Changes (D21-\_\_)**. Mr.

Whitley explained that the City Council asked to consider adjusting the maximum relief granted under the tax relief program, which currently provides \$142,498 in relief to qualifying taxpayers. There are 78 participants in the program that qualify for 100% relief, 15 that qualify for 80% relief and 13 that qualify for 60% relief. The total taxes

owed the City for the properties represented by those currently in the program is \$189,549. The maximum allowable relief granted to any property is currently set at \$1500 and the total combined net worth must not exceed \$300,000.

Staff presented Council with three possible options \$2,000 would allow 55 with total relief, \$2,500 this would allow 67 with total relief, and \$3,000 this will provide 75 with total relief.

Mr. Whitley noted that the Commissioner did not want any changes mid-year and she did not make any recommendation.

Councilor Withers said when he spoke with the Commissioner she thought going from \$1,500 to \$2,000 was sufficient and he thought this was a significant amount.

Councilor Kelly spoke about the possible tax increases that would be coming in the future and he said with those increases the City must look at giving the max or it would push people out of the City because they would not be able to afford to live here.

Councilor Devine noted that she does worry about gentrifying the City but this relief allows people to stay in their homes. She said because of rising cost the \$3000 could be significant to 75 people.

Councilor Graham said he was in support of the \$3,000 relief and he said taxes should be borne by those who could afford them. Councilor Duffy was in agreement.

Councilor Wither said he could support the \$3,000 if that was what the Council wanted.

Mayor Greenlaw said she thought that was the right thing to do because the cost of living index was the highest she had ever seen. She said the vibrancy the community,

the variety of the neighborhoods and it was important to maintain and enable the citizens to maintain their homes on small incomes.

Vice-Mayor Frye reminded the citizens that the Community Development Block Grant helps to keep people in their homes. He also let the citizens know about the grant for citizens to purchase homes.

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

City Manager Baroody directed the Council's attention to the Manager's Update: COVID-19 Vaccines Update, 100 Block of William Street Stormwater Pipe Replacement Begins, Wind Down Wednesday Live Concert Series, Christmas Parade Registration, 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, Soggy Doggy Swim, Fall 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 9:31 p.m.

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Mary Katherine Greenlaw, Mayor

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Tonya B. Lacey, Clerk of Council, MMC