



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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**January 24, 2023**

**The Council** of the City of Fredericksburg, Virginia, held a regular session on Tuesday, January 24, 2023, 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, and Matthew J. Kelly. Jason N. Graham attended remotely because he was “unable to attend the meeting due to a temporary medical condition that prevented his physical attendance” under FOIA.

**Others Present.** City Manager Timothy J. Barody, Assistant City Manager Mark Whitley, Assistant City Manager David Brown, City Attorney Kathleen Dooley, Director of Planning and Development Services Charles Johnston, Finance Director Robyn Shugart, Budget Analyst Donna Leahy, Director of Economic Development and Tourism Bill Freehling, Assistant Director of Tourism Margaret Morris, Fire Chief Mike Jones, Police Chief Brian Layton, Director of Public Transportation Jamie Jackson, Chief Information Officer Suzanne Tills, Director of Parks, Recreation and Events Todd Brown, Director of Social Services Christen Galik 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 Mayor Mary Katherine Greenlaw.

**Officer Recognized.** Mayor Greenlaw recognized the presence of Lieutenant Rashawn Cowles, at this evening's meeting.

**Proclamation Recognizing Blanton Massey for Years of Service to the Economic Development Authority.** Mayor Greenlaw presented Blanton Massey with a proclamation for his service as legal counsel for the Economic Deployment Authority (EDA) for more than 35 years. She expressed her sincere appreciation for his outstanding service to the EDA and the City of Fredericksburg.

**Proclamation Declaring January as Slavery and Human Trafficking Prevention Awareness Month.** Mayor Greenlaw presented Kathleen Lewis Director of Communication with Central Virginia Justice Initiative with a proclamation declaring January as Slavery and Human Trafficking Prevention Awareness Month. She encouraged all citizens to become more informed on this growing problem and to be vigilant and report suspicious activity.

Ms. Lewis thanked the City for its commitment and for supporting the ending of human trafficking.

**Economic Development Authority Presentation.** EDA Chair, Mr. Will Mackintosh introduced the members of the EDA and stated the purpose for the EDA

which is to act as a catalyst for responsible economic development that improves Fredericksburg's quality of life and enhances the City's tax base.

Mr. Mackintosh explained where the EDA receives its funding from and he reviewed the numerous initiatives they had invested in during 2022. The total of those investments was nearly \$2 million. See **D23-\_\_** for more information.

In 2023, the EDA plans to market the Visitor Center property, continue working with City Council on other strategic investments, continue to pursue workforce development programs with the City, schools and Germanna Community College, aggressively market the FXBG loan program, evaluate the creation of a tourism opportunity fund and evaluate strategies to effectively manage the downtown garage and think about strategies for increasing the City's sports tourism market share.

Mayor Greenlaw thanked the EDA and stated that they had done impressive work.

Councilor Devine thanked the EDA for the workload they have taken on and she was impressed with the broad range of work from history, to current development, sports industry to small businesses. She was appreciative of the volunteer time.

Councilor Frye noted the passion the EDA had when they were working with the School and Council when they were looking at the old hospital to possibly be used by the schools for workforce development.

Dr. Duffy said it was great to see the passion and energy of some of the members when he recently sat in a meeting.

Councilor Gerlach stated that this was the most intelligent group of people and although they have their differences they are able to work through them to get the work done.

**Consent Agenda Accepted for Transmittal as Recommended (D23-\_\_ thru D23-\_\_).** 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).

- Ordinance 23-01, Second Read, Amending the Water and Sewer Availability Fees (D23-\_\_).
- Resolution 23-04, Second Read, Amending the Fiscal Year 2023 Budget to Appropriate Funds for a Virginia Tourism Corporation Grant for the Relocation, Redesign, Upgrade, and Expansion of the Fredericksburg's Visitor Center (D23-\_\_).
- Resolution 23-06, Second Read, Amending the Fiscal Year 2023 Budget for the General Property Re-assessment (D23-\_\_).
- Transmittal of the Fredericksburg Arts Commission 2022 Annual Report (D23-\_\_).
- Transmittal of Board and Commission Minutes
  - Architectural Review Board – August 9, 2021 (D23-\_\_).
  - Architectural Review Board – August 23, 2021 (D23-\_\_).

- Economic Development Authority – December 12, 2022 (D23-\_\_).
- Fredericksburg Arts Commission – June 15, 2022 (D23-\_\_).
- Fredericksburg Arts Commission – July 20, 2022 (D23-\_\_).
- Fredericksburg Arts Commission – August 17, 2022 (D23-\_\_).
- Planning Commission Work Session – February 10, 2021 (D23-\_\_).
- Planning Commission – September 8, 2021 (D23-\_\_).
- Planning Commission – September 22, 2021 (D23-\_\_).
- Planning Commission – December 8, 2021 (D23-\_\_).

