



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

June 14, 2022

The Council of the City of Fredericksburg, Virginia, held a regular session on Tuesday, June 14, 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 attended remotely because she was “unable to attend the meeting due to a temporary medical condition that prevented her physical attendance” under FOIA.

Others Present. City Manager Timothy J. Baroody, Assistant City Manager Mark Whitley, Assistant City Manager David Brown, City Attorney Kathleen Dooley, Director of Parks, Recreation & Events Todd Brown, Director of Planning and Building Services Charles Johnston, Senior Planner Michael Craig, Finance Director Robyn Shugart, 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 Walker-Grant Middle School student Xay-Vahn Perry.

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

Consent Agenda Accepted for Transmittal as Recommended (D22-__ thru D22-__). Councilor Devine moved approval of the City Manager's consent agenda; motion was seconded by Councilor Graham. As the Council was voting Councilor Kelly asked to pull item 5A. The vote had not closed so Mayor Greenlaw asked the Council to make a new motion excluding item 5A.

Councilor Gerlach moved approval of the City Manager's consent agenda excluding Item 5A; 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 22-36, Extending the Planning Commission's Review Period for the Draft Capital Impacts Study (D22-__).

Ordinance 22-11, Second Read, Harmonizing Provisions of the City Code Related to Kennels, to Allow Them Where Permitted by the Zoning Ordinance (D22-__). Councilor Kelly asked Mr. Johnston to explain the allowance of kennels in the City and he also asked City Attorney Dooley if the City was in a position to outlaw kennels in the City.

Mr. Johnston reiterated that the UDO today permits kennels contrary to City Code 14 which prohibits kennels, it does include standards that say animal care facilities must be insulated so no noise or odor can be detected off the premises and any open

runs or pens used to house the animals would have to be located at least 75 feet from any property line and accessory uses to kennels or veterinarian clinics may include retail sales, grooming services so long as the accessory uses do not occupy more than 25 percent of the gross floor area of the principle building. Mr. Johnston also stated that he also shared that a kennel is not allowed in any residential zoning district, it is not allowed in the CT district, CD downtown, but it is allowed in the shopping center commercial district, highway commercial with a special use permit, and it is permitted in creative maker, I-2 and I-1, PDC and PDMU.

Councilor Kelly asked about the dog runs on the premises and the noise related to that and Mr. Johnston explained they would have to be 75 feet from any property line and this would require a property of great size.

Ms. Dooley said to answer the question whether kennels are allowed in the City is what the Council was trying to resolve because one part of the code says they are allowed and the other part of the code says they are not allowed. She said the idea was to harmonized the two provisions so the general prohibition would remain. Without a zoning permit the kennel would be prohibited. Under the zoning regulations it would permit a kennel to be located if the general prohibition was removed and the location of a kennel is addressed in the zoning ordinance. She said if the Council did not want Kennels in the City they should not to adopt the ordinance.

Councilor Gerlach made a motion to approved Ordinance 22-11, on second read, amending City Code Section 14-185 to permit dog kennels in the City as specified in Chapter 72 Unified Development Ordinance; 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).

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

Erin Bradford (D22-__), 1310 Caroline Street, spoke in opposition of the kennels being located in the City. She said this was a great place to live, shop, work, dine and enjoy the many attractions which would all be affected in a negative way if kennels are allowed in the City because the Creative Maker district abuts many residential properties. She said to allow this would be a mistake with far reaching consequences.

Lindsay and Matt Hall (D22-__), Owners of Ruff Houze, came to introduce themselves to the Council. They stated they have been in the City for two years and they are hoping to move forward with their plans to open a new location. They said they understood the concerns of the neighbors.

Rebecca Light, 207 Pitt Street, spoke in opposition to kennels being allowed in the City because of health and sanitation issues, with barking near residential neighborhoods. She noted that many residential property lines share a common boundary, adjoining or adjacent to by-right kennel use. Ms. Light also suggested the city invite the Rappahannock Health District Environmental Health Manager for his comments on the environmental health effects of commercial kennel uses to humans.

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

8A. Jerimiah Community – Councilor Duffy

8B. Dog Kennel Enforcement – Councilor Kelly

Jeremiah Community. Councilor Duffy informed every one of the June 1 gathering at Hurkamp Park to talk about the Jeremiah Community project that is geared to help the homeless. They talked about the needs and strategies to help with homelessness. This project would be tiny home neighborhoods for the homeless. This project is being worked on by Micah and nine area churches.

Dog Kennel Enforcement. Councilor Kelly asked if a kennel violated its zoning would the City be able to take action. Mr. Johnston said any violation would be addressed and the applicant would be given the opportunity to comply and if they do not comply within the allotted time they would be taken to court and the business could be shut down. Mr. Johnston said any violations would be addressed strongly.

Adoption of Minutes. Councilor Devine moved approval of the March 29, 2022, April 5, 2022, April 26, 2022, May 10 2022, May 24, 2022 Work Session Minutes, April 19, 2022, Public Hearing Minutes and the May 24, 2022 Regular Session minutes; 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).

Board of Social Services Appointment – Christian Zammas, Shannon Lally (D22-__). Councilor Duffy made a motion to reappoint Christian Zammas to the Board of Social Services; 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).

