



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

September 28, 2021

The Council of the City of Fredericksburg, Virginia, held a regular session on Tuesday, September 28, 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, Fire Chief Mike Jones, 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 Scout Grey Mouldrow a member of Troop 170.

Officer Recognized. Mayor Greenlaw recognized the presence of Officer Joshua Lynch, at this evening's meeting.

Rappahannock Area United Way Golf Tournament Presentation (D21-__). Retired Assistant City Manager Doug Fawcett and Mayor Greenlaw

presented a check to the Rappahannock United Way (RUW) in the amount of \$13,720. This tournament was held on June 7 and this was the ninth consecutive year that the City has sponsored this golf tournament to raise funds for the RUW. There were 142 golfers, 29 sponsors and several dedicated volunteers. This donation brings the total funds raised for the RUW during this nine-year period to \$118,236. Mr. Fawcett announced that the next tournament would be Monday, June 13, 2022 at Lee Hill Golf Club.

Main Street Update on First Friday’s “Sip and Stroll” Program (D21-__). Ms. Ann Glavé Executive Director of Main Street reported that Main Street had a few new things happening, First Friday’s have been branded with colors. The color purple was being used for Downtown Asset Create this is for galleries and studios, the color orange was chosen for the Sit and Stroll element, to coordinate with savor the asset for restaurants and eateries, a First Friday flag, aprons and marketing pieces are in the works for the new look. She said “It’s About the Arts” is a goal to be inclusive of the art medians and to bring art to everyone. Non-profit organizations will be given the opportunity to provide art on First Friday’s, curated music performances, and an introduction to other art medians throughout the year.

The newest element being added to First Fridays is the Sip & Stroll it will run from 5 p.m. to 9 p.m., for adults 21 and above. Participating restaurants will sell beer, wine and cocktails which can be enjoyed while strolling within the marked boundary of the Downtown. The rules of Sip and Stroll are that the drinks are to be served in disposable cups with the restaurants logo on it, the drinks can be enjoyed within the predetermined

boundaries, partake in the activities from 5 p.m. to 9 p.m., the last call will be at 8:30 and drinks must be finished and cups discarded by 9 p.m. Ms. Glavé said there would be trashcans marking the boundaries making it easy to dispose of the cups. She said Main Street was collaborating with the Fredericksburg Police Department and Virginia ABC to introduce Sip & Stroll safely. There will be two officers and Downtown Ambassadors wearing purple aprons strolling during the Sip and Stroll to answer any questions. There were 12 restaurants participating.

Councilors Graham and Devine mentioned they would like to see recycling available and Councilor Graham asked if they had arranged for any rideshare promotions and Ms. Glavé said she had not but she would look into that option. She also said there was a shortage on cups and it was making things difficult for obtaining recyclable cups.

COVID-19 Update. Fire Chief Jones reported that based off the number in the State and in the Health District the caseloads may be at the peak. Numbers were down a little, the average per day was down in the Health District but those getting sick were getting very sick. There were 100 cases in the three hospitals. The positivity rate was at 13 percent a couple weeks ago and dropped to 11.6 percent. The intensive care unit percent positivity was coming down and all the cases were the Delta variant of the virus. He said there continues to be a surge in the southwest area of the state and all other areas were in slow growth. Chief Jones said there was concerned because they did not know what the virus was going to do next and there may be another surge this winter. He reiterated that vaccination was the best way to avoid the virus as well as mask, and

handwashing. Chief Jones also noted that in the past two week they had seen an increase in vaccinations in the City.

Councilor Duffy said it was great to see some positive signs and he gave thanks to the Health Department for working with the schools on setting up clinics at the schools and he urged all students and families to come out and get vaccinated.

Councilor Frye reiterated how serious this virus was and he spoke about someone who needed surgery but could not get it because there were no rooms available and he urged people to take this serious.

Mayor Greenlaw stated that when you get vaccinated you are helping an entire community. She said Mary Washington Hospital was having a virtual Town Hall with interactive question and answers.

Consent Agenda Accepted for Transmittal as Recommended (D21-__ thru D21-__). Councilor Withers pulled item 5C off the consent agenda.

