



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

July 12, 2022

The Council of the City of Fredericksburg, Virginia, held a regular session on Tuesday, July 12, 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. Baroody, Assistant City Manager Mark Whitley, Assistant City Manager David Brown, City Attorney Kathleen Dooley, Police Chief Brian Layton, Director of Planning and Building Services Charles Johnston, Senior Planner Michael Craig, Economic Development Director Bill Freehling, Assistant Director of Tourism Margaret C. Morris, 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 Officer DeAndre McCoy, at this evening's meeting.

Sister City Presentation from Kathmandu Nepal to Fredericksburg.

Mr. David Caprara introduced the Council to the members of the Sister City Organization. He stated that the City had been sister cities with Kathmandu since 2015 after the earthquake tragedy that took the lives of 9,000 Nepalese. He said then COVID happened and the City's outpouring helped during that time was important and helpful. Former Mayor Bidya Sundar Shakya and the current Mayor Balendra Shah teamed up and sent a gift to the City and Mr. Scott DeLisi former Ambassador to Nepal and current President of the Kathmandu Sister City Board presented Mayor Greenlaw with a book about Nepal's history called *Nepal Down the Ages* by Hari Prasad Sharma. Mr. DeLisi asked the City not to stop doing what it does through the Sister City because it matters.

General Assembly Report. Eldon James and Laura Bateman from Eldon James & Associates gave an update on the General Assembly session that had not yet concluded. Mr. James reported that the funding for the Wastewater Treatment Plant was successful and was in the budget when it passed. The second environmental issue was tree canopy legislation to give greater authority to protect existing tree canopies as development occurs. The negotiations were hard and the final bill had minor improvements and there would be more legislation to this in the future.

Ms. Bateman updated the Council on the education and stated that in the budget there was \$500,000 through direct aid for public education to support Fredericksburg City Schools expansion of Career and Technical Education programs. The University of Mary Washington's budget had language to allow them to enter into

agreement with Fredericksburg Regional Alliance dedicated to cooperative economic Development efforts.

In the K-12 education arena, there was a five percent salary increase in each year funded through the Standards of Quality (SOQ), for teachers and support positions. The local school divisions have to provide a minimum of 2½ percent salary increase each year in order to access the additional State funds through the program. At risk add on legislative programs, showed a historic level of funding in the past General Assembly session. The maximum amount increased from 26 percent to 36 percent, every percent is \$7.2 million. The school construction and modernization funding had \$400 million in FY2023 for none reoccurring capital expenses. All school divisions will receive \$1 million off the top and the remaining funds will be distributed to school divisions based on the average daily people population. Ms. Bateman reported that there was also \$450 million from the general fund and \$50 million from the literary fund for the school construction assistance program and it will provide for competitive grants for construction and modernization. The regulations for this funding was still being developed and probably would not happen until the start of 2023. The Virginia Preschool Initiative saw an increase per people amount for full and half day programs.

In public safety and public heath, Ms. Bateman stated that Senator Reeves and others were successful in increasing aid for local police department funding. The State also increased the jail funding per inmate from \$12.00 to \$15.00. The Marcus Alert was fully funded and implemented with ARPA funding.

The General Assembly will reconvene January 11, 2023. The session will be a short session. The pre-filing for legislation will open in a week and they will begin tracking bills in July for 2023.

Consent Agenda Accepted for Transmittal as Recommended (D22-__ thru D22-__). Mayor Greenlaw removed item 5a from the consent agenda.

Councilor Kelly moved approval of the City Manager's consent agenda with the exception of Item 5A; 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).

- Transmittal of Abstract of Votes for Member of the House of Representative (D22-__).
- Acceptance of Wall of Honor Nominations: Roger Clarke, Charles Dyson, Robert Grogan, Barbara Willis (D22-__).
- Resolution 22-__, Extending the Planning Commission's Review Period for the Draft Capital Impacts Study
- Transmittal of Board and Commission Minutes
 - Architectural Review Board – January 10, 2022 (D22-__).
 - Architectural Review Board – January 24, 2022 (D22-__).
 - Architectural Review Board – February 14, 2022 (D22-__).
 - Architectural Review Board – February 28, 2022 (D22-__).
 - Architectural Review Board – March 14, 2022 (D22-__).