Board of Zoning Appeals Appointment – John Mell (D22-__).

Councilor Gerlach made a motion to appoint John Mell to the Board of Zoning Appeals; 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).

Economic Development Authority Appointment – Mitzi Brown, Suzanne Stone, Travis Batts, Frank Cirioni (D22-__).

Councilor Duffy made a motion to reappoint Mitzi Brown and Suzanne Stone to the Economic Development Authority; motion was seconded by Councilor Frye and passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Frye, Devine, Duffy, Graham and Kelly. Nays (0). Abstain. (1). Councilor Gerlach.

Fredericksburg Arts Commission Appointment – Sophia Constantine, Jon McMillan, Jamie Roberson, John McGuire (D22-__).

Councilor Devine made a motion to reappoint Sophia Constantine and Jon McMillan to the Fredericksburg Arts Commission; motion was seconded by Councilor Graham and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Gerlach, Graham and Kelly. Nays (0).

Parking Advisory Committee Appointment – Suzanne Stone (D22-__).

Councilor Gerlach made a motion to reappoint Suzanne Stone as the Economic Development Representative on the Parking Advisory Committee; motion was seconded

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

Rappahannock Area Community Services Board Appointment – Jacob Parcell & Dr. Claire Cole Curcio (D22-__). Councilor Frye made a motion to appoint Jacob Parcell & Dr. Claire Cole Curcio to the Rappahannock Area Community Services Board; 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).

Rappahannock Emergency Medical Services Council Appointment – Chief Mike Jones (D22-__). Councilor Devine made a motion to reappoint Chief Mike Jones as the City’s Representative on the Rappahannock Emergency Medical Services Council; 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).

Recreation Commission Appointment – Quincy Crecelius Click, Robert Belcourt, Meghan Waite, Virginia Branscome, Cynthia Hoffman (D22-__). Councilor Duffy made a motion to reappoint Quincy Crecelius Click to the Recreation Commission; 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 22-37, Approved, Dedicating 1001 Sophia Street as Public Right-of-Way (D22-__). After a brief staff presentation Councilor Graham made a motion to approve Resolution 22-37, dedicating 1001 Sophia Street as public right-of-way; 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 22-38, Approved, Initiating an Amendment to the Unified Development Ordinance to Revise the Planned Development – Mixed Use Zoning District Regulations (D22-__). After staff presentation Councilor Graham made a motion to approve Resolution 22-38, initiating an amendment to the Unified Development Ordinance to revise the Planned Development – Mixed Use Zoning District Regulations; 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).

Fiscal Year 2022 Financial Update. Finance Director Shugart updated the Council on the status of the Fiscal Year 2022. The key highlights were on the largest revenue streams to include Real Estate, Personal Property, Meals, Sales and Business License Taxes. The largest driver in increased revenue is related to consumption taxes. The pandemic restrictions being lifted along with economic conditions as record high inflation are greatly impacting sources as the price of goods and services have increased. Lodging taxes are averaging \$119,000 monthly in comparison to \$91,000 last year. The

meals taxes have seen significant growth, FY22 budget is \$11 million and collection through the end of May are \$11.2 million and she said she would report the month of June and the 45-day accrual to finish out the fiscal year. The sales tax has shown increases over the same period as last year the FY22 budget was \$14.1 million and collections through May are \$11.6 and there are three additional months to report. Most of the City's revenue sources should meet or exceed budget there were a few sources they were monitoring.

On the expenditure side through the end of May were at \$98.5 million with a revised budget of \$108.3. Ms. Shugart said they were monitoring departmental budgets to see the impacts on year end and she noted that health insurance claims were a driver in some of those increases along with inflation on goods and services and fuel. She reported that the overall revenue the City anticipates it will use less fund balance than approved and appropriated at year end.

Ms. Shugart reported that on the 2023 budget the Governor's office has the budget and she expected to give a more in-depth update but the State budget has not been finalized. She said Governor Youngkin said he would be looking at the budget closely and he was not done looking at the gas tax. She said they were given a preliminary compensation budget and they were reviewing to see its impacts on the budget.

Vice-Mayor Frye asked staff to report back on how much additional revenue the City get from Lincoln Terminal being in the City.

Councilor Gerlach asked if the City had recovered pre COVID and Ms. Shugart said she would have to do some analysis but she said you can see tremendous growth since pandemic restrictions have been lifted.

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, Parks and Recreation Master Plan Approved, Around the Town Free Trolley Service Returns, Abundant Parking Downtown, June Celebrated as Pride Month, COVID-19 Vaccinations, Picnic in the Park, Traffic Safety Initiative, Board and Commission Openings, Parks, Recreation and Events Summer Catalog is now Available, Summer Programs and Fred Focus.

Mayor Greenlaw spotlighted the free trolley and Vice-Mayor Frye announced that they needed more kids registered to get the Midnight Madness program running.

Adjournment. There being no further business to come before the Council at this time, Vice-Mayor Frye declared the meeting officially adjourned at 8:24 p.m.

Mary Katherine Greenlaw, Mayor

Tonya B. Lacey, Clerk of Council