Councilor Kelly moved approval of the City Manager's consent agenda excluding item 5C; 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 21-75, Second Read, Amending the Fiscal Year 2022 Budget to Appropriate Federal Funding Made Available by the American Rescue Plan Act of 2021

- Ordinance 21-23, Second Read, Rezoning Approximately 1.25 Acres of Land, Identified as 1201 Princess Anne Street, Along with the Adjacent Vacant Lot, from Commercial-Transitional CT to Residential R-4 (D21-__).
- Ordinance 21-25, Second Read, Increasing the Elderly and Disabled Relief from Real Estate Taxes (D21-__).
- Resolution 21-78, Approving the 2020-2021 Consolidated Annual Performance and Evaluation Report (D21-__).
- Transmittal of Board and Commissions Minutes
 - Economic Development Authority – August 9, 2021 (D21-__).
 - Fredericksburg Art Commission – June 16, 2021 (D21-__).
 - Fredericksburg Art Commission – July 21, 2021 (D21-__).
 - Fredericksburg Clean and Green Commission – July 12, 2021 (D21-__).
 - Planning Commission – July 14, 2021 (D21-__).

Ordinance 21-24, Second Read, Amending Fredericksburg City Code Chapter 70, Taxation, to Add a New Article XVI Imposing a Five-Cent Tax on Disposable Plastic Bags Provided to Consumers at Certain Retailers (D21-__). Councilor Withers pulled this item to thank staff for coming up with a plan and he stated that Alexandria, Arlington, and Fairfax had already passed a tax law on plastic bags and he was hopeful that it would move down south to the City's regional partners. He asked City Manager Baroody to give a brief background on the feedback staff received from businesses.

Mr. Baroody stated that staff had communicated with Wegmans, Sheetz, Walmart, Wawa, Target, CVS, Giant and other businesses that would be affected by this and they were familiar with the approach because they had seen it elsewhere in the broader market and they understand the City's rationale and they were committed to doing their part. They requested the City communicate to their customers in the City so there would be an understanding of why the City was doing this. He said they would continue to stay in touch with the businesses.

Councilor Devine thanked Assistant City Attorney Dori Martin for doing all the background work and for making this easy to adopt.

Councilor Frye said he would like to let the kids know what's going on and he would also like to provide them with reusable bags.

Councilor Devine made a motion to approved Ordinance 21-24, on second read, amending Fredericksburg City Code Chapter 70, Taxation, to add a new Article XVI imposing a five-cent tax on disposable plastic bags provided to consumers at certain retailers; 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).

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

Beatrice Paolucci, 1500 Caroline Street, stated that every speaker that comes before the Council needs to have their comments documented in the official minutes by name address and subject matter no matter how redundant they are. She said she

understood why the speaking time was changed from five minutes to three minutes while having virtual meetings but when the Council resumed to in person meetings she believes the council should have reinstated the five-minute time limit speaking rule. She requested the Council reinstate the five-minutes and she wanted to know the justification for taking away the two minutes when in person meetings resumed.

Anne Little (D21-__), 726 William Street, said three minutes from five may not seem like a big deal until you realize what little input citizens have in the public process. She said this was one way the citizens had been cut out of the process. She noted that the public comment time was a time to hear what others think. She said a strong City was a connected City and the citizens were hard pressed to have their voices heard. Ms. Little said Council decisions based on community perspectives and value can make the difference between and good and poor decision.

Aaron Frank, 2634 Caroline Street, City's citizen representative on the FAMPO Bicycle and Pedestrian Advisory Committee, spoke as a resident regarding the intersection at Fall Hill and Route one. He said he uses this intersection frequently and he did not feel the state had the city's best interest at hand. He would like to see the road improved for all, not just vehicular traffic. He would like to see crosswalks at each corner of the intersection. He said many make dangerous moves because the lack of infrastructure. Mr. Frank noted that the tightening of the radius would provide for greater visibility for pedestrians. He said there were tweaks that could improve the plans and he asked the City to review the plans.

Hamilton Palmer, 1500 Caroline Street, read a poem regarding the schools and how the schools were keeping the students down and his disappointment in the school's performance. He said there are serious issues coming up and he did not think the Council had addressed them. Mr. Palmer suggested merging the schools with one of the adjoining localities to address issues.