- Architectural Review Board – April 11, 2022 (D22-__).
- Architectural Review Board – May 9, 2022 (D22-__).

Approving the Virginia Juvenile Community Crime Control Plan for Fiscal Years 2023 and 2024. Assistant City Manager Whitley stated that this item would come back to the Council on August 9. He said this was a State grant and a share of it is prepared by the Court Services Unit and the way the plan was constructed could cause some internal issues because of the regulations. Due to the plan being amended it must go through the Juvenile Court Judge, Judge Vance, the CPMT Chair and others for letters of support. He thought it would be wiser to pull it off the agenda, make the amendment, let them review and bring it back August 9.

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

Seth Casana (D22-__), 1305 Princess Anne Street, spoke in opposition of the Council’s decision to charge for the entrance into Old Mill Park. He said the policy was regressive because it burdens poorer families and he feels that it will prevent poorer guests from enjoying the use of the park. (See D22-__ for more information).

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

- 8A. Health Update – Councilor Duffy
- 8B. Exciting Announcement – Mayor Greenlaw

Health Update. Councilor Duffy reported that he had an accident where his eye was scratched and he could not read and keep up with his emails. He said he would be sure to catch up on his reading.

Exciting Announcement. Mayor Greenlaw announced that the City received notice from Senator Caine's office that US. Secretary of Commerce and its Economic Development Administration was awarding a \$1.2 million grant to the City for infrastructure upgrades to support the local tourism industry. The grant is funded by the American Rescue Plan and will provide for a performance stage and restroom facilities at the new Riverfront Park. This grant will be matched with \$300,000 in local funds. This grant is expected to create and maintain 150 jobs.

Adoption of Minutes. Councilor Graham moved approval of the April 12, and April 19, 2022 Work Sessions and the June 28, 2022 Public Hearing and Regular Session minutes; 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 22-12, First Read Approved, Incorporating the State Law Standards for Motor Vehicle Mufflers and Exhaust Systems into the City Code (D22-__). After a brief staff presentation and discussion Councilor Gerlach made a motion to approve Ordinance 22-12, on first read, incorporating the state law standards for motor vehicle mufflers and exhaust systems into the City Code; 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).

Suspension of the Rules. Councilor Kelly moved to suspend the rules in order to place Ordinance 22-12 on for second read; 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).

Ordinance 22-12, Second Read Approved, Incorporating the State Law Standards for Motor Vehicle Mufflers and Exhaust Systems into the City Code (D22-__). Councilor Gerlach made a motion to approve Ordinance 22-12, on second read, incorporating the state law standards for motor vehicle mufflers and exhaust systems into the City Code; 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 22-46, Approved, Referring a Proposed Letter of Intent with Washington Heritage Museums, for the Conveyance of the Mary Washington Monument Property, to the Memorials Advisory Commission for Review and Advice (D22-__). Economic Development Director Freehling outlined a potential partnership between the City and the Washington Heritage Museums (WHM) regarding the Monument and Caretaker's lodge. He noted that the City has maintained the property but has not invested in the property to bring it to its

full potential as a tourism asset. The WHM expressed interest in taking over ownership and responsibility for the monument property. Mr. Freehling said staff has worked with the WHM to draft a Letter in Intent (LOI) that outlines the steps towards WHM taking over. He asked the Council to refer the LOI to the Memorials Advisory Commission for review and advice as the overseers of the Mary Washington Monument property.

Michael Spencer, Chair of the WHM Board and he also introduced Chuck Fennell, Chair Elect. Mr. Spencer shared the WHM vision for the property and said they propose to fill the intent of the 1966 deed of gift with the City of Fredericksburg. They will further interpret the life of Mary Washington and develop its potential as a tourism asset. He said this opportunity relieves the City of the responsibility that has been difficult to maintain. They will try to raise the visibility of the lodge to City residents and visitors. Mr. Spencer details that the WHM can raise funds for the maintenance of the site, safety, community access, care and expanded interpretation. He said they will use this property to further tell the story of the mother of our Country and share the story across the nation.