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

**Marc Roubardin**, work for Congress member Abigail Spanberger, he expressed their excitement to have the City in their district. He also highlighted the work they do, such as dealing with any federal agency issues like social security, veterans benefits, and issues with the Internal Revenue Service. Mr. Roubardin said they were excited to get to work in Fredericksburg.

**Sue Sargeant**, 1318 William Street, spoke as a homeowner on accessory dwelling units (ADU) and not as a member of the College Heights Association. She noted that the Association had not taken a position on ADU's. She said that several members of College Heights neighborhood came to the last Council meeting asking Council for an extended process for community engagement through town hall's.

Ms. Sargeant thanked Planning Commission Members Mary Margaret Marshall and Kenneth Gantt for hearing their requests. She also thanked Councilor Duffy for his support and Councilor Kelly for conducting his online survey.

She read a dialog from the Planning Commission meeting and stated that Ms. Marshall and Mr. Gantt were the only two who understood that communication was not just one way. She said she was advocating for an extended process.

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

- Board and Commission Updates - Housing Advisory Committee, PRTC, Rappahannock Juvenile Detention, R-Board, Rappahannock River Basin, Recreation Commission, Rappahannock Group Home Commission, Town & Gown, Virginia Railway Express, Fredericksburg Arts Commission
- JMHS Scholastic Team – Mayor Greenlaw
- JMHS Tough City Suds – Councilor Duffy

**Board and Commission Updates.**

Community Policy Management Team (CPMT) – Mayor Greenlaw added the CPMT report and she reported that the CPMT manages funds for children with special needs and during the period of July 2022 to December 2022 they served 54 youth and families through the Children’s Services Act fund, 3 through the Rappahannock Area Community Services Board, 27 through the Department of Social Services, 21 through

the schools and 3 through the Court Services Unit. There are 34 youth in foster care and 10 CSA youth are placed in congregate care facilities.

Housing Advisory Committee – Vice-Mayor Frye reported that the committee approved funding for house repairs such as roofing, electrical, plumbing. He also let the public know there was a \$10,000 home buying assistant program to help those who qualify for assistance.

Potomac, Rappahannock Transportation Commission (PRTC) – Councilor Kelly noted that this is where the gas tax dollars go and are disbursed and they also run a bus system. The study they were doing on a transitional plan to go to electric vehicles was complete. They also did a secondary study on the PRTC bus system. He has given the report to staff and stated that if the City wanted to do this and wanted federal funding it must have a transitional plan. He suggested using the PRTC plan and building upon it.

Councilor Kelly also noted there was a bill coming forward in the Senate to establish a Fredericksburg Area Transportation Authority. He said this bill did not come through the City's local delegation it came from Prince William County. He said there needed to be a funding source for some of the larger projects or the City would be behind the curve. He noted that PRTC and VRE were supportive of a Transportation Authority.

Rappahannock Juvenile Detention – Assistant City Manager Whitley stated that the governing body oversees the Juvenile Center and they share it with Stafford, Spotsylvania, King George, Louisa, Madison and Orange Counties. He said the facility was doing well but the numbers were up slightly. The City's share was up from 8% to

14%. A major change is that the Commission participated in a community placement program instead of state facilities as the detainees got closer to returning to the community. This program was coming to an end and it means that there would be an increase in local share of the revenues. Mr. Whitley said the operations were going well.

Rappahannock Regional Solid Waste Management Board (R-Board) – Councilor Kelly stated that on February 8 the Board would be looking at how to handle trash in the future. They will also be looking at opportunities to transition in that direction. He said due to the small size it would be difficult to do this on their own and they were looking at Public-Private. He said they would be meeting with GFL, Waste Management, and some of the other smaller haulers to look at how to develop a Public-Private partnership, primarily recycling. In addition to public-private there were discussions on how to encourage others types of composting and recycling. There was also discussion on food compositing. They plan to make a recommendation to the full board. He said they would like to broaden the discussion to the other jurisdictions in Planning District 16.

Councilor Kelly said he had received an email from representatives in Kathmandu, Nepal who wanted to set up a forum on waste management.

Rappahannock River Basin – Councilor Gerlach reported that the mission is to provide guidance and stewardship of water quality and natural resources at the Rappahannock River Basin. He said they met in December and they discussed the following topics: Community Flood Preparedness, Department of Environmental Quality



Storm Management Program, Update on Healthy Watershed Forrest, and they received a summary of the Rappahannock Roundtable Symposium.