Holly Clark, 1504 Winchester Street, spoke regarding the Route one and Fall Hill Avenue improvements. She said she uses the intersection a lot but she wanted to make sure this public money would benefit the citizens. Ms. Clark's concern was that the current project did not address issues in this area because it widens the turn lanes and this makes for a longer distance for pedestrians to cross. She said she does not know why they would encourage traffic through neighborhood streets.

Sheila Townsend, stated that she has been homeless for eight years and she wanted to make the Council aware that there was drone activity in the area with cameras attached to them. She stated these drones were operated by murderers. She spoke about those murderer speaking to her through hearing devices. She wanted to inform the Council of what was happening.

Lynda Retterer, 1005 Brandon Drive, spoke in support of reinstating the five-minute speaking time at the Council meeting.

Kelly Meyer (D21-__), 1410 Idlewild Boulevard, stated that being able to speak publically to the City Council was one of the great freedoms in Virginia and to have it shortened was unfair. She said those two minutes could be critical to some persons

comments and concerns. She asked the Council to bring back the five-minute allotted time.

David Primmer (D21-__), stated that he was in full support of Beatrice Paolucci's request to bring back the five-minute speaking time. He said though this may seem inconsequential the manner in which the reduction in time took place raised concerns for him.

Rick Pullen (D21-__), 1319 Augustine Avenue, spoke of his concern of the shift in policy to cut the public's input from five to three minutes. He understood listening to the public takes time but he said this is what the Council signed up for and he urged them to return the public's speaking time.

Paula Chow (D21-__), 132 Caroline Street, spoke in opposition of the three-minute time for speakers and asked the Council to reconsider the five-minute time limit.

Lee Brock (D21-__), 1603 Caroline Street, stated that three minutes was not enough speaking time and asked the Council to restore the five minutes.

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

- 8A. Board and Commission Updates
- 8B. Public Comments – Councilor Kelly
- 8C. Fall Hill Avenue – Councilor Kelly
- 8D. Future Expenditures – Councilor Kelly
- 8E. Vaccinations – Councilor Graham
- 8F. Employee Recognition – Councilor Frye

Board and Commission Updates

Central Rappahannock Regional Library – Councilor Devine reported that there continues to be a robust curb service for checking out materials and e-volume were also up. She noted that anyone who does not have a library card could apply for one in person or electronically. She encouraged people to check out the Idea Space on Princesses Anne Street. You can learn to use equipment and once a badge is earned the equipment can be rented out for use.

Board of Social Services – Councilor Duffy complimented Social Services staff for helping lead the City through challenging times during the pandemic. He said those on the front lines have it hard. The Virginia State Department of Social Services was heavily involved in the resettling of the Afghanistan Refugees and the Fredericksburg Department was closely monitoring the situation working with Catholic Charities Migration Refugee Organization. They were also working on an energy assistance program beginning October 12. He highlighted that the City's Department participated in the first Hunger Action Coalition headed by the Fredericksburg Area Food Bank. He reported that there were 29 children in Foster Care. There was an increase in benefit program applications, SNAP was up 14 percent and Medicaid was up 36 percent.

Community Policy Management Team – Mayor Greenlaw reported that CPMT provides funds for children with special needs. Assistant City Manager Whitley noted that they continue to work hard along with Social Services to help serve the families and kids. There's a conference in October and many of members of the CPMT plan to attend.

Fredericksburg Area Museum – City Manager Baroody reported he was happy to be the new City liaison and Ms. Sarah Poore, Director of the Museum updated them on the collaborative pursuit of a person for the new position that will tell more of a complete story for the City, interpret the Slave Auction Block as well as William and Charles Streets. Ms. Poore commended Tom and Patricia Smelter, there was a new endowment fund in their name. He said they also talked about the calendar for the new calendar year and they would not be open in January.

Fredericksburg Clean and Green Commission – Councilor Devine highlighted the Sustainability Award that has been awarded to businesses in the City to highlight their sustainable practices such as materials used, cleaning and packaging. They are looking forward to a Sustainability Coordinator being hired later this year. She also reported that there would be a Walk, Pedal, Drive EV Event at Old Mill Park as well as a bike parade.

