



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. JONATHAN A. GERLACH, WARD TWO  
HON. DR. TIMOTHY P. DUFFY, WARD THREE

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**May 10, 2022**

**The Council** of the City of Fredericksburg, Virginia, held a regular session on Tuesday, May 10, 2022, 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, Jonathan A. Gerlach, Jason N. Graham and Matthew J. Kelly.

**Others Present.** City Manager Timothy J. Barody, Assistant City Manager Mark Whitley, Assistant City Manager David Brown, City Attorney Kathleen Dooley, Fire Chief Mike Jones, Director of Planning and Building Services Charles Johnston, Senior Planner Michael Craig, Finance Director Robyn Shugart, Assistant Finance Director Richard Lawrence, Budget Analyst Donna Leahy 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 Detective Gloria Mehia, at this evening's meeting.

**Proclamation for Youth Week to Honor America's Junior Citizens**

**May 1-7 (D22-\_\_)**. Mayor Greenlaw urged all departments of government and citizens to participate in the observance of our America's Junior Citizens during the month of May and celebrate Youth Week.

**Proclamation for Historic Half Marathon (D22-\_\_)**. Mayor Greenlaw presented a proclamation to Angela Anderson and Christen Loflin and proclaimed Sunday, May 22, 2022 Marine Corps Historic Half Day and she encouraged the citizens of the community to open their arms with support, cheer on the runners and display warm hospitality to all. She further urged the citizens to embrace the mission of the Marine Corps Marathon Organization by leading an active and healthy lifestyle, to generate community spirit and honor the men and women of the United States Marine Corps.

**Consent Agenda Accepted for Transmittal as Recommended (D22-\_\_ thru D22-\_\_)**. Councilor Kelly moved approval of the City Manager's consent agenda; motion was seconded by Councilor Devine and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Gerlach, Graham and Kelly. Nays (0).

- Transmittal of Board and Commission Minutes
  - Fredericksburg Clean and Green Commission – March 7, 2022 (D22-\_\_).
- Resolution 22-25, Approved, Approving the 2022-2023 Community Development Block Grant Annual Action Plan (D22-\_\_).

- Ordinance 22-09, Second Read Approved, Amending City Code Section 10-333 to Enable City Council to Provide for Compensation to the Members of the Fredericksburg Planning Commission, in Accordance with Virginia Code § 15.2-2212 (D22-\_\_\_).
- Transmittal of Resolution Initiating an Amendment to City Code §72-33.2 to Restate and Confirm the Application of the 10 % Rule that Applies to Residential Developments in the Planned Development-Commercial District (D22-\_\_\_).

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

**Todd Taylor (D22-\_\_\_)**, Commander of the Veterans of Foreign Wars Post 3103, 2701 Princess Anne Street, stated that since the last expansion in 1964 the building had largely remained untouched except for repairs and maintenance. He explained that the building was in serious need of renovations which they have a donor that will take care of the renovations. Mr. Taylor said before construction they are required to have an archeological study done but they have little funds set aside for the additional cost. He said given the use of the building and its importance to the City they asked if the City would commit to completing the study at City cost or have it waived.

**Adam Lynch**, 1108 Sophia Street, thanked the staff for working with the citizens on pedestrian safety. He said they responded to emails and met with them and so did Vice-Mayor Frye and former Councilor Withers. He also thanked the Public Works Department for installing the pedestrian signs in a timely fashion. He was appreciative

of the speed limit as a first step to pedestrian safety and for the money in the budget to go towards pedestrian safety.

**Tina Morris**, 1711 Franklin Street, asked the City Council to revise the noise ordinance so that it makes sense because she said the current one was not useful when it comes to barking dogs and motorcycles. She asked the Council to consider an ordinance that has teeth in it.

**Raymond Herlong**, 1009 Prince Edward Street, spoke of how the reducing of the speed limit in the downtown would be minimally effective. He suggested that the only effective deterrent would be an increase in monitoring and enforcement. He asked the Council to allocated the funds that would be spent on new signage for the lower speed to be allocated to the Police Department budget so that they can more effectively monitor and enforce downtown speed limits.

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

- 8A. Gun Giveback Update – Vice-Mayor Frye
- 8B. VFW Project – Councilor Kelly
- 8C. Animal Noise Ordinance – Councilor Graham

**Gun Giveback Update.** Vice-Mayor Frye stated that they collected four weapons and this brought the number of guns collected to nearly 215. The goal is to keep Fredericksburg safe and murder free. He thanked the Police Department,

Sheriff's Department, Taft Coghill for writing an article in the Free Lance Star and to Ted Schubel although he could not make it.