Rappahannock Group Home Commission – Councilor Duffy said they oversee the work of the Rappahannock Area Office on Youth and the Chaplin Youth Center. This commission is a group effort between Fredericksburg, Stafford and Spotsylvania Counties. They have been talking about increased services in use for the facility they lease in Spotsylvania for the Court involved youth and students who are seeking services as an alternative to expulsion and suspension in school. He said they have another year on their lease but they are looking at facilities for their growing need.

He said it has been a pivotal need to have a licensed counselor on staff and they may expand on this in the future. They are also looking at having a retreat for the board members. They are gearing up for their annual barbeque. He spoke highly of Mr. Whitley attending the meeting.

Recreation Commission – Councilor Duffy said they had been talking about the funding they get through the activities and they will be trying to reform some of the fees so they can recoup more of the expense to run the program and keep it in line with best practices throughout the state and nation. He said they are looking at two ways to recoup funding one is through rental of the facility and provision of services and fees for programing. They will work to make sure they are affordable to the citizens. This will help to sustain the programs.

Town & Gown – Dr. Duffy said Town and Gown has not met recently.

Virginia Railway Express – Councilor Kelly noted that they have started improvements at the train station. They will be extending the platform by 120 feet and installing stairs. They put in a communication system and they are going to do cosmetic work on the bridges. There will be no increase in ticket costs but discussions are happening about how much the localities should take on. The VRE will have a retreat in June.

By 2026, there will be four new train slots and the plan is to have reverse trains on weekends, late night service and expanding passenger rail service. Councilor Kelly said this will require a better bus service in the City in order to move people from the train station.

Fredericksburg Arts Commission – Councilor Devine stated that the Arts Commission was hosting a pop up art sale through their website it is called love fxbg art. This event supports local artists. The Commission supports local artists through their events and projects through the arts support program funding source. There is an application deadline on March 1 for this quarter.

**James Monroe High School Scholastic Team** – Mayor Greenlaw congratulated the scholastic team for winning districts and they will be going to regionals in February.

**James Monroe High School Tough City Suds** – Councilor Duffy said he and Mayor Greenlaw attended the ribbon cutting for the new laundry mat at the JMHS. He said a few years ago they created the Giving Tree which provided clothing for

students in need. This laundry will be available for students to use on weekends and both programs were headed by Tammy Clarke. Councilor Duffy said Anderson Oil helped to fund this project and it will be free to the students.

**Adoption of Minutes.** Councilor Devine moved approval of the December 13, 2022 and the January 10, 2023 Public Hearing and 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).

**Resolution 23-07, Approving an Interim Agreement with Ulliman Schutte Construction, LLC for the Upgrade and Expansion of the City's Wastewater Treatment Plant (D23-\_\_).** Assistant City Manager Brown explained that the purpose for this project was to perform various improvements to the wastewater treatment plant (WWTP) to meet water quality standards requirements and to address sewage needs in the future. At the December Council meeting staff presented various information pertaining to the Interim Agreement and it addressed various things such as costs, design, project schedule, and phases. There was not much change from what was presented at the December meeting the only adjustment was the project schedule.

Mr. Brown said the operations of the facility would have to be maintained throughout the construction. They will minimize disruption of the soccer fields but they will use a portion of the fields for laydown of equipment. He said they will be required to meet the environmental requirements.

City Attorney Dooley reviewed the Public-Private Education Facilities and Infrastructure Act (PPEA) and the Interim Agreement. The PPEA is the State's authority to local government to use a design-build procurement method. The City has used PPEA for complex capital projects for about 20 years. The City is one of the leaders in the Commonwealth using this method. This process allows open and a competitive process to get the best deal for the City and it consolidates procurement timelines and provides a shorter procurement period versus a traditional design-build process.

The design build process creates a structure where the owner and the builder have early integration into the design process. This allows the engineer to hear from the owner and the developer early in the design and this can be beneficial. There will be value engineering exercises that will continue from the beginning through the end and it will be the same team every step of the way. The design-build also provides a single point of contact who is responsible for both the design and the construction of the upgrade and expansion.

Out of the PPEA it has generated an Interim Agreement and the scope of the agreement is fairly complex and heavy on design work. The Interim Agreement also has a couple of innovative features that should assist the City and the design-build team in meeting challenges that may occur. The agreement allows for an allowance for preordering of essential equipment because of supply chain delays. It also allows the design-build team along with the City to identify actual construction work that can be carried out now onsite to keep the project on time. Under the Interim Agreement they will go from a zero design to 85% design and at any point the Design-build team will

provide a contract cost limit (CCL) and once that is in place they can migrate into a Comprehensive Agreement. The Comprehensive Agreement will be brought back to the Council within the next year and it will be based on all the work that occurred under the Interim Agreement.