Fredericksburg Regional Alliance – Mayor Greenlaw highlighted that they were working with CIT to establish an Industry Review Council to review patents from Naval Surface Warfare Center and circulating patents summaries to entrepreneurs and manufacturers in the region. FRA also continues to work with higher education institutions within and without our Go Virginia Region to advance the tech talent pipeline with STEM related occupation. They have partnered with local economic development colleagues to generate two leads that match each localities target industries. They will be hosting four national site location consultants and the consultants will provide feedback.

GWRC/FAMPO – Councilor Graham said one of the main issues for GWRC was its housing development program. Across Virginia there was a grant program being administered by Virginia Housing for all 21 Planning Districts in the Commonwealth and in the City’s Planning District they are offering a \$2 million grant for affordable housing. This money would be available for new construction or renovation of an existing structure. The goal is to get 20 affordable units in the region but some of the regional partners do not wish to accept the grant funding. Councilor Graham asked if there were any organizations interested in development of affordable housing units to contact him. Mr. Kelly reported that they would begin discussion on strategic plans and the only votes that were in support of the affordable housing grants funds were from the Fredericksburg delegation.

Councilor Graham noted that one of the items FAMPO was working on was the Smart Scale selection and each locality has five project slots, FAMPO has five project slots for the region and GWRC has five project slots. For the project list on the GWRC side there were two that involve the City, Route 2 and Lansdowne Road improvements and Lafayette Boulevard Road and Bike/Pedestrian improvements. On the FAMPO side the projects are the VCR Trail Regional project and Riverfront Bankside Trail and Dixon Park Connector. Other issues are the Long Range Transportation Plan which they agreed to a list of projects.

Healthy Generations Area Agency on Aging – Mayor Greenlaw said the Cafes for the seniors were back. They had opened three of the five. She said they were important for the seniors in the area.

Main Street Board – Mayor Greenlaw noted that Main Street has a lot going on and they were implementing a Sip and Stroll on First Fridays, the Downtown Affair had sold out and they were having a ribbon cutting for Artful Dimensions who was celebrating 10 years.

Public Comment. Councilor Kelly apologized and said he was not proud of why the public comment time limit was not returned to the original five minutes but he said he was in support of returning the time back to five-minutes. He was also concerned with limiting the time for comments to 40 minutes.

Councilor Graham was also in support of returning to the five-minute time limit but his only concern was that they continue to allow people to submit written comments. He said he would like to keep the rule regarding copy and paste letters. He was supportive of the unlimited in person rule.

Councilor Withers was also in support of returning to five-minutes.

Councilor Duffy said he was also supportive of the five minute unlimited in person comments.

Councilor Devine said she tries to teach brevity in school. She said she was not opposed to five-minutes but she noted the speakers who spoke were able to get their messages across in three minutes. She noted an issue the Council had to deal with was multiple of the same comments. She said the agenda was set and she worries that when the Council gets to the issues on the agenda and its really late that they are already exhausted from sitting through hours of comments. She stressed that the comments

were important but there may need to be a time limit. She said there needed to be a middle ground.

Vice-Mayor Frye said he would like to see how they could prevent the copy and paste letter. He suggested reading the letter and listing those who sent the same letter. He also stated that there were not many issues that came before this Council had not been addressed.

Councilor Withers said he agreed with Councilor Devine that maybe there needed to be a time limit on the amount of comments and Council could suspend the rules if needed.

Mayor Greenlaw agreed with Councilor Devine that the speakers were able to get their comments across in the three-minute time limit.

Councilor Graham suggested moving the City Manager agenda before the public comment section of the agenda.

Councilor Kelly noted that the Council was here to serve at the public's pleasure and what the City does at its meetings was much different from what the other jurisdictions around the City does. He was concerned with moving comments later in the meeting because people should not have to wait to give their comments.

Mayor Greenlaw did not want to discourage people from speaking and she thought if the comments were moved to the end of the meeting it may be discouraging.

Councilor Devine noted that one of the reasons the time and limit on comment period was switched was to allow more people to speak.

