



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

February 28, 2023

The Council of the City of Fredericksburg, Virginia, held a public hearing on Tuesday, February 28, 2023, beginning at 8:01 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, Director of Planning and Development Services Charles Johnston, Principal Planner Michael Craig, Environmental Sustainability Coordinator Mackenzie Bellimam, Community Development Planner Bailey Thompson, Stormwater Specialist Pam Daniels and Clerk of Council Tonya B. Lacey.

Notice of Public Hearings (D23-94 thru D23-96). The Clerk read the notice of the public hearings as it appeared in the local newspaper, the purpose being to solicit citizen input.

Ordinance 23-02, First Read Approved, Amending 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 (D23-94 thru D23-95). no speakers. Stormwater Specialist Daniels presented a PowerPoint presentation on the project.

Councilor Gerlach noted that the new maps have moved well over one hundred properties out of the floodplain and they are no longer required to have flood insurance. He warned those residents that they are still subject to flooding and they should maintain their flood insurance.

Councilor Graham moved to approve Ordinance 23-02, on first read, amending 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 Vice-Mayor Frye and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Gerlach, Graham and Kelly. Nays (0).

Suspend the Rules. In order to place the ordinance on for second read Councilor Graham moved to suspend the rules; motion was seconded by Vice-Mayor Frye and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Gerlach, Graham and Kelly. Nays (0).

Ordinance 23-02, Second Read Approved, Amending 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 (D23-94 thru D23-95). Councilor Graham moved to

approve Ordinance 23-02, on second read, amending 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 Vice-Mayor Frye and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Gerlach, Graham and Kelly. Nays (0).

Annual Action Plan for The Community Development Block Grant

Program – the Community Planning and Building Department is Soliciting

Comments from the Public on the Development of the 2023-2024 Annual

Action Plan for the Expenditure of Anticipated Community Development

Block Grant Funds (D23-96). No speakers. Community Development Planner

Thompson explained that each year the City submits an Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD) in order to meet its federal guidelines under the Community Development Block Grant (CDBG) Program.

Mr. Thompson said the 2023-2024 Annual Action Plan details the implementation of the fourth year of the City's 2020-2025 CDBG Consolidated Plan. The CDBG funds support households with incomes below 80 percent of the area median income, adjusted by household size. According to HUD's 2015-2019 Comprehensive

Housing Affordability Strategy data, 51% percent of the City's households are low-income and eligible for these programs.

The CDBG program also work with outside agencies, partnering non-profits such as Legal Aid Works, Lois Anne's Hope House and Fredericksburg Area Support Services. Within the department they also provide direct management of the Direct Homeownership Assistance Program, the removal of architectural barriers program, the emergency home repair program and the public facilities program.

Mr. Thompson noted that in addition to this public hearing he solicited input from neighborhood and Civic groups directly. The plan will appear in the Free Lance-Star and a finalized plan will come before the Council in May.

Mr. Thompson said last year they received \$203,268.

Mayor Greenlaw stated that this was the citizens tax dollars being used well. Mr. Thompson said this money helps hundreds of people.

Councilor Kelly said right now the City accepts what HUD allocates but the City has the ability to go beyond that but there is risk at applying and he asked should we go outside the comfort zone and try applying for additional funding. Mr. Thompson said 2025 might be a better time to look at expanding the services.

Adjourned. There being no speakers to come before the Council at this time, Mayor Mary Katherine Greenlaw declared the hearing officially adjourned at 8:18 p.m.

Mary Katherine Greenlaw
Mary Katherine Greenlaw, Mayor

Tonya B. Lacey

Tonya B. Lacey, Clerk of Council, MMC

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February 28, 2023

The Council of the City of Fredericksburg, Virginia, held a regular session on Tuesday, February 28, 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, 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, Director of Planning and Development Services Charles Johnston, Principal Planner Michael Craig, Environmental Sustainability Coordinator Mackenzie Bellimam, Community Development Planner Bailey Thompson, Stormwater Specialist Pam Daniels 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 Community Officer Stephen Monahan at this evening's meeting.

Environmental Program Update (D23-80). Environmental Sustainability

Coordinator Bellimam presented a PowerPoint presentation and she discussed the Environmental Sustainability History, Commitments and Accomplishments from 2019 to current. She gave an overview of the program, stating it was dedicated to environmental compliance, public education, pollution prevention, environmental sustainability and stewardship.

Ms. Bellimam reviewed the 2019 100% Renewable Energy Resolution objectives and Council's Priorities. She also talked about the Environmental Sustainability Program Objectives: achieving 100% Renewable Energy Resolution; advancing energy improvements and renewable energy use in buildings throughout the City facilities; encouraging use of fuel-efficient and carbon-free transportation; supporting public options for electric vehicle charging stations and developing resiliency projects to protect the community and its natural resources.

The current initiatives for the environmental program are: energy improvements to public facilities, landfill to solar projects, Fredericksburg clean fleet transition and sustainable waste management education. Ms. Bellimam reviewed the cost of energy improvements and the savings with the Council.

As the program grows Ms. Bellimam said it will be informed by strategic planning, guiding future projects aligning with the city's environmental sustainability goals. The plans will include an Environmental Sustainability Action Plan – Phase One. In addition, the program will work collaboratively with the City's Comprehensive Plan update team to strategically incorporate sustainability principles that align with the

Council priorities. She also stated that the Environmental Sustainability Coordinator will provide annual program updates beginning July 2023. See D23-80 for more information.

Resolution 23-20, First Read, Amending the Fiscal Year 2023 Budget to Enter into a Performance Contract with ABM, Inc., for Energy Savings Work on Select Buildings (D23-81 thru D23-82). Chrissy Sherriff of ABM, Inc. gave a PowerPoint presentation where she discussed the Energy Conservation Measures and Facility Solutions, Project scope and Project cost and savings, lighting retrofit for the Police Department, Library, Bass Ellison, City Shop, City Hall and Dixon Maintenance. She also reviewed the Solar Design and Structural Analysis for the Police Department and Bass Ellison and she discussed the annual positive environmental impact from the project as well as the project savings measurement and verification plan. Ms. Sherriff said the results were guaranteed.

After a brief discussion Councilor Devine moved to approve Resolution 23-20, on first read, amending the fiscal year 2023 budget to enter into a performance contract with ABM, Inc., for energy savings work on select buildings; 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).

Consent Agenda Accepted for Transmittal as Recommended (D23-83 thru D23-93). Councilor Kelly moved approval of the City Manager's consent agenda; 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 23-10, Second Read, 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 (D23-83).
- Resolution 23-21, Authorizing Virginia Department of Transportation Use of and Access to City Public Right-of-Way and City Owned Park Land for the Twin Lakes/Kensington Shared Use Path TA Project, UPC 110932, Project No. 0001-111-708 (D23-84).
- Transmittal of Small Area Plan 10 for Lafayette/Route 1-South, Report and Recommendations from Project Consultant, Rhodeside Harwell, Inc. (D23-85).
- Transmittal of Board and Commission Minutes
 - Architectural Review Board – May 10, 2021 (D23-86).
 - Architectural Review Board – November 14, 2022 (D23-87).
 - Architectural Review Board – November 28, 2022 (D23-88).
 - Economic Development Authority – January 9, 2023 (D23-89).
 - Memorials Advisory Commission – May 19, 2022 (D23-90).
 - Memorials Advisory Commission – July 28, 2022 (D23-91).
 - Memorials Advisory Commission – November 3, 2022 (D23-92).
 - Public Transit Advisory Board – December 7, 2022 (D23-93).

Public Hearing (D22-94 thru D22-96). 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.

Rupert Farley, 1305 Caroline Street, stated that he was heading up the committee with the Women League of Voters to encourage ranked choice voting. He said the Women League of Voters believe in fair elections and they strongly endorsed ranked choice voting. The Women League of Voters will be giving presentations and he offered to give presentations to the Council.

Mr. Farley also thanked the Council for passing the five cent plastic bag tax.

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

- Board and Commissions Updates - Board of Social Services, Central Rappahannock Regional Library, Community Policy Management Team, Fredericksburg Area Museum, Fredericksburg Clean & Green Commission, Fredericksburg Regional Alliance, George Washington Regional Commission (GWRC)/Fredericksburg Area Metropolitan Planning Organization (FAMPO), Healthy Generations Area Agency on Aging, Main Street Board
- Civil Rights Trail – Mayor Greenlaw

Board and Commissions Updates.

Board of Social Services – Councilor Duffy spoke of how challenging it was to do the work of Social Services when they are not fully staffed and he spoke of how well staffed the City department is although it has been challenging.

He reported that the Federal public health emergency was ending in May and it would reduce access to important Medicare and Medicaid programs. He also said this would require people to have to reapply and they have not been required to do that for years and this will be a lot of work on the staff. He also noted that the supplemental SNAP benefits would be ending this month.

Central Rappahannock Regional Library – Councilor Devine reported that there were special events occurring, on March 6 at the Howell Branch there would be an exhibit called “The Turban, The Four Hundred Year Struggle for Black Equality” and it includes Gladys West a hidden figure from the area. On March 1 there will be an exhibit about female inventors at all the branches. There will be a Teen Art Show with a kick off on March 3 through April 28 at the Downtown Branch and she said anyone wanting to purchase books, the spring book sale starts March 17-18, 20-21.

Fredericksburg Area Museum – Councilor Gerlach reported that the Dinosaur exhibit would be starting on March 1. There will also be an African American Art exhibit, a Kiwanis exhibit and a Black History walking tour will be on March 25 starting at 11:00 am at the headquarters of HFFI. FAM was also continuing the exhibit of the Auction Block. Councilor Gerlach said they were also in the process of looking for a new Executive Director.

Fredericksburg Clean & Green Commission – Councilor Duffy said the Commission was focused on composting, tree canopy, utility strip size, managing leaves on private property and expanding solar use. He encouraged anyone interested to come to their meetings.

Fredericksburg Regional Alliance – Mayor Greenlaw noted that they held their last meeting at Dahlgren and they toured Dahlgren. She said the work at that institution was impactful. She said they had interest in data centers and pursuing calls on interest in the region.

GWRC/FAMPO – Councilor Graham said there were grants that the City could benefit from and the first was the G3 Grant, this grant was for green streets, green towns and green jobs. It is a technical assistance grant and it would support a regional charrette that will allow staff and stakeholders to come together and brainstorm green infrastructure that could be implemented in the region. GWRC was applying for the grant and if awarded they would conduct the regional charrette.

The next grant was Safe Streets for All and the Fredericksburg Metropolitan Planning Area received a grant to complete the action plan for the Safe Streets for All grant and by completing the action plan the City would be eligible for a large amount of money for safety infrastructure projects.

Healthy Generations Area Agency on Aging – Mayor Greenlaw said they held a black history event at the Rowser Building and there was an interesting exhibit. She said they would be providing fresh market vouchers to be used at the Farmer’s Market. She said the Cafés were up and running again and they were essential for the seniors. The

also assist up to \$200 with emergency services for utilities, prescription and they provide year around counseling for anyone with Medicare.

Main Street Board – Councilor Gerlach reported that Main Street was undergoing a Strategic Planning Session. Recently, the state Main Street came in and did a transformation strategy of the Fredericksburg economy and much of that data would be implemented into the Strategic Planning going forward. He said they were the most talented people he has ever worked with. He reminded people that First Friday was the coming Friday and it would include the Sip and Stroll.

Civil Rights Trail (D23-97) – Mayor Greenlaw commended staff, led by Vitoria Matthews, for the extraordinary work in launching the Civil Rights Trail. She said a wealth of history had been unearthed. She said this was done in partnership with the University of Mary Washington. Mayor Greenlaw noted that the launch was well attended and publicized and Channel 4 News Washington ran the story several times as well as WTOP and Fox 5 News. The event was attended by Senator Tim Caine who gave inspiring words. Senator John Warner sent a letter which did not make it in time for the launch. Mayor Greenlaw read the letter.

Adoption of Minutes. Councilor Gerlach moved approval of the February 14, 2023 Public Hearing and Regular Session minutes; 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 23-22, Approving the City’s Participation in the Proposed Settlement of Opioid-Related Claims Against Teva, Allergan, Walmart, Walgreen’s, CVS, and their Related Corporate Entities, and Directing the City Attorney and/or the City’s Outside Counsel to Execute the Documents Necessary to Effectuate the City’s Participation in the Settlements (D23-98). After staff presentation and a brief discussion Councilor Graham moved to approve Resolution 23-22, approving the City’s participation in the proposed settlement of opioid-related claims against Teva, Allergan, Walmart, Walgreen’s, CVS, and their related corporate entities, and directing the City Attorney and/or the City’s outside counsel to execute the documents necessary to effectuate the city’s participation in the settlements; 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).

Update on Ranked Choice Voting (D23-99 thru D23-100). City Attorney Dooley presented a PowerPoint presentation stating that the Council held a work session in October 2022 and there were a lot of questions. The Council was unable to make any decisions because on the unknowns, they included: would there be an imposition by the State upon the localities to pay the state’s cost in implementing ranked choice voting technology changes. Globally the fiscal impact on the Department of Elections had been estimated in 2020 at about \$1 million and the State Code that was

adopted in 2020 said any ultimate cost shall be passed on to localities that opt in ranked choice voting.

The second concern, was what the cost to the City would be and whether the City would need new equipment in order to administer ranked choice voting. There was also the concern of what it would cost to run an education campaign in the City.

The final concern was, what would it look like to administer a ranked choice voting election in Virginia. The Council adopted a resolution directing staff to answer these questions and bring it back in February. Since the passing of the resolution there has been some developments in the ranked choice voting environment. One of the developments was in late October or November of 2022, Arlington County Board of Supervisors voted to adopt ranked choice voting for their June primary for Board of Supervisors. This required the Board of Elections to meet deadlines. The Department of Elections has since issued frequently asked questions to localities and they have advised that none of the State's cost will be imposed on localities for ranked choice voting.

At the local level the estimated costs of \$45,000 is what it would take to purchase equipment that is needed with the ranked choice voting election, as well as the public education portion. This estimate was given by the Registrar but the Board of Elections had not met to validate the estimate.

The Department of Elections is working with Arlington County as they stand up the actual manual for election night for the administration of an election in which ranked choice voting is a factor. These instructions are not available. City Attorney also noted that the City's Electoral Board was recently fully populated and they have not met

yet, but they will meet Friday and ranked choice voting will be a topic of discussion. The electoral board has written to the Council in the past with their concerns on ranked choice voting.

Councilor Graham thanked the City Manager, City Attorney, Registrar's office and the Public Information Officer who put this information together.

City Manager's Report and Council Calendar (D23-101 thru D23-102). City Manager Baroody directed the Council's attention to the Manager's Update: Black History Month, Accessory Dwelling Units Ordinance Proposal Community Outreach, 72nd Fine Arts Show and Sale, Recycle Right, 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 9:03 p.m.

Mary Katherine Greenlaw
Mary Katherine Greenlaw, Mayor

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

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