



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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**February 14, 2023**

**The Council** of the City of Fredericksburg, Virginia, held a public hearing on Tuesday, February 14, 2023, beginning at 7:51 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, Jonathan A. Gerlach, Jason N. Graham and Matthew J. Kelly. Dr. Timothy P. Duffy 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. Baroody, Assistant City Manager Mark Whitley, Assistant City Manager David Brown, City Attorney Kathleen Dooley, Director of Planning and Development Services Charles Johnston, Principal Planner Michael Craig, Zoning Administrator Kelly Machen, Budget Analyst Donna Leahy, Director of Economic Development and Tourism Bill Freehling, Director of Parks, Recreation and Events Todd Brown and Clerk of Council Tonya B. Lacey.

**Notice of Public Hearings (D23-63 thru D23-67).** The Clerk read the notice of the public hearings as it appeared in the local newspaper, the purpose being to solicit citizen input.

**Resolution 23-13, Approved, Amending the Special Use Permit Granted to the Veterans of Foreign Wars of the U.S. Fredericksburg Post No. 3103 for the Use of 2701 Princess Anne Street as a Club or Lodge (D23-63 thru D23-64).** 1 speaker. Staff presented a PowerPoint presentation on the project.

Councilor Devine said she would like to see the lighting on the property coincided with the completion of the project. Ms. Machen stated that they were giving the VFW the flexibility to update the lighting sooner, if possible.

**Jervis Hairston**, representing Silver Companies, stated that the Silver Cos. pledge to assist with the efforts of the renovation and expansion of the VFW. He said the lighting conditions and the landscape conditions are subject of the site development plan which was currently being prepared. He said the lighting was 75 percent complete through Fairbanks and Franklin. The architect who was preparing the building plans for the project was Sabina Weitzman and she was approximately 75-80 percent done with her plans and they believe they will be able to meet the timeline in the conditions.

Vice-Mayor Frye recognized the vets that were in attendance and he thanked them for their service.

Councilor Gerlach moved to approve Resolution 23-13, amending the Special Use Permit granted to the Veterans of Foreign Wars of the U.S. Fredericksburg Post No. 3103 for the use of 2701 Princess Anne Street as a club or lodge; 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 23-14, Approved, Granting a Special Exception for Parking in Excess of 175% of the Minimum Requirement for a Proposed Silver Diner Restaurant and Chase Bank located at 2931 and 2951 Plan Road (GPINs 7769-62-4664 & 7769-62-7720) (D23-65 thru D23-67).** Staff presented a PowerPoint presentation, followed by a PowerPoint given by Attorney Charlie Payne representing the applicant.

Councilor Graham thanked the applicant for the reduction in parking and he asked if they were going to have a pedestrian connection to the hotel. Mr. Payne said they were extending the sidewalk on Commerce Street along their property line. Mr. Craig said it would be smart to have a crosswalk across Commerce Street and he said they could look at it during the site plan review.

Councilor Devine thanked that applicant for the redevelopment of the parcels, for the reduced parking and additional greenspace. She asked what the salary or hourly wage would be for a full-time job. Mr. Payne noted that the average wage was \$25.00 an hour.

Mr. Mark Russ, Vice-President of Real Estate stated that the average wage was \$25.00 per hour and it was driven by service and tips made. He noted that in all of their locations the general managers start as an hourly associate. The four area directors

started as bust boys, line cooks and server. He said they have tremendous tenor in the restaurant.

Councilor Frye asked if there could be the possibility of shared parking with the hotel and the Chase Bank during its off hours. Mr. Drew Gorman, with MCB for the applicant said that would have to be evaluated because he was not sure how busy the restaurant would be because in other location they exceed parking because it is a pretty iconic restaurant. He said it would have to be evaluated on a case by case basis.

Councilor Gerlach applauded the applicant for installing the City's first level 3 charging station.

There were no public comments.

Councilor Duffy asked staff if there were any standards for the maintenance and operations of the charging stations. Mr. Baroody said there were no standards related to EV charging stations and their maintenance. Mr. Johnston further explained that there are building code standards and if they were not functional it would become a property maintenance issue.

Councilor Devine asked the applicant if they had EV stations in their other location and the applicant said they were starting to install them and these were the first to be installed at several properties they were working on.

Councilor Gerlach asked who would be maintaining the EV stations and the applicant said it would be contracted out so that they would keep up with the technology.

Councilor Devine moved to approved Resolution 23-14, Granting a Special exception for parking in excess of 175% of the minimum requirement for a proposed Silver Diner restaurant and Chase Bank located at 2931 and 2951 Plank Road (GPINs 7769-62-4664 & 7769-62-7720); 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).

**Adjourned.** There being no speakers to come before the Council at this time, Mayor Mary Katherine Greenlaw declared the hearing officially adjourned at 8:27 p.m.

