



CITY OF FREDERICKSBURG, VIRGINIA
CITY COUNCIL

MINUTES

Council Chambers, 715 Princess Anne Street
Fredericksburg, Virginia 22401

HON. MARY KATHERINE GREENLAW, MAYOR
HON. WILLIAM C. WITHERS, JR., VICE -MAYOR, WARD TWO
HON. KERRY P. DEVINE, AT-LARGE
HON. MATTHEW J. KELLY, AT-LARGE
HON. BRADFORD C. ELLIS, WARD ONE
HON. DR. TIMOTHY P. DUFFY, WARD THREE
HON. CHARLIE L. FRYE, JR., WARD FOUR

January 23, 2018

The Council of the City of Fredericksburg, Virginia, held a public hearing on Tuesday, January 23, 2018, beginning at 7:30 p.m. in the Council Chambers of City Hall.

City Council Present. Mayor Mary Katherine Greenlaw, Vice-Mayor William C. Withers, Jr. and Council members Kerry P. Devine, Dr. Timothy P. Duffy, Bradford C. Ellis, Charlie L. Frye, Jr. and Matthew J. Kelly.

Also Present. City Manager Timothy J. Baroody, Assistant City Manager Mark Whitley, Assistant City Manager Doug Fawcett, City Attorney Kathleen Dooley, Director of Fiscal Affairs Clarence Robinson, Public Works Director David King, Assistant Public Works Director Diane Beyer, Budget Manager Deidre Jett, Economic Development Director Bill Freehling and Clerk of Council Tonya B. Lacey.

Notice of Public Hearings (D18-15). The Clerk read the notice of the public hearings as they appeared in the local newspaper, the purpose being to solicit citizen input.

Ordinance 18-03, First Read Approved, Granting an Easement to A. Blanton Massey and Betty B. Massey for Use and Maintenance of a Retaining Wall in the Unimproved Canal Street Right-of-Way Between Caroline Street and the Rappahannock River (D18-15). 1 speaker. Staff gave a brief overview of the project.

Blanton Massey, 1517 Caroline Street, thanked the City and said he appreciated all the City's efforts for working with he and his wife.

Councilor Devine made a motion to approve Ordinance 18-03, on first read, granting an easement to A. Blanton Massey and Betty B. Massey for use and maintenance of a retaining wall in the unimproved Canal Street right-of-way between Caroline Street and the Rappahannock River; motion was seconded by Vice-Mayor Withers and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

Motion to Suspend the Rules. In order to place Ordinance 18-03 on for second read Councilor Devine moved to suspend the rules; motion was seconded by Councilor Ellis and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

Ordinance 18-03, Second Read Approved, Granting an Easement to A. Blanton Massey and Betty B. Massey for Use and Maintenance of a Retaining Wall in the Unimproved Canal Street Right-of-Way Between Caroline Street and the Rappahannock River. Councilor Devine made a motion to approve Ordinance 18-03, on second read, granting an easement to A. Blanton Massey and Betty B. Massey for use and maintenance of a retaining wall in the unimproved Canal Street right-of-way between Caroline Street and the Rappahannock River; motion was seconded by Councilor Ellis and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

Adjournment. There being no more speakers to come before the Council at this time, Mayor Greenlaw declared the hearing officially adjourned at 7:37 p.m.

Tonya B. Lacey
Tonya B. Lacey, Clerk of Council, CMC

Mary Katherine Greenlaw
Mary Katherine Greenlaw, Mayor

APPROVED

02-13-18

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HON. DR. TIMOTHY P. DUFFY, WARD THREE
HON. CHARLIE L. FRYE, JR., WARD FOUR

January 23, 2018

The Council of the City of Fredericksburg, Virginia, held a regular session on Tuesday, January 23, 2018, beginning at 7:30 p.m. in the Council Chambers of City Hall.

City Council Present. Mayor Mary Katherine Greenlaw, Vice-Mayor William C. Withers, Jr. and Council members Kerry P. Devine, Dr. Timothy P. Duffy, Bradford C. Ellis, Charlie L. Frye, Jr. and Matthew J. Kelly.

Also Present. City Manager Timothy J. Baroody, Assistant City Manager Mark Whitley, Assistant City Manager Doug Fawcett, City Attorney Kathleen Dooley, Director of Fiscal Affairs Clarence Robinson, Public Works Director David King, Assistant Public Works Director Diane Beyer, Budget Manager Deidre Jett, Economic Development Director Bill Freehling and Clerk of Council Tonya B. Lacey.

