



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

September 26, 2023

The Council of the City of Fredericksburg, Virginia, held a regular session on Tuesday, September 26, 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, Finance Director Robyn Shugart, 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 Ivy Home School Students Aria Haynes, Mila Haynes and Tobias Haynes.

Consent Agenda Accepted for Transmittal as Recommended (D23-427 thru D23-431). Councilor Kelly moved approval of the City Manager's consent

agenda; motion was seconded by Councilor Devine and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Gerlach, Graham and Kelly. Nays (0).

- Resolution 23-57, Approving the 2022-2023 Consolidated Annual Performance and Evaluation Report (D23-427).
- Transmittal of the Board and Commission Minutes
 - Architectural Review Board – June 12, 2023 (D23-428).
 - Clean & Green Commission – June 5, 2023 (D23-429).
 - Economic Development Authority – June 12, 2023 (D23-430).
 - Economic Development Authority – June 30, 2023 (D23-431).

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

Scott Vezina, 1005 Cadmus Court, spoke in support of St. Mary’s Catholic Church application. He expressed concern with the discussion that ensued at the last meeting regarding parking and limiting the hours of operation. Mr. Vezina stated that the operating hours were more restrictive than any other R-4 zoned church in the City. The hours proposed are 8:00 a.m. to 9:00 p.m. He noted that other churches in the area have hours until 11:00 p.m. He also listed several other churches in residential zoning districts that do not have restrictive hours. He said passing this resolution would make St. Mary’s one of the most restrictive faith based properties in the City. He urged the Council to be consistent with its history and the precedence shown on other cases.

Mary Mann, 1413 Winchester Street, spoke in support of St. Mary's and said they have been great for the community.

Michael Casey, 1305 Prince Edward Street, spoke in support of St. Mary's use of the properties they own. He said the City would benefit if they are allowed to use the properties. He noted that many of their parishioners serve on boards and are business owners.

Lori Mattson, 1423 Candlewood Street, 22407, said she was not a resident but she was a taxpayer because she owns property in the City and she is a professor at the University. She said St Mary's was a gem. She said they learn to be better people in there study groups. She asked the Council to please vote in support of the St. Mary's application.

Chris Working, 800 Caroline Street, said he moved to the City two years ago because he loved the vibrancy and the diversity. He said he had been keeping an eye on safety and over the past year something has changed. Mr. Working said he has notice more drug paraphernalia and it was concerning him. He said he was friends with many of the homeless but the people he has been seeing lately are not familiar. He said many of these people harass people. He said enforcing no loitering should solve the problem.

Mike Worsham, 1317 Royston Street, said the issue is not the good things the church does. He said his issue was the hours at 1312 and 1317 Royston. These properties are directly across the street from his residence. He asked the Council to put restrictions on those facilities. He said the community has not had input on the hours. He said the hours were broad and he asked that the hours be restricted 9:00 a.m. to

5:00 p.m. He noted that 1104 Augustine Avenue was open until 10:00 some nights. He said there were a number of facilities inside the church that are used until 9 or 10 and he was hopeful they could use those facilities. He said the church has grown too large for the community.

Ellen Brown (D23-432), 1407 Dandridge Street, member of the College Heights Civic Association Board, said the board voted not to take a stand on the St Mary's application, however she has a personal opinion on the matter. She said she would like to see the traffic and parking problem fixed and a stop to the church growth in the neighborhood.

Ms. Brown urged the City to discuss St. Mary's plans with the Diocese of Arlington to relay the concerns of the neighborhood related to traffic, parking, growth and the efforts to be good neighbors.

Meagan Smith (D23-433), 1321 Royston Street, spoke in support of the expanded hours for St. Mary's. She noted that their properties were well maintained and quiet. She stated that more activities would have a positive impact on the neighborhood.

Dr. Michael Horne (D23-434), 1506 Augustine Avenue, clinical psychologist who oversees the Catholic Charities counseling office as well as a resident of College Heights said thanks to St. Mary's they have been able to provide reduced counseling to thousands of residents in the City. He said St. Mary's has been a wonderful partner and has played a vital role in supporting mental health needs.

Edward R. Whalen, Alice F. Whalen (D23-435), 1325 Royston Street, had concerns about modifications to the St. Mary's special use permit (SUP). They asked the Council to address the following: Set hours of operation at 1312 and 1316 Royston from 9:00am to 6:00 p.m. with prep and clean up included in these hours; Parking for any assembly meetings should be limited to current church parking lot facilities. Extend resident parking only times to include weekends and consider adding additional Resident Parking signs to both sides of the 1300 block of Royston and the 1100 block of Augustine. Consider waving these restrictions on designated; Special religious holidays such as Christmas, Easter etc.; Enforce all facets the City code that applies to these facilities; Install traffic calming measures such as speed humps/speed tables at two locations on the 1300 block of Royston to mitigate unsafe driving practices and slow traffic to safer speeds.

Kathleen Wilson (D23-436), 1601 Princess Anne Street, the founder and Executive Director of Mary's Shelter VA. Mary's Shelter help homeless women and their children. St. Mary was one of the first churches in this area to assist with their financial needs and they continue to be one of their largest donors and supporters, sheltering numerous women and children in our community as they work to better their lives.

St. Mary's also provide housing updates and repairs and each year provide beautiful Christmas gifts to the families they serve, as well as regular gifts and donations needed throughout the year. The women they serve attend school and/or are employed in the Fredericksburg area.

Ron Smith (D23-437), 1318 William Street, was concerned about the notification timeline. He said the first notice sent out by Hirschler Law he did not receive the notice until days after the May 24 meeting. He said he did receive the notifications for the June 14, 2023 Planning Commission Public Hearing on and September 12 City Council public hearing.