Fall Hill Avenue. Councilor Kelly spoke with Virginia Department of Transportation representative and they informed him that they plan to install three crosswalks at the intersection of Fall Hill and Route 1. He informed the speakers that spoke on this issue that if there were specific things they wanted to see to contact the City Manager's office and let them know.

Councilor Graham said two of the specifics were four crosswalks and a narrowing of the lanes particularly the slip lane and the turn lane and to tighten the radius on the turns.

Future Expenditures. Councilor Kelly said there had been a lot of changes and many of the discussion had been in one on one's or two by two's but there had not been a sit down in a work session on what the City was looking at and he thought it was causing confusion. Councilor Kelly mentioned there had been many changes in the school's discussion and there had not been a sit down discussion. He said there were big costs coming up and he requested a work session on this topic only.

Councilor Graham said he did not have a problem with a work session on expenditures only but he disagreed that there had not been discussions on the schools and he noted there had been many and the Council had met recently with the School Board and that was the single item of discussion. He stated that he felt the school discussion had been thoroughly discussed.

Councilor Withers disagreed that schools had been thoroughly discussed he said he was not settled on schools.

Vaccinations. Councilor Graham said the vaccination rate had cracked 60 percent vaccination in Fredericksburg but Virginia had surpassed 80 percent of the adult population and the City was 20 percentage points behind. He said when he started speaking on vaccination the City was 17 percentages behind. He said we all bare responsibility to our own families. He said your family trust us not to harm them and if we do not get vaccinated he said we were breaking that trust. He talked about people not being able to get treatment at the hospital because of overcrowding of unvaccinated people.

Employee Recognition. Councilor Frye recognized and thanked the following employees for their help getting the bus to the Freedom Riders event Dan Constantine, Justin Tharpe, Jeremy Jordan, Rusty Brown, Travis Copeland, Jordan Mooney, Alex Belman and Gary Johnson. He said he wanted to give recognition to those who worked behind the scene to make this event happen.

Adoption of Minutes. Councilor Graham moved approval of the May 13, May 14, and June 8, 2021 Work Sessions and the September 14, 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).

Office on Youth Appointment – Dr. George Hummer (D21-__).
Councilor Duffy made a motion to appoint Dr. George Hummer to the Office on Youth;

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).

Recreation Commission School Board Representative Appointment

(D21-__). Councilor Duffy made a motion to appoint Don Upperco to the Recreation

Commission; 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 21-79, Approved, Amending the Fiscal Year 2022 Budget
to Provide Funds to the Economic Development Authority to Supplement**

Grants to Businesses along U.S. Route 1 to Offset Costs of Changing the

Name of U.S. Route 1 to Emancipation Highway (D21-__). After staff

presentation Councilor Kelly made a motion to approve Resolution 21-79, amending the

Fiscal Year 2022 budget to provide funds to the Economic Development Authority to

supplement grants to businesses along U.S. Route 1 to offset costs of changing the name

of U.S. Route 1 to Emancipation Highway; 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 21-80, Approved, Creating the Cable Franchise Renewal
Steering Committee (D21-__)**. After staff presentation Councilor Kelly made a

motion to approve Resolution 21-80, creating the Cable Franchise Renewal Steering

Committee; 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 21-81, First Read Approved, Final Adjustments for City of Fredericksburg Fiscal Year 2021 Budget (D21-__). After staff presentation Councilor Kelly made a motion to approve Redolution 21-81, on first read, final adjustments for City of Fredericksburg Fiscal Year 2021 budget; 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: Ceremony Held for the Unveiling of the Historical Marker on Freedom Rides, COVID-19 Vaccines Update, Community Meetings on Council Priorities, Board and Commission Openings, 100 Block of William Street Stormwater Pipe Replacement, Traffic Safety Initiative, Important Message from Chief Layton and Commonwealth’s Attorney Humphries, Wind Down Wednesday Live Concert Series, Christmas Parade Registration, Become a Foster Parent, CARES Utility Relief Funds for Water and Wastewater Service Billed by the City of Fredericksburg, Fall Catalog, Fredericksburg Farmer’s Market, 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 9:36 p.m.

Mary Katherine Greenlaw, Mayor

Tonya B. Lacey, Clerk of Council, MMC