Opening Prayer and Pledge of Allegiance. Council was led in prayer by Councilor Bradford C. Ellis followed by the Pledge of Allegiance led by Mayor Mary Katherine Greenlaw.

Officer Recognized. Mayor Greenlaw recognized the presence of Officer Christopher Reyes at this evening's meeting.

Public Hearings (D18-15). The regular session was recessed in order to conduct the scheduled public hearings and immediately reconvened upon their conclusion.

Citizen Comment. The following speakers participated in the citizen comment portion of this evening's meeting.

Donna Powell (D18-15.1), Fredericksburg Area HIV/Aids Support Services Prevention Services Specialist Coordinator invited the City Council and the public to their upcoming National Black HIV/AIDS Awareness Day on February 7, 2018 for an evening of celebration, remembrance and awareness.

Renee Rodriguez, 1415 Prince Edward Street, spoke in opposition of the parking permit plan. He said there was already too much restricted parking and adding more would cause further issues downtown.

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

7A. 4th Annual Gun Giveback – Councilor Frye

7B. Legislative Agenda, – Mayor Greenlaw

4th Annual Gun Giveback – Councilor Frye reminded citizens of the 4th Annual Gun Giveback on January 27 from 10:00 a.m. to 2:00 p.m. He also thanked the Free Lance-Star, Ted Schubel and 106.5 The Beat out of Richmond for helping to get the word out.

Legislative Agenda – Resolution 18-15, Approved, Expressing Opposition to House Bill 242, “Prohibition of Public Funding of Professional Sports Teams” (D18-16) – Mayor Greenlaw asked City Attorney Dooley to give an update on House Bill 242 on Prohibition of Public Funding of Professional Sports Teams. Ms. Dooley explained the bill and Councilor Kelly made a motion to Resolution 18-15, expressing opposition to House Bill 242, “Prohibition of Public Funding of

Professional Sports Teams”; motion was seconded by Vice-Mayor Withers and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

City Manager’s Consent Agenda Accepted for Transmittal as Recommended (D18-17 thru D18-27). Councilor Kelly removed item 8F for further discussion.

Councilor Kelly moved approval of the remainder of the City Manager’s consent agenda items; motion was seconded by Councilor Ellis and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

- Transmittal of FRED Progress Report – Fourth Quarter (D18-17).
- Resolution 18-01, Second Read Approved, Fiscal Year (FY) 2018 Budget Amendment Authorizing the Appropriation of FY 2017 Carryovers (D18-18).
- Resolution 18-05, Second Read Approved, Amending the Fiscal Year 2018 Budget to increase funding for the Sheriff by \$15,800 from the Compensation Board and to Provide \$108,800 in Additional Funding for Improvements to the Bass Ellison Building (D18-19).
- Ordinance 18-01, Second Read Approved, Increasing Fines for Parking Overtime Violation (D18-20).
- Ordinance 18-02, Second Read Approved, Amending the Residential Permit Parking Program (D18-21).
- Transmittal of Board and Commission Minutes
 - Fredericksburg Arts Commission – October 18, 2017 (D18-23).

- Fredericksburg Arts Commission – November 15, 2017 (D18-24).
- Memorials Advisory Commission – September 13, 2017 (D18-25).
- Planning Commission – December 13, 2017 (D18-26).
- Public Transit Advisory Board –October 11, 2017 (D18-27).

Resolution 18-08, Authorizing the City Attorney to Prosecute Misdemeanor Violations of the City Code Related to Animal Control and Property Code Enforcement (D18-22). Councilor Kelly asked what triggered this change and he asked was there a concern with the workload and Ms. Dooley explained that no specific incident generated the change. She said her office was being proactive and that this was a long term goal. She explained that there were about half a dozen cases per year and the City Attorney would be the advisor for the animal control officer.

Councilor Frye said he could not support this change because he did not think the City Attorney should be that involve because the animal control officer was contracted through Spotsylvania County.

Councilor Kelly made a motion to approve Resolution 18-08, authorizing the City Attorney to prosecute misdemeanor violations of the City Code related to animal control and property code enforcement; motion was seconded by Vice-Mayor Withers and passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Withers, Devine, Duffy, Ellis and Kelly. Nays (1). Councilor Frye.