Assistant City Manager Whitley explained that the CCL was one of two iterations of the price of the project. The first iteration under the PPEA is the CCL which is reached early in the design around 30-50% and the CCL becomes the basis for the Comprehensive Agreement. The final iteration is the Guaranteed Maximum Price (GMP) and this becomes the outside cost limit on the project and this cannot be exceeded except through mutually agreed change orders.

Mr. Whitley explained that they would be using the rear east side of Dixon Park for the staging area. This should not occur until this summer. He did note that the hockey rink would remain open. He said in regards to a communications plan there would be a heavy outreach and they would be meeting with the Recreation Commission, Planning Commission, updates to Council during the process and meeting with the neighborhood. One of the tasks for the design team was to develop the communications plan in the early stages of the project and they will be bringing it back in the 15-30% design phase. During this phase they will also start their outreach to local subcontractors, local business community to start looking at available work to be done as part of the construction project. Later in the process they will also work on local labor by reaching out to see if anyone will fit the needs of the contractor.

The price of the project is unknown because the CCL or the GMP has not been developed. Mr. Whitley said they had a budgetary figure of \$158 million which was developed with partners Hazen and Sawyer. They originally had a figure of \$105 million in their Preliminary Engineering Report but due to the current bidding and procurement environment they increased it to \$158 million. He said much of the funding consists of State and Federal funding, \$3 million in ARPA funds, \$27 million State budget allocation, and they plan to ask for recovery cost share from Spotsylvania County, \$54 million from Water Quality Improvements grant, \$13.5 million for Nutrient Reduction grant, \$1 million from city reserves and a loan in the amount of \$52.5 million from the Clean Water Revolving Loan Fund. Mr. Whitley said the local delegation has given the City great support on this project and they are asking for an additional \$20 million in State support.

Councilor Devine said she was appreciative of the staff's efforts. She mentioned that the City was a leader in the PPEA process and that process would move the project in a cohesive way and it would save the City money.

Vice-Mayor Frye said that the possibility of Ulliman & Schutte hiring local was an excellent way to reinvest in the City. He said this was very important.

Councilor Kelly asked when the operational costs would be available with this project and what fees would there be for the public. Staff explained they have a rate model and it has been updated a few times over the years knowing this project was coming. There were also a few other projects that affected the rates. He said they were

still looking at how much it will cost although he was sure it would be significant. He said they would have better numbers in March.

Councilor Duffy said he was impressed with the partners and he wanted the public to know that staff was working closely with the State regulators, State executive agencies, local State legislators to help make the project what it is and he noted that it could be more expensive if it was not for the work of staff.

Councilor Gerlach said the Interim Agreement was very well drafted. He explained that there were nearly 29,000 people living in the City and the population estimates show that the City will grow another 11,000-12,000 people in the next 20 years. He said the City would have to be very intentional about how it deals with that future growth and this project was a good example.

Mayor Greenlaw explained the reason for doing this project was that the plant was very old and outdated and there are increased regulations that have to be met. Mr. Baroody said that was correct the facility is 1950's vintage and the technology is dated.

Councilor Gerlach moved to approve Resolution 23-07, approving an Interim Agreement with Ulliman Schutte Construction, LLC for the upgrade and expansion of the City's Wastewater Treatment Plant; 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 23-08, First Read, Amending the Fiscal Year 2023 Budget to Appropriate Funds for the Purchase of Public Safety Equipment (D23-**

\_\_\_). After staff presentation Councilor Kelly moved to approve Resolution 23-08, on first read, amending the Fiscal Year 2023 budget to appropriate funds for the purchase of public safety equipment; 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 23-09, Adopting Council Priorities for 2023-2025 and Implementation Plan (D23-\_\_\_).** Mr. Baroody and staff presented the Council priorities. Staff reviewed each of the 30 priorities with the Council and presented an implementation plan.

Council expressed their thanks to the staff for all the work they put into the priorities.

Councilor Duffy made a motion to approve Resolution 23-09, adopting Council Priorities for 2023-2025 and Implementation Plan; 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).

**City Manager's Report and Council Calendar (D233-\_\_ thru D23-\_\_\_).**

City Manager Baroody directed the Council's attention to the Manager's Update: Next Generation 911, 72<sup>nd</sup> Fine Arts Show & Sale, Nike Reuse-A-Shoe Program, Train Bridges Rehabilitation Project, Extended Parking Continues in the Downtown Business District, Traffic Safety Initiative, Board and Commission Openings, The Parks, Recreation and Events Winter and Spring Catalog, Winter 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 10:01 p.m.

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Mary Katherine Greenlaw, Mayor

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Tonya B. Lacey, Clerk of Council