Councilor Kelly made a motion to approve Resolution 22-46, referring a proposed Letter of Intent with Washington Heritage Museums, for the conveyance of the Mary Washington Monument Property, to the Memorials Advisory Commission for review and advice; 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 22-13, First Read Approved, Renewing a Lease with the Central Rappahannock Heritage Center for Use of the Former Maury School Gymnasium (D22-__). Councilor Gerlach disclosed that he represents Rappahannock Heritage Center at his law firm and he would not participate in the discussions.

After staff presentation Councilor Kelly stated that this organization does great work and he wanted to know why the City would charge them \$1400. He requested that staff find out what they could do with the \$1400 if they did not have to pay this for the lease. Mr. Whitley explained that the \$1400 covered the Homeowner's Association fees and the utilities which run approximately \$1400-1450. He said they were asking for them to only cover their costs.

Councilor Duffy made a motion to approve Ordinance 22-13, on first read, renewing a lease with the Central Rappahannock Heritage Center for use of the former Maury School Gymnasium; motion was seconded by Councilor Devine and passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Frye, Devine, Duffy, Graham and Kelly. Nays (0). Abstain (1). Councilor Gerlach.

Transmitting Memorandum Amending the Fiscal Year 2023 Budget to Increase Funding in the General Fund from the Compensation Board and in the City Grants Fund for Police School Resource Officers (D22-__).

Assistant City Manager Whitley reported that the State budget increased salaries for state employees five percent effective August 1 and five percent next July. The

increases were granted through the Compensation Board to state supported local employees that work for the constitutional officers. He said most employees were covered in the City's four percent increase because the Comp Board uses their Comp Board salaries and the four percent is based on their higher salary and not based on the lower salary at five percent. He said there are a couple of exceptions to this and he was confident the Comp Boards compensation would cover the costs. This would be effective August 1 and the Council will not meet until August 9.

Budget Analyst Leahy briefed the Council on a small grant awarded from the Criminal Justice Services School Resource Officer grant in the amount of \$51,022. The Police Department will use the grant to fund two part-time school resource officer positions, in the two elementary schools. The grant covers July 1, 2022 to June 30, 2023. The Police Department plans to apply for other school resource officer grants in the future and it his staff's intent to incorporate these two positions into the FY2024 budget. Staff will bring a resolution to the Council on August 9 and if the Council does not object the Police department will start advertising before the actual vote on August 9.

Councilor Devine asked why the part-time status and Chief Layton explained that he was currently working on a full-time Resource officer for Walker-Grant Middle School. There is currently a full-time officer at James Monroe. He said this grant was an opportunity to get funding but full-time employees come with the fringe benefits and a part-time-employees do not. With two part-time employees there can be two officers working 24 hours a week. He said something was better than nothing at the schools.

Resolution 22-47, Supporting Smart Scale Round 5 Applications (D22-__). After staff presentation and a brief discussion Councilor Graham moved to approve Resolution 22-47, supporting Smart Scale Round 5 application; motion was seconded by Councilor Kelly and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Gerlach, Graham and Kelly. Nays (0).

Resolution 22-48, Authorizing the City Manager to Execute the Fiscal Year 2022 Asphalt Rehabilitation Program Contract with Virginia Paving Company (D22-__). After staff presentation Councilor Kelly moved to approve Resolution 22-48, authorizing the City Manager to execute the fiscal year 2022 Asphalt Rehabilitation Program Contract with Virginia Paving Company; motion was seconded by Councilor Kelly 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: Storm Damage Cleanup Update #8 – From June 22 Storm, New Speed Limit in Downtown Business District, Old Mill Park Entrance Fee, Are You Subscribed to Fredericksburg Alerts, Summer Restaurant Week, Around the Town Free Trolley Service Returns, Abundant Parking Downtown, COVID-19 Vaccinations, Immunization Clinics, Traffic Safety Initiative, Board and Commission Openings, Parks, Recreation and Events Summer Catalog is now Available, Summer 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 9:05 p.m.

Mary Katherine Greenlaw, Mayor

Tonya B. Lacey, Clerk of Council