Kara Horne (D23-438), 1506 Augustine Avenue, expressed her appreciation for Saint Mary's Catholic Church and all the good work they do to provide for those in need in the city, and the beauty and diversity they bring to the neighborhood. She said the church does not take away from the character of the neighborhood as some believe.

Ms. Horne said it was noteworthy that St Mary's has utilized the properties that they own in the neighborhood in a respectful manner that is actually an asset to property values here. She noted that their properties are well maintained and their use do not violate the noise ordinance. She said they should have the right to utilize their properties as long as they do so in an appropriate manner.

Diane Boyd (D23-439), 1002 Jami's Place, a parishioner of St. Mary's Catholic Church said that when considering where to relocate in Virginia she and her husband chose the City of Fredericksburg because it had a Catholic Church in the middle of the City. She said after viewing the Planning Commission and Council meetings there were several important points: The church met with the College Heights Civic Association trying to offer solutions to problems in areas that the parish has actual control over; the financial drain on the church having an attorney appear at all the meetings; working men and women, students who attend public school, and others, Catholic or not,

English-speaking or not, need a church, activities, and programs open to all and not just on Sundays and not just until 5:00 p.m. and St. Mary's, sponsors many in-parish organizations while encouraging its parishioners to branch out into the community to volunteer at its numerous non-religious charitable organizations.

Elana Doyle (D23-440), 1009 Stafford Avenue, the Outreach Director at St. Mary's Church talked about all the support to the various non-profit organizations that St. Mary's is a part of. She said with all the good work they do it is critical that they use the properties they have purchased to accommodate the many needs of their volunteers.

Kathleen Mahoney (D23-441), 1021 Maureen Drive, stated that all the church properties were extremely attractive and well-maintained with beautiful landscaping. She said neighbors should not fear that the houses will be neglected and become eyesores. She said by granting this SUP it would not ruin the prestige of the subdivision.

Sue Sargeant (D23-442), 812 Daniel Street, President, of the College Heights Civic Association (CHCA) stated that the CHCA issued a statement that "The College Heights Civic Association takes no position on the Draft Resolution, pages 20-23, presented at the 9-12-2023 Council meeting regarding the application of St. Mary's Catholic Church/Diocese of Arlington for a combination of existing SUPs.

The Association recommends that the City Council and staff communicate and coordinate with the church and the Diocese of Arlington on this issue, and further issues, regarding St. Mary's."

Lynn Ackerman (D23-443), 1300 College Avenue, asked the Council to consider the comments about the time limits on the houses owned by the Catholic Church as recommend by the Worsham's who live on Royston. She also hoped the rooms have occupancy limits as recommended by the fire department.

Ernest Ackerman (D23-444), 1300 College Avenue, stated that granting the SUP would change the nature of the College Heights neighborhood. He said it could be mitigated by restricting the hours of operation for houses on Royston to 9 am to 5 pm, restricting access to the properties covered by the SUP through the parking lot on William Street, and having parking restricted to residents only on both sides of Royston Street.

Hamilton Palmer, 1500 Caroline Street, thanked Vice-Mayor Frye for his vote at the September 26, Council meeting on the 400 Princess Anne Street project. He also thanked the other Councilors who voted against the project. Mr. Palmer noted that the two by two meetings the Council and City Manager had were not illegal, but they were not transparent. He said it makes it look like they are trying to bypass the FOIA laws. He said efficiency was not a reason to do public business behind closed doors and it was not transparent. He said the public trust should not be violated for efficiency. He asked how much lawsuits were costing the City.

Resolution 23-58, Approved, Granting a Special Use Permit for Saint Mary of the Immaculate Conception Parish on 5.4 Acers of Land Located at 1301 William Street and Associated Lots on Stafford Avenue, Royston

Street, and Augustine Avenue (D23-446). Principal Planner Craig gave a PowerPoint presentation and he covered the following: Location, Proposed Uses, General Development Plan (GDP), and Recommended approval with conditions. The conditions were as followed:

1. The Property will be developed and maintained substantially in conformance with the Generalized Development Plan (GDP).
2. The principal religious assembly use shall be contained within the "Primary Church Use Area" delineated on Sheet 4 of 4 of the GDP.
3. All school uses shall be contained within the "Primary Church Use Area." Enrollment shall be limited to 66 preschool students.
4. Any outdoor playground shall be located within the "Primary Church Use Area." Any playground installed shall be screened from adjacent residential uses.
5. Lots within the "Ancillary Church Use Area," that are currently vacant or used for parking may be developed for single family detached dwelling uses or any other use by-right in the R-4 zoning district. Any other change of use will require an amendment to this special use permit.
6. The hours of operation of uses located in the Ancillary Church Use Area shall begin at 8:00 a.m. and end at 9:00 p.m., seven days a week, unless a Special Event Permit is issued by the Parks, Recreation, and Events Department or a Temporary Use Permit is issued by the Zoning Administrator. Additional time for set-up/clean-up is permitted between 7:00 a.m. and 10:00 p.m. seven days a

week. The child day care use may begin operations at 6:00 a.m. (*modifications in italics*)

- *These hours of operation do not apply to residential uses in the Ancillary Church Use Area.*
- *The assembly use of 1312 and 1316 Royston Street shall be limited as follows, with 30 minutes additional time for set-up/clean up before and after:*
 - *Sunday: 10:00 a.m. to 5:00 p.m.*
 - *Monday through Friday: 9:00 a.m. to 9:00 p.m.*
 - *Saturday: 7:00 a.m. to 9:00 p.m.*

7. Lighting fixtures for interior sidewalks within the Ancillary Church Use Area shall be five feet or less in height and in conformance with City Code.
8. Landscaping shall be installed to screen the interior sidewalks within the Ancillary Church Use Area from view of the adjacent public streets.
9. