



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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**August 22, 2023**

**The Council** of the City of Fredericksburg, Virginia, held a public hearing on Tuesday, August 22, 2023, beginning at 8:10 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, Planning and Building Services Director Charles Johnston, Principle Planner Michael Craig, Zoning Administrator Kelly Machen, Fire Chief Mike Jones, Deputy Fire Chief Victor Podbielski, Assistant Director of Tourism Margaret C. Morris, Budget Analyst Donna Leahy and Clerk of Council Tonya B. Lacey.

**Notice of Public Hearings (D23-361 thru D23-381).** The Clerk read the notice of the public hearings as it appeared in the local newspaper, the purpose being to solicit citizen input.

**Ordinance 23-16, First Read Approved, Ordinance Providing for Issuance and Sale of a Solid Waste System Revenue Bond, Series 2023 of**

**the City of Fredericksburg, Virginia, in an Amount Not to Exceed \$2,100,000, and the Form, Details and Payment Thereof (D23-362).** No

speakers. After staff presentation Councilor Gerlach moved to approve Ordinance 23-16, on first read, ordinance providing for issuance and sale of a Solid Waste System Revenue Bond, Series 2023 of the City of Fredericksburg, Virginia, in an amount not to exceed \$2,100,000, and the form, details and payment thereof; 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).

**Ordinance 23-17, First Read Approved, Amending the City's Zoning Map to Remove Approximately 0.2209 Acres of Land at 400 Princess Anne Street from the Railroad Station Overlay District (D23-363).**

**Transmittal of Resolution Granting a Special Use Permit for 400 PA, LLC to Convert the Parking Lot Behind the Building at 400 Princess Anne Street into Five Residential Units (D23-364).** Zoning Administrator Machen

presented a PowerPoint presentation and she began with an overview to include the issue, Planning Commission Recommendation and the request; she reviewed the location of the project; zoning current/proposed conditions; harmony with Comprehensive Plan: Train Station District in the Area 7 Plan, T-4 General Urban Transect, Commercial-Downtown (C-D) Zoning District; General Development Plan; Planning Commission discussion points; City Council Work Session discussion points; Parking; Special Use Permit considerations; Special Use Permit criteria; Conclusion and

Recommendation. Staff recommended approval of the rezoning to remove the property from the Railroad Station Overlay District and approval of the Special Use Permit with the following conditions:

- The Property will be developed and maintained substantially in conformance with the Generalized Development Plan.
- The applicant shall install an automatic sprinkler system in each newly constructed residential unit in accordance with the requirements of the City Fire Marshal or otherwise meet the requirements of the Fire Code in order to provide sufficient fire access to the site.
- All trash cans and recycling bins serving the five new dwellings must be screened from view of any public right of way or otherwise kept inside the residences at all times.
- Each existing mature tree shown on the applicant's Generalized Development Plan that is removed or destroyed during construction, or that dies within five years of the date construction begins on the five new dwellings, shall be replaced with a minimum of two new trees (following the city's tree planting standards), planted in a suitable location (confirmed by the Development Administrator) on the Property.
- The approval of this special use permit is based on relevant zoning considerations only, and does not resolve any private dispute concerning ownership of or damage to trees located on or near the property line.

Councilor Kelly asked what was the original intent of the Railroad Station Overlay District and Mr. Craig explained that it was originally intended to be an economic development incentive around the train station but it became a strong regulatory district to reduce density, add greater setbacks and limit heights. He noted that the original intent changed mid review but it was supposed to help foster infill development of the train station area but it has not done so successfully and has been removed from the latest infill developments in the area. Mr. Craig explained that the language in the original ordinance was more commercially focused and that has not been viable in the two most recent projects in the area and they both had to receive special exceptions for the limited size of the commercial components of both projects. He said in order to encourage redevelopment and infill a changeover of the surface parking into active use and removal of the Railroad Station Overlay District is an implementation step towards that.

**Denise Malczewski (D23-366)**, 220 Princess Anne Street, stated that the developer wants to build more townhouses than the City Code allows on a piece of land. She said nowhere in the City can you build to the density that the applicant was requesting without a Special Use Permit. She said there are City Codes for a reason and crowding buildings into small spaces was a snowballing affect that causes problems and causes the City to make exceptions to the rules. Ms. Malczeski said he would also need site plan exceptions because the ladder fire truck will not fit in the alley and for building too many townhomes on an alley. She also noted that there was no place for delivery trucks to stop and large trees would die because of the location of the townhomes.

Ms. Malczeski also expressed her concern regarding the shortage of parking and the use of other townhome projects that were used as comps for this project, but none of them required permit for over density. She said this shows that you can build townhomes and stay within the code.

**Jennifer Morgan**, 312 Princess Anne Street, stated that she rents her home and she had concerns with the proposed townhomes. Her first concern was affordability and she said these townhomes would drive up the price of rent and she was concerned that she might not be able to afford to live here if the prices go up. She said many of the people who work downtown also live downtown and will no longer be able to afford to live in the City because of all the new apartments and townhomes that are causing rents to rise.

Ms. Morgan second concern was safety. She said Princess Anne was a busy street and traffic would increase and the parking was already maxed out.

Her third concern was historical, and the modern building would take away the historical feel of the neighborhood. She said by removing the greenspace and taking out the trees the residents were not being protected.

**Josie Ramos**, 310 Princess Anne Street, she stated there had been a lot of construction in Darbytown and the reason she moved there was to serve the community in housing, affordability and education to the Planning District 16. She said she does HUD counseling for the district residents in affordability, down payment assistance, and closing costs assistance. Ms. Ramos stated that looking at what has already been built in the district between the 300-400 block of Princess Anne and

Frederick Streets the comps were not allowing affordability for those who work in town. She said she counsels over 200 people a year and not one regardless of income, fall within the 80 percent of the area median income of the comps in the area.

Ms. Ramos noted that those who need to get on list for subsidized housing cannot get on a waiting list. She said it was a problem that those who work in the City cannot afford to live in the City, such as the police officers.

**Lissah Michalski**, 316 Frederick Street, stated she was an appellant to the Architectural Review Board phase one of the 400 Princess Anne Street. She said she was denied a hearing because she was out of the country. She said the proposed development would change the character of the block and the City and the units would not be on Princess Anne Street but Frederick Street. The scale and appearance would have a negative impact on the streetscape of the block. Allowing these home in a residential area with dominant visuals featuring double wide parking garages in the historic district contradicts the ARB rules and would not ensure the development reflects the community values.

Ms. Michalski said the proposed homes do not have setbacks and that violates the City Code and she said the lofts across the street were built in the same manner, causing safety concerns for motorist and bicyclist. She feels this would cause accidents, injuries or much worse, therefore it needs a larger footprint.

Ms. Michalski also spoke about the issue of parking and the lack thereof. She expressed concern with the elimination of green spaces and the vital benefits they provide such as cleaner air, carbon sequestration, temperature control and a sense of

tranquility. These higher density spaces might lead to negative consequences to the physical and mental well-being of some residents.

She requested the City Council deny the rezoning and Special Use Permit and that the Mayor hold the public hearing open.

**Forrest Wilhoit, III**, 307 Princess Anne Street, expressed his concern over the proposed development at 400 Princess Anne Street. He said what makes downtown Fredericksburg a special and unique place is the strong civic commitment to historic stewardship and the desire to maintain a good quality of life in a unique urban environment. The future of the City depends on the ability to embrace growth in a way that effectively balances those commitments and aligns with the community's stated vision.

Mr. Wilhoit said after observing the patterns of developments in his neighborhood he was concerned that the balance cannot be struck appropriately. He stated that this project would be the third project receiving a special exception because of its large scale. He said continuing down this path was not good democracy; it was making things up as you go. He stated that 37 units per acre was out of the normal for a townhouse project and it would disrupt the unique character of the neighborhood.