**VFW Project.** Councilor Kelly stated that the issue was the archeology study and who would pay for it. He said he understands staffs position because if you pay for one then it opens the door for others. He said the use of the building must be considered. He said saying thank you for your service was not enough and he was willing to pitch in \$1000 and he said this was something the community could do to thank the veterans. He was hoping the community would take this up as a project.

**Animal Noise Ordinance.** Councilor Graham said it was interesting to learn what the noise ordinance said about barking dogs. He thought Fairfax's ordinance was interesting which said a dog must be audible for 5 minutes in a 10-minute period. He said with the Council's approval he would like to ask the City Attorney to research other localities ordinances that are more restrictive and bring a draft to the Council.

Councilor Kelly said one thing the city has is that it can declare a property a public nuisance and he wanted to know how far that could go with repeat offenders. City Attorney Dooley said she would look into this and bring it back to Council.

**Adoption of Minutes.** Councilor Gerlach clarified that at the April 26 meeting he mistakenly said in order for the University to have a separate polling place on campus they must have 400 registered voters, but the correct number was 500. He did not want to change the minutes because that was what he said but the Clerk noted the correction in the April 26 minutes.

Councilor Kelly moved approval of the January 11, 2022 Work Session Minutes and the April 12, 2022 and the April 26, 2022 Regular Session minutes; motion was seconded by Councilor Gerlach and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Gerlach, Graham and Kelly. Nays (0).

**Disclosures.** Councilor Duffy disclosed that he was an employee of the Fredericksburg Public School system and he was able to participate in the following transactions fairly, objectively and in the public interest.

Vice-Mayor Frye disclosed that his spouse was an employee of the Fredericksburg Public School system and he was able to participate in the following transactions fairly, objectively and in the public interest.

**Resolution 22-26, Approved, Setting Rates of Compensation for Members of the Fredericksburg Planning Commission, Architectural Review Board, and Board of Zoning Appeals (D22-\_\_).** After a brief staff presentation and discussion Councilor Devine made a motion to approve Resolution 22-26, setting rates of compensation for members of the Fredericksburg Planning Commission, Architectural Review Board, and Board of Zoning Appeals; motion was seconded by Councilor Gerlach and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Gerlach, Graham and Kelly. Nays (0).

**Ordinance 22-06, Second Read Approved, Setting the Real Estate Tax Rate at \$0.86 per Every \$100 of Assessed Value of Real Estate for Fiscal Year 2023 (D22-\_\_).** After a brief staff presentation Councilor Duffy made a

motion to approve Ordinance 22-06, on second read, setting the real estate tax rate at \$0.86 per every \$100 of assessed value of real estate for Fiscal Year 2023; motion was seconded by Councilor Devine.

Vice-Mayor Frye stated again that his vote would be a statement for his constituents. Many have come to him about the rising costs in the city.

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

**Ordinance 22-07, Second Read Approved, Amending Water and Sewer Fees Rates and Charges (D22-\_\_).** After a brief discussion about what funding the City would be getting from the State Councilor Graham made a motion to approve Ordinance 22-07, on second read, amending water and sewer fees rates and charges; motion was seconded by Councilor Duffy and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Gerlach, Graham and Kelly. Nays (0).

**Ordinance 22-08, Second Read Approved, Amending the Fee Schedule for Planning and Zoning Applications (D22-\_\_).** Councilor Gerlach made a motion to approve Ordinance 22-08, on second read, amending the fee schedule for planning and zoning applications; motion was seconded by Councilor Duffy and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Gerlach, Graham and Kelly. Nays (0).

**Resolution 22-23, Second Read Approved, Amending the Schedule of Fees for Building Services (D22-\_\_).** Councilor Duffy made a motion to approve Resolution 22-23, on second read, amending the schedule of fees for Building Services; motion was seconded by Councilor Devine and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Gerlach, Graham and Kelly. Nays (0).

**Resolution 22-24, Second Read Approved, Budgeting and Appropriating Funds for Fiscal Year (FY) 2023 Beginning July 1, 2022 through June 30, 2023 (D22-\_\_).** Councilor Graham made a motion to approved Resolution 22-24, on second read, budgeting and appropriating funds for Fiscal Year (FY) 2023 beginning July 1, 2022 through June 30, 2023; motion was seconded by Councilor Devine and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Gerlach, Graham and Kelly. Nays (0).

**Resolution 22-27, Approved, Adopting the Fiscal Year 2023 – Fiscal Year 2027 Capital Improvement Plan (D22-\_\_).** After staff presentation Councilor Kelly expressed concerns that the City had not gotten to the operational costs of the future budgets and he said this needed to be discussed and explained to the public.

Councilor Gerlach noted that this was the tenth meeting on the CIP. He said he share some of Mr. Kelly's concerns but the City does not know what the costs will be but he said they would have to look for ways to ease the burden for those who can least afford the increases.



Councilor Duffy offered support to Councilor Gerlach about making the burden easier for those who cannot afford increases. He said he was appreciative of the aggressive work to take care of the city's needs.

Councilor Duffy made a motion to approve Resolution 22-27, adopting the Fiscal Year 2023 – Fiscal Year 2027 Capital Improvement Plan; motion was seconded by Councilor Graham.

Councilor Devine said the City was a historic City and the infrastructure was in need of upgrades and some of the projects are no surprise because they have been years in the making. She said the Council has discussed many of them for years and staff has discussed how to make some of the legacy projects happen. She was confident the City was moving in the right direction.

Councilor Kelly said he was not in disagreement that more needed to be done for those who cannot afford increases but that shifts the burden to others. He agreed changes would need to be made but he wanted to know how it would be handled. He wanted the public to know what we could no longer afford.

Mayor Greenlaw stated that the Capital Improvements Plan does just that, it tells the public what we can and cannot do.

Councilor Gerlach noted that all the City's needs are not funded through the real estate taxes and usage fees. He said 30 percent was from businesses but the city would need to figure out how to increase those revenues so that it would not have to raise taxes.

Mayor Greenlaw noted that the CIP was a result of hard decision by the staff and City Council.

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

**Resolution 22-28, Approved, Authorizing the Use of \$271,677 in Motor Fuels Taxes for the Virginia Railway Express and \$10,700 for the Potomac and Rappahannock Transportation Commission for Fiscal Year 2023 (D22-\_\_).** Councilor Kelly made a motion to approve Resolution 22-28, authorizing the use of \$271,677 in motor fuels taxes for the Virginia Railway Express and \$10,700 for the Potomac and Rappahannock Transportation Commission for Fiscal Year 2023; motion was seconded by Councilor Gerlach and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Gerlach, Graham and Kelly. Nays (0).

**Resolution 22-29, Approved, Appropriating Vanpool Alliance Funds through the greater Washington Regional Commission for Fredericksburg Regional Transit (D22-\_\_).** Councilor Graham made a motion to approve Resolution 22-29, appropriating Vanpool Alliance Funds through the greater Washington Regional Commission for Fredericksburg Regional Transit; motion was seconded by Councilor Frye and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Gerlach, Graham and Kelly. Nays (0).

**Ordinance 22-09, First Read Approved, Reducing the Speed Limit from 25 Miles Per Hour to 20 Miles Per Hour in the Downtown Business District (D22-\_\_).** After staff presentation Councilor Kelly requested a more robust discussion when it is brought back for second read. He also requested the Chief of Police be present to discuss the enforcement. Mr. Baroody stated that enforcement would continue as it currently was.

Councilor Gerlach reminded everyone that when the speed limit is lowered so was the threshold for reckless driving.

Councilor Duffy made a motion to approve Ordinance 22-09, on First Read, reducing the speed limit from 25 miles per hour to 20 miles per hour in the downtown business district; motion was seconded by Councilor Gerlach and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Gerlach, Graham and Kelly. Nays (0).

**City Manager's Report and Council Calendar (D22-\_\_ thru D22-\_\_).**

City Manager Baroody directed the Council's attention to the Manager's Update: Riverfront Park ribbon Cutting and Launch of Otter-ly Amazing, Gun Give Back Event, Marine Corps Historic Half, Semper Five Miler and Devil Dog Double Runs, Volunteers Needed for Thunder Alley, City Advances on Council's 2035 100% Renewable Energy Goals, Abundant Parking Downtown, Real Estate and Personal Property Tax Bills Released, Picnic in the Park, Wall of Honor, COVID-19 Vaccinations, Traffic Safety

Initiative, Board and Commission Openings, Kid's Fishing Derby, Parks, Recreation and Events Summer Catalog, Spring Programs and Fred Focus.

**Adjournment.** There being no further business to come before the Council at this time, Vice-Mayor Frye declared the meeting officially adjourned at 9:04 p.m.

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Mary Katherine Greenlaw, Mayor

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Tonya B. Lacey, Clerk of Council