Adoption of Minutes (D18-28). Councilor Devine moved approval of the September 23, 2017 Special Session minutes and the September 26, 2017 Work Session minutes; motion was seconded by Councilor Kelly and passed by the following recorded

votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

Appointment to the Fredericksburg Clean and Green Commission (D18-29). Councilor Devine moved to appoint Christi Carver to the Fredericksburg Clean and Green Commission; motion was seconded by Vice-Mayor Withers and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

Resolution 18-09, Approved, Releasing Prior Allocations of Motor Fuels Tax Funds for Various Projects. (D18-30). After staff presentation Councilor Kelly made a motion to approve Resolution 18-09, releasing prior allocations of motor fuels tax fund for various projects; motion was seconded by Councilor Devine and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

Resolution 18-10, Approved, Authorizing Use of \$1,208,930 of Motor Fuels Tax Funds for Various Transportation Projects (D18-31). Councilor Kelly made a motion to approve Resolution 18-10, authorizing use of \$1,208,930 of motor fuels tax funds for various transportation projects; motion was seconded by Councilor Devine and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

Resolution 18-11, Approved, Amending the Fiscal Year 2018 Budget by Using \$30,000 of General Fund Contingency for the City's Share of a Retaining Wall Along the Canal Street Unimproved Public Right of Way

(D18-32). After staff summary Vice-Mayor Withers moved to approve Resolution 18-11, amending the Fiscal Year 2018 budget by using \$30,000 of General Fund Contingency for the City's share of a retaining wall along the Canal Street unimproved public right of way; motion was seconded by Councilor Devine and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

Resolution 18-12, Approved, Authorizing the City Manager to Execute the Fiscal Year 2018 Asphalt Rehabilitation Program Contract with Fredericksburg Asphalt and Paving in the Amount of \$1,952,983

(D18-33). After staff overview Councilor Devine made a motion to approve Resolution 18-12, authorizing the City Manager to execute the Fiscal Year 2018 Asphalt Rehabilitation Program Contract with Fredericksburg Asphalt and Paving in the amount of \$1,952,983; motion was seconded by Vice-Mayor Withers and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

Resolution 18-13, Approved, Authorizing the City Manager to Accept the Donation of Real Property at 1208 Sophia Street from the Central Rappahannock Regional Library, for Continued Regional Library

Use (D18-34). After staff presentation Councilor Devine made a motion to approve Resolution 18-13, authorizing the City Manager to accept the donation of real property at 1208 Sophia Street from the Central Rappahannock Regional Library, for continued regional library use; motion was seconded by Councilor Ellis and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

Transmittal of the Mid-Year Financial Report. (D18-35) Fiscal Affairs

Director Robinson highlighted the overall general fund, real estate revenues, sales tax revenues, meals tax revenues, and other notable revenues such as personal property tax, building permit, and court fines.

City Manager's Report and Council Calendar (D18-36 thru D18-37).

City Manager Baroody reviewed the Manager's report and Council Calendar. Activities highlighted on the report were as follows: Winter Restaurant Week, 4th Annual Gun Giveback Event Rescheduled, Police Department Passes Year Two CALEA Accreditation, City Staff Attends "Train the Trainer" Class for Stop Bleed Techniques, New Event Coming in April, Creative Communities Partnership Grant Announced and Would you like a change to Win \$10 fir 2 Minutes of Your Time.

Closed Meeting Approved (D18-37.1). Upon a motion Councilor Kelly moved approval of a closed session under Virginia Freedom of Information Act section 2.2-3711(A)(39) for the discussion of confidential information prepared by the City, related to the construction of medical office facilities, where competition or bargaining is involved, and where disclosure of the information would adversely affect the financial interest of the City of Fredericksburg; motion was seconded by Vice-Mayor Withers and passed by the following recorded votes. Ayes (7) Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye, and Kelly. Nays (0).

Return to Open Meeting Approved. Upon the motion of Councilor Kelly seconded by Councilor Ellis and passed by the following recorded votes, Council approved a return to an open meeting. Ayes (7) Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye, and Kelly. Nays (0).

Resolution 18-14, Approved, Certifying Closed Meeting. Upon the motion Councilor Kelly approved Resolution 18-14 certifying the closed meeting; seconded by Councilor Ellis and passed by the following recorded votes. Ayes (7) Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye, and Kelly. Nays (0).

Adjournment. There being no further business to come before the Council at this time, Mayor Greenlaw declared the meeting officially adjourned at 8:50 p.m.

Tonya B. Lacey
Tonya B. Lacey, Clerk of Council, CMC

Mary Katherine Greenlaw
Mary Katherine Greenlaw, Mayor

APPROVED
02-13-18