*Mary Katherine Greenlaw*  
Mary Katherine Greenlaw, Mayor

*Tonya B. Lacey*  
Tonya B. Lacey, Clerk of Council, MMC

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**February 14, 2023**

**The Council** of the City of Fredericksburg, Virginia, held a regular session on Tuesday, February 14, 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, Jonathan A. Gerlach, Jason N. Graham and Matthew J. Kelly. Dr. Timothy P. Duffy 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. Baroody, Assistant City Manager Mark Whitley, Assistant City Manager David Brown, City Attorney Kathleen Dooley, Director of Planning and Development Services Charles Johnston, Principal Planner Michael Craig, Zoning Administrator Kelly Machen, Budget Analyst Donna Leahy, Director of Economic Development and Tourism Bill Freehling, Director of Parks, Recreation and Events Todd Brown and Clerk of Council Tonya B. Lacey.

**Opening Prayer and Pledge of Allegiance.** Council was led in prayer by Councilor Matthew J. Kelly followed by the Pledge of Allegiance led by Councilor Jason N. Graham.

**Officer Recognized.** Mayor Greenlaw recognized the presence of Officer Nicholas Ruggiere at this evening's meeting.

**Update on City/Fredericksburg Area Museum Memorandum of Understanding – Dr. Gaila Sims, Fredericksburg Area Museum Curator of African American History and Special Projects (D23-48 thru D23-49).**

Economic Development Director Freehling gave a brief update stating that in July 2021, a Memorandum of Understanding (MOU) was passed between the City Council and the Fredericksburg Area Museum (FAM) to collaborate on telling a more complete story in the City. The first goal was to hire a Curator for African American History and in August 2022 Dr. Gaila Sims was hired.

Ms. Sims shared updates as the task were ordered in the MOU for the curator position. She stated that she held her first meeting with the African American History Committee in August 2022 and they had their first full group meeting in November 2022. There are 35 members on the larger Advisory Committee and five subcommittees or Work Groups assigned to different projects. The larger group will meet again in March 2023.

The MOU called for the creation of a strategic plan with project objectives and deadlines to create a cohesive interpretive plan for both FAM and the City at large. Ms. Sims sated she has talked to community members before drafting this plan and she was in the process of finalizing the plan and was hoping to turn in a draft to the City Council by April.



Ms. Sims explained that her projects have been guided by the foundational tenets of her own public history practice to include community engagement and focus on individual stories, which will in turn inform the interpretive plan she will create alongside the members of the African American History Committee. She plans to have a preliminary draft for City Council by April.

Ms. Sims updated the Council on the expanded exhibition surrounding the Block, which opened in November 2022, entitled “A Monumental Weight: The Auction Block in Fredericksburg, Virginia.” She also offered free, public presentations on the Auction Block throughout January and February while the museum was closed for installation of new exhibitions.

Once the museum reopens in March, the Auction Block working group will reconvene to work on an interpretive plan for the Auction Block’s former location at the corner of William and Charles Streets.

Ms. Sims said they will continue to work on a large comprehensive African American history exhibit to open at the FAM in 2025.

Ms. Sims has worked closely with the museum’s educator, Theresa Cramer and they went on several field trips and they will continue working together with the Youth Outreach Work Group to arrange field trips to the museum, presentations in local classrooms, teacher workshops, digital resource and participate in outreach events.

The Wayside Panel Work Group has collected multiple data sets to guide the citywide inventory, a rubric for assessment, and tasked a group of University of Mary

Washington student with fieldwork. This work should be completed by the summer of 2023. They have also started collecting ideas for future panels.

They are also working on interpretive materials to include brochures for the Visitor Center and other museums. These brochures include an updated “African American History of Fredericksburg”, Black businesses rack card and a brochure about the Auction Block exhibit. Ms. Sims stated that after completion of these brochures she will begin to work on the Trail to Freedom brochure and an Underground Railroad brochure.

To accompany the *A Monumental Weight* exhibition, they developed a virtual exhibition for the FAM’s website which offers a deeper contextualization on the Block’s history.

Ms. Sims is also working on an updated text for the City’s “History” webpage and she continues to work with the Tourism office to review the Visitor Center video and VisitFred.com and she is working on text for the FXBG Black Tourism website.

The Tour, Brochures and Other Museums Work Group are working to compile the comprehensive list of African American heritage programs and make recommendations on expanding the programs and they are collecting information on each site’s interpretation of Black history in its exhibition, website and tours in order to compile a comprehensive list of African American heritage programs in the City.

Ms. Sims, in partnership with Historic Fredericksburg Foundation, has developed a walking tour in honor of Black History Month entitles *Black Businesses and Entrepreneurship in Fredericksburg, 1787-Present*. Ms. Sims plans to develop additional

walking tours in the future, including one about the Underground Railroad and Black women in Fredericksburg's history.