Mr. Wilhoit said he and his neighbors know that change is inevitable but progress and development are vital for growth and valid arguments can be made for higher density and infill, but using special exceptions would cause problems and lost opportunities to do extraordinary things. He requested the Council deny the application.

**Mo Deadman**, 214 Princess Anne Street, spoke in opposition to the 400 Princess Anne Street project. She said the previous special exceptions that were given for projects in the area were to save historic buildings and this project would put a historic building in jeopardy because it is being built in the parking lot. This parking lot is used every day by the employees, customers and tenants of the building. She said approval will force those tenants, customers and employees to park on the street where parking is already tight. She requested the application be denied and the comment period be extended.

**Hamilton Palmer (D23-367)**, 1500 Caroline Street, provided four exhibits to include an affidavit from Mr. Palmer, a letter from Michael Blashford, Arborist, a heat survey of asphalt in shade and in the sun and the City of Fredericksburg Urban Forestry Program for tree protection during construction. He also had several questions about ownership of this project.

Mr. Palmer focused on the trees and he had an arborist give his opinion on what would happen if the townhomes were built so close to the trees and he said the project has the potential to severely impact the trees. He noted the trees have been existing over twenty years. He said they provide cooling and shade for the area.

Mr. Palmer asked the Council to have the applicant go back to the drawing board because what he was presenting was not by-right. He said the trees are existing but the townhomes are not. Please see **D23-367** for more information.



**Nancy Moore (D23-368)**, 314 Princess Anne Street, spoke in opposition of the rezoning and the density at 400 Princess Anne Street. She was also concerned that eliminating the parking would destroy the viability of the coffee shop.

**Pete Morelewicz (D23-369)**, 222 Princess Anne Street, asked that 400 Princess Anne Street remain in the overlay district and abide by the standards for residential density. He said this district was created to provide a transition between downtown and residential areas south of downtown. This zone maintains the distinctive character of both the dense commercial core and the neighborhoods abutting it. So that the neighborhood could maintain its individual identity he asked that the rezoning not be permitted.

**Kimberly Ann Eckhardt (D23-370)**, 224 Princess Anne Street, noted that the residents already have a huge issue with parking and traffic in the area and she said there was no need for additional apartments or housing in the area. This additional housing would bring more cars and more people and there isn't enough space for the residents who currently reside in the area. She said she also opposed the Janney Marshall building conversion. She stated that she opposed the rezoning to remove 400 Princess Anne Street from the Railroad Station Overlay district, and she opposed the special use permit for residential density of 37 units per acre.

**Arleatha S Copeland-Bumbrey and Charles M. Bumbrey, Jr. (D23-371)**, 315 Princess Anne Street, opposed the rezoning to remove 400 Princess Anne Street from the Railroad Station Overlay District and they opposed the Special Use Permit for residential density of the 37 acres per unit.

**Marty Miller (D23-372)**, 216 Caroline Street, spoke in opposition of the Rezoning and Special Use Permit for the project at 400 Princess Anne Street. He said the developer was doing too much on the parcel. He also expressed concern about the parking and the design of the townhomes. He asked the Council not to approve the rezoning and the Special Use Permit.

**Forrest Dickinson (D23-373)**, 300 Caroline Street, opposed the rezoning to remove 400 Princess Anne Street from the Railroad Station Overlay District and he strongly opposed the Special Use Permit for residential density of 37 units per acre. He asked why they were trying to change the historic City into a modern high density venue next to a beautiful residential neighborhood.

**Debra Joseph (D23-374)**, 221 Princess Anne Street, stated that the City was feeling closed in because of the many residents and townhouses. She requested the Council deny the Special Use Permit.

**Jonathan Ross (D23-375)**, 218 Princess Anne Street, expressed his opposition to rezoning and approval of a Special Use Permits within the Railroad Station Overlay District. He said the city should not change the zoning, density or traffic patterns in the Darbytown neighborhood until the new gateway to the city has arrived, to allow the best decisions to accommodate visitors and traffic with the least impact to our quiet neighborhood. He asked that the Council not to grant permission for rezoning or Special Use Permit.

**Todd Wunderly (D23-376)**, 217 Princess Anne, was opposed to the rezoning at 400 Princess Anne Street from the Railroad Station Overlay District as well and the Special Use Permit for residential density of 37 units per acre.

**Patti Wallace (D23-377)**, 302 Princess Anne Street, stated that she and her husband opposed the rezoning to remove 400 Princess Anne Street from Railroad Station Overlay District and she also opposed the density.

**John D. Urban (D23-378)**, 300 Princess Anne Street, opposed the rezoning to remove 400 Princess Anne Street from Railroad Station Overlay District and he also opposed the density.

**Rosemary Ross (D23-379)**, 218 Princess Anne Street, was opposed to the rezoning at 400 Princess Anne Street from the Railroad Station Overlay District as well and the Special Use Permit for residential density of 37 units per acre.

**Valerie Keane (D23-380)**, 300 Princess Anne Street, was opposed to the rezoning at 400 Princess Anne Street from the Railroad Station Overlay District as well and the Special Use Permit for residential density of 37 units per acre.

**Ken Daveler (D23-381)**, 224 Princess Anne Street, was opposed to the rezoning at 400 Princess Anne Street from the Railroad Station Overlay District as well and the Special Use Permit for residential density of 37 units per acre.

**Mike Adams**, applicant stated that the staff report was comprehensive and he said they have been working with staff for about nine months on the project.

Councilor Graham asked what precautions would be taken to protect the trees and in the instance something was to happen with the trees what would happen. Mr.

Adams said at the suggestion of staff they reduced the width of the alley although knowing they would have to spend more money on the townhomes because of the decrease of the width. The second thing they were asked to do was to replace the concrete sidewalk in front of the homes with a permeable material. Lastly, they agreed on a five year, two for one, replacement if the root beds were damaged. He said he would rely on Tree Fredericksburg to determine the right trees to be planted.

Councilor Graham addressed comments and concerns that were brought up. In regards to affordable housing he said he was in total support of affordable housing but as it relates to this project he was supportive of this because more housing is needed in Fredericksburg. He said that because there is a need for more housing in Fredericksburg prices are going up. Mr. Graham said it was important to build upward around the train station. He was hopeful that greater multi-family homes would come. He said the city should be proud of a very modern transportation hub. He reminded people that the train would not only be for commuters and they must start thinking about it in those terms. This area will be a transit node for the region and it will be a huge attraction for the coming years and for this there needs to be more varied housing in the area and this was one step of many to get there.

Vice-Mayor Frye said there are just as many neighbors in support of the project as there are against. He acknowledged several of the comments from the public. He said he does not agree with the cost of housing in the City but the City doesn't have control over the market. He noted that affordable housing is a goal of the Council and there were some projects that the Council has required affordable units.

Councilor Kelly said he did not support the increase in density in the downtown and it was thought that density would create affordability and he said that concept is not happening. Affordability in the City is difficult and it will require a lot of effort on the behalf of Council. He said they will need to look at fee structures, and the ability to help subsidize. He noted that property in the City will always be more expensive than anywhere else. Councilor Kelly said he would like to have a larger conversation about affordability. He said Mr. Adams has done nice projects in the City but it has required some compromises. Councilor Kelly said the City has put a large burden on the community with the previously approved projects. He said this project has no driving interest for the City as it relates to historic preservation goals of the City's downtown. He said the infill is creating problems in the downtown. There are places to create density and the downtown is not it and he said this project does not fit the corridor.

Councilor Duffy said the key to affordability is to have a prosperous City that will allow the City to put efforts into housing to meet the diverse needs in the City. He said he see areas around the trains station where there should be density. He was not saying this was the project for that site and it does not have the historic driver like other projects in the area and this would make it difficult for him to support. He said the idea of preserving a parking lot in a residential area near the train station does not make sense and he was hopeful that the right project would come.

Councilor Devine was in agreement with Councilor Duffy. He said the City has worked hard to get projects that have met the City's goals and she does not feel this

project rises to that level. She was not in support of this project and stated that the project needed to be more sensitive to the area and compliment what is there.

Mayor Greenlaw said the concern she has is with fire and rescue.

Mr. Johnston clarified that this project was not asking for any special exceptions and the purpose of a special use permit was so that discussions could occur and that the project was not automatic. He also noted that the fire department said they could access the property off of Frederick Street. There was not a special exception for fire access.

Vice-Mayor Frye reminded everyone that it was not the Council's job to tell people what to put where. He informed that public that they were witnessing the Council's process for reviewing projects. He said it's the developers job to bring a project and to see if it will work.

Councilor Kelly said the Council has some authority when it comes to incentives. The City could offer tax breaks to make projects smaller. He said to get what the Council wants it can offer incentives.

Mr. Adams addressed some of the comments that were made during the public hearing. He explained that without the rezoning and the Special Use Permit he could not do anything with the property. He said in the last ten years every project has had to be taken out of the Railroad Station Overlay District and in every instance staff has said it would be looked at and amended in the Unified Development ordinance moving forward because there needs to be more density around the transportation hubs. The second issue referred to density requires a Special Use Permit. He said the alley would

have been wide enough for emergency vehicle but he was asked to move the townhomes in to preserve the trees.

Councilor Graham made a motion to approve Ordinance 23-17, first read, amending the City's Zoning Map to remove approximately 0.2209 acres of land at 400 Princess Anne Street from the Railroad Station Overlay District; motion was seconded by Councilor Duffy.

Councilor Gerlach thanked the public for coming out as well as the applicant for working and making compromises. He said he was in favor of higher density along transit routes. He said this decision is difficult but he would support removing the property from the overlay district.

The motion passed by the following recorded votes. Ayes (5). Councilors Greenlaw, Frye, Duffy, Gerlach and Graham. Nays (2). Councilors Devine and Kelly.

**Adjourned.** There being no speakers to come before the Council at this time, Mayor Mary Katherine Greenlaw declared the hearing officially adjourned at 9:50 p.m.

Mary Katherine Greenlaw  
Mary Katherine Greenlaw, Mayor

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

APPROVED  
09-12-23

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CITY OF FREDERICKSBURG, VIRGINIA  
CITY COUNCIL  
**MINUTES**  
Council Chambers, 715 Princess Anne Street  
Fredericksburg, Virginia 22401

HON. MARY KATHERINE GREENLAW, MAYOR  
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**August 22, 2023**

**The Council** of the City of Fredericksburg, Virginia, held a regular session on Tuesday, August 22, 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, Planning and Building Services Director Charles Johnston, Principle Planner Michael Craig, Zoning Administrator Kelly Machen, Fire Chief Mike Jones, Deputy Fire Chief Victor Podbielski, 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 Councilor Matthew J. Kelly followed by the Pledge of Allegiance led by Councilor Jason N. Graham.

**Proclamation for Overdose Awareness Day (D23-357).** Mayor Greenlaw presented a proclamation to Dana Brown, Executive Director of the Zoe

Freedom Center. The proclamation was to bring awareness to the tragedy of overdose deaths and to proclaim August 31 as Overdose Awareness Day.

Ms. Brown stated that they served the Planning District 16 and they partner with the Virginia Department of Health.

Councilor Duffy thanked Ms. Brown and her organization for their powerful presence with people who have been in recovery.

**Auction Block Working Group Update – Sam McKelvey & Dr. Galia Sims, Fredericksburg Area Museum (D23-358).** Mr. McKelvey stated this was his second month at the museum. He said he took the position because of the rich history and culture in the City and because of how much the City protects and values the history. He said the work with the auction block was another reason he took the job. He said that work was known nationwide. He also noted that he has been astounded by Dr. Sims work, her professionalism, work ethic and the passion she has for her work.

Dr. Sims said the Auction Block Working Group had developed a proposed plan for the corner of William and Charles Streets. The plan is heavily influence by the report issued by the International Coalition for Sites of Conscience (ICSC) and the plan developed by the Memorials Advisory Commission.

Dr. Sims presented a PowerPoint presentation and she explained that the Auction Block associated with the sale of enslaved people stood on the corner of William and Charles Streets from about 1843 until 2020. The City Council voted on June 1, 2019 to relocate the block to the Fredericksburg Area Museum (FAM). On June 5, 2020 the block was excavated and moved to FAM and an exhibition entitled a

Monumental Weight was opened in November 2022. In October 2020, a temporary bronze medallion and a wayside panel was placed at the site. In the presentation she discussed the directive in the Memorandum of Understanding (MOU) for the creation of her position with FAM, ICSC Report quotes, Examples of Monuments in Richmond, Montgomery Alabama, Whitley Plantation Museum, Monticello Contemplative Site and Slavery at Jefferson's Monticello.

For the Auction Block site, the working group proposed taking portions of the blocks leading up to the corner and embedding quotes and she gave an example from the T. Tyler Potterfield Memorial Bridge. They also propose to embed text blocks to include narratives from John Washington's Memories from the Past, in the sidewalk leading to the site. She said it could also include quotes from the ICSC report. Dr. Sims also proposes to add interpretive text such as in the University of Virginia's Memorial for Enslaved Laborers. She said they could also embed advertisements for the sale of slaves as well as the names of those who were sold from the corner. She said they also propose some sort of mosaic or embedded art. Dr. Sims said it was important to add some sort of art to the corner and finally they would like to include some sort of light element for those experiencing it after dark. Dr. Sims said this could be an ever evolving project. She does not know of any other city developed, city funded, city installed memorial to enslavement in the U.S. that will combine interpretation, names, and public art.

Dr. Sims said the first step would be to give presentations for public input, she had already presented to the Memorial Commission, and she will present to the

Architectural Review Board, Fredericksburg Arts Commission and she will give two presentations to the public. The plan is to write and release a request for proposal for teams to include ideas of who should be on the team such as: artists, project managers, designers and architects. Dr. Sims was hoping to release the final RFP in January 2024.

Councilor Graham stated that he was looking forward to what will come forward and he asked the purpose for the light. Dr. Sims explained that when the auction block was first removed many community members expressed wanting to think that African American history comes from darkness to light and they also want the memorial to be accessible after dark.

Vice-Mayor Frye thanked Dr. Sims for her leadership and her approach to the people. He also thanked the entire Council for the removal of the block. He said he was excited about the project. He said he get calls from around the state because the City was a leader in these conversations.

Councilor Devine thanked Dr. Sims for the presentation and she said it's been several years since the removal of the block but that does not remove the history. She said the proposal brings back humanity to an inhumane act. She was appreciative of the thoughtfulness and the research.

Councilor Duffy said he was pleased with the direction this project was going. He said this would take the City down the road significantly and this was a bold reminder that the City must take on the task of making the City work for everyone. He also thanked Vice-Mayor Frye because he has been a force on the Council and he was honored to serve with him.

Councilor Gerlach congratulated Dr. Sims on the work and he said the City was blazing the way at telling a uniquely human story in Fredericksburg.

Mayor Greenlaw said what was amazing is that what was being proposed is what the Council heard from the public during the conversations that the City started in 2017. She said all the work and compassion from the community was showing up.

**Consent Agenda Accepted for Transmittal as Recommended (D23-359 thru D23-361).** 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).

- Transmittal of Memo, New Land Use Public Hearing Notice Requirements (D23-359).
- Transmittal of the Board and Commission Minutes
  - Board of Social Services – June 1, 2023 (D23-360).
  - Green Committee –June 13, 2023 (D23-361).