Ms. Sims said she has given seventeen formal presentations since her arrival and hundreds of one-on-one and small group meetings. She said she was doing her best to let the people of Fredericksburg know that she is here and listening and working together toward the City's collective objective of telling a more complete history of the Fredericksburg Community. For more information, see D23-49.

The City Council expressed how impressed they were with the work Ms. Sims has completed thus far and they were appreciative of the partnership with FAM.

**Consent Agenda Accepted for Transmittal as Recommended (D23-50 thru D23-62).** Councilor Kelly moved approval of the City Manager's consent agenda; 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 23-08, Second Read Approved, Amending the Fiscal Year 2023 Budget to Appropriate Funds for the Purchase of Public Safety Equipment (D23-50).
- Resolution 23-10, First Read Approved, Amending the Fiscal Year 2023 Budget for the Rappahannock Criminal Justice Academy Law Enforcement American Rescue Plan Act Department of Criminal Justice Services Equipment Grant (D23-51).

- Resolution 23-11, Approved, Extending the Term of the Cox Cable Television Franchise (D23-52).
- Transmittal of Board and Commission Minutes
  - Architectural Review Board – September 20, 2021 (D23-53).
  - Architectural Review Board – September 27, 2021 (D23-54).
  - Architectural Review Board – October 11, 2021 (D23-55).
  - Architectural Review Board – October 10, 2022 (D23-56).
  - Architectural Review Board – October 24, 2022 (D23-57).
  - Fredericksburg Arts Commission – September 21, 2022 (D23-58).
  - Fredericksburg Arts Commission – October 19, 2022 (D23-59).
  - Fredericksburg Arts Commission – November 16, 2022 (D23-60).
  - Fredericksburg Arts Commission – December 21, 2022 (D23-61).
- Resolution 23-12, Authorizing the Purchase of Six Vehicles for Fredericksburg Regional Transit (D23-62).

**Public Hearing (D23-63 thru D23-67).** The regular session was recessed in order to conduct scheduled public hearings and immediately reconvened upon their conclusion.

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

**Jessica Kujala**, 1508 Winchester Street, stated that she had recently gone to Richmond to learn how Virginia could increase choice and opportunity for Virginians in terms of childcare. She said Virginia ranked 38 in the nation based on the rate in which

women have returned to the workplace. She said she was part of this statistic and because she was part of this statistic she was staying home with her four-year-old son. She explained in order to return to work she would need care for her four-year-old as well as after school care for her two school aged children. Ms. Kujala said the daycares in the City were full and there were providers who closed due to COVID and because of staffing vacancies many cannot work at pre-COVID levels.

She said the City must come together and work with businesses, schools, community, churches, economic development community and the Chamber of Commerce to solve the problem. She said in order for the community to work together this issue must be addressed now to care for the youngest members of the community. Ms. Kujala said there was a need for affordable care so moms could return to work.

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

- Parking Garage Fees /Downtown Sales – Councilor Graham
- Waste Management – Councilor Kelly
- Childcare – Councilor Devine

**Parking Garage Fees /Downtown Sales.** – Councilor Graham spoke in regards to the update received on the Sophia Street parking garage’s new charges. He said the report focused on the decreased police calls related to loitering and other undesired activities but he wanted to draw attention to the revenues generated during this time. The parking fee revenue almost reached \$50,000 and he wondered if this increase in parking revenue led to a decrease in other revenue specifically sales in the

downtown and it was noted that in 2022 across the City, tax revenues increased despite this new parking fee. He said the parking fees were not a hindrance to people coming here and he asked the City Council to allow the City Manager to present this information to the Parking Advisory Committee to explore other parking revenues that might be possible in order to generate other revenues outside of increasing real estate taxes.

**Waste Management** – Councilor Kelly reported that City staff hosted a conference on waste management. He thanked the staff for doing this on a short notice for Kathmandu.

He also noted that the R-Board was looking at expanding composting, as well as recycling and looking at setting up public-private partnerships at the R-Board facility in Stafford. He said this may come back to the Council for approval at some point. It was his understanding that they would not require additional funding from the jurisdictions.

**Childcare** – Councilor Devine informed the previous speaker that this was an issue for growing families and that it always has been. She noted the rising costs but it was not something that could be solved as a community but must be looked at as a region or state. She said she mentioned this to Congresswoman Spanberger and Councilor Devine said she would continue that dialog.

Mayor Greenlaw noted that it becomes part of early childhood education and if it is looked at that way maybe the state and federal governments could provide assistance to make sure every child has an opportunity.

Councilor Devine noted that it pulls one parent out of the workforce and that it has an impact on retirement in the long term and all the benefits that come with steady employment.

Councilor Gerlach encouraged the speaker to speak to her State representative.

**Adoption of Minutes (D23-68 thru D23-72).** Councilor Devine moved approval of the August 23, 2022, September 13, 2022, September 27, 2022, October 6, 2022 and October 7, 2022 Work Session minutes as well as the January 24, 2023 Regular Session minutes; 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).

**Resolution 23-15, Approved, Member Reappointment to the City Towing and Recovery Board (D23-73).** Councilor Devine moved to approve Resolution 23-15, member reappointment to the City Towing and Recovery Board; 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).

**Resolution 23-16, Approved, Amending the Fiscal Year 2023 Budget to Appropriate Funds for the Old Mill Park Entrance Fee Program (D23-74).** After staff presentation, Councilor Graham noted this has been a touchy subject for many but it has been successful and it was a necessary measure.

Councilor Graham moved to approve Resolution 23-16, amending the fiscal year 2023 budget to appropriate funds for the Old Mill Park entrance fee program; motion was seconded by Councilor Duffy.

Councilor Duffy thanked all who were involved in implementing the program last year. This was a program that helped to provide the level of service that is needed and wanted for the City parks.

Councilor Devine said this was an issue that caused some people angst but the park was in extensive use by many who do not reside in the City or Stafford. She noted that it was still free to residents. Councilor Devine stated that the upkeep, maintenance, trash collection that the City was incurring was becoming too much and access was becoming limited to City and Stafford residents. She noted there were other City parks that are available for people to enjoy.

Councilor Gerlach stated that he would like the staff to look into the possibility of waiving the fee for Spotsylvania County.

Councilor Kelly stated that he was not supportive of this in the beginning but it helps the staff and he would not get in the way. He said he would like to talk about what they are trying to achieve with this.

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

**Resolution 23-17, Approved, Initiating Amendments to the Unified Development Ordinance to Repeal the Floodplain Overlay District and Adopt the Virginia Department of Conservation and Recreation Model**



**Floodplain Management Ordinance as the City of Fredericksburg**

**Floodplain Overlay District (D23-75).** After staff presentation, Councilor Graham moved to approve Resolution 23-17, initiating amendments to the Unified Development Ordinance to repeal the Floodplain Overlay District and adopt the Virginia Department of Conservation and Recreation Model Floodplain Management Ordinance as the City of Fredericksburg Floodplain Overlay District; 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 23-18, Approved, Initiating an Amendment to the Planned Development-Residential District Regulations (D23-76 thru D23-**

**77).** Principal Planner Craig presented a PowerPoint presentation and he gave an overview of the population projections, the status of the City's housing market, policy/ordinance updates for moving forward, why modify Planned Development – Residential, review of e proposed modifications to Planned Development – Residential and recommendation and next steps.

Councilor Graham recognized all the work staff put into this and he said it was everything the City needed. He agreed that it was time to update the old zoning because it separated a lot of uses and he said it broke down the community. He was hopeful the form base code would bring people back together.

Councilor Graham made a motion to approve Resolution 23-18, Initiating an Amendment to the Planned Development-Residential District Regulations; motion was seconded by Councilor Gerlach.

Councilor Kelly asked for an opportunity to have further discussions before moving forward with the initiation. He listed the many projects that staff was currently working on and he said there was a concern in the community regarding density. He said you cannot improve affordable housing through zoning. He mentioned that the City needed to look at what was happening to the north and south of the City regarding housing development and how it would impact the City. Councilor Kelly said the city was a little oasis and there was a concern about how far it was going in regards to density.

Councilor Gerlach disagreed that housing affordability could not be improved through zoning. He said smaller units could be incentivized, they cost less to build and less to rent or buy. He said these steps must be taken now because the population pressures require the City to be proactive to achieve the land use that is envisioned for the future.

Mayor Greenlaw stated that managing growth is always the biggest challenge but she said it was a good challenge otherwise the City might be a dying City. She also noted that it was a challenge because the City does not want to mess up what it has. She said the goal with the small area plans is to identify what we have and assist new growth and complement it. Mayor Greenlaw said this initiates an important discussion.

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

**City Manager's Report and Council Calendar (D23-78 thru D23-79).**

City Manager Baroody directed the Council's attention to the Manager's Update: Black History Month, Civil Rights Trail, Mary Washington Monument and Lodge Donated, Accessory Dwelling Units Ordinance Proposal Community Outreach, 72<sup>nd</sup> Fine Arts Show and Sale, Nike Reuse-A-Shoe Program, Train Bridges Rehabilitation Project, Traffic Safety Initiative, Board and Commission Openings, The Parks, Recreation and Events Winter & Spring Catalog is now available, 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 9:37 p.m.

*Mary Katherine Greenlaw*  
Mary Katherine Greenlaw, Mayor

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

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