**Public Hearing (D23-362 thru D23-381).** 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.

**Thomas Scott Grim, Jr. (D23-382)**, 212 Princess Anne Street, requested the City Council's support and advocacy for the decriminalization and eventual legalization of psilocybin mushrooms.

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

8A. 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, GWRC/FAMPO, Healthy Generations Area Agency on Aging, Main Street Board

8B. I-95 Emergency Access – Councilor Kelly

8C. Thomas Keating Passing – Councilor Duffy

**Board and Commission Updates.** Mayor Greenlaw postponed this item until the next agenda.

**I-95 Emergency Access** – Councilor Kelly stated that he had spoken to Marci Parker at VDOT to see if there was a way to provide an emergency access to Interstate 95 for the City's Fire Department and it went nowhere. He spoke with Chief Jones and he suggested going behind the Visitor Center for access and Councilor Kelly went back to Ms. Parker and she went to the Federal government and they agreed to the plan but said the access could only be for emergency vehicles and it must have a gate. Councilor Kelly said the state could make it happen, but it would require matching funds. He asked the Council to give the City Manager permission to find the funds to pay for it.

City Manager Baroody said the need was real for the first responders and they did some initial analysis and it may cost roughly \$200,000 and the City would have to come up with 25 percent.

**Thomas Keating Passing** – Councilor Duffy remembered Thomas Keating who served as the Director of the Chaplin Group Home. Mr. Keating passed suddenly. He worked to support the youth and to see his work under the new leadership was wonderful.

**Adoption of Minutes (D23-383 thru D23-385).** Councilor Gerlach moved approval of the February 14, February 28, March 21, 2023 Work Session minutes and the August 8, 2023 Public Hearing and the August 8, amended 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).

**Appointments to the Memorials Advisory Commission – Shaliek Tarpley; Stafford Airport Authority – Christopher Hornung; Rappahannock Area Alcohol Safety Board – Jeremie Childress; Appointment to the Rappahannock Area Community Service Board – Kenneth Lapin (D23-386 thru D23-389).** Councilor Kelly made a motion to appoint Shaliek Tarpley to the Memorials Advisory Commission; Christopher Hornung to the Stafford Regional Airport Authority, Jeremie Childress to the Rappahannock Area Alcohol Safety Board and Kenneth Lapin to the Rappahannock Area Community Service Board; 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).

**Transmittal of Resolution Amending the Operational Agreement of the Rappahannock Regional Solid Waste Management Board to Extend the Date of Expiration (D23-390).** Mr. Whitley stated that this item was covered during the public hearing and it was for the extension of the agreement with the R-Board.

**Resolution 23-54, Appropriation Resolution in the City Public Safety Capital Fund to Authorize the Purchase of a Surplus Fire Truck (D23-391).**

After staff presentation Councilor Graham moved to approve Resolution 23-54, authorizing the purchase of a surplus fire truck using the City Public Safety Capital Fund; 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 (D23-392 thru D23-393).** City Manager Baroody directed the Council's attention to the Manager's Update: Community and School Safety, CALEA Accreditation, Keeping Fredericksburg Beautiful, The Department of Community Planning and Building Closure, Council Priorities Phase Four, Parks, Recreation and Events Fall Catalog and Fred Focus.

**Closed Meeting Approved.** Upon a motion Councilor Graham, moved approval to convene in closed session under Virginia Section 2.2-3711 A. (1) to discuss



the performance of specific appointees of the City Council, specifically, the City Manager, Clerk of Council and City Attorney; 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).

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

**Resolution 23-55, Approved, Certifying Closed Meeting (D23-394).**  
Upon the motion Councilor Devine, approved Resolution 23-55 certifying the closed meeting; seconded by Councilor Graham and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Gerlach, Graham, 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 10:07 p.m.

Mary Katherine Greenlaw  
Mary Katherine Greenlaw, Mayor

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

APPROVED  
09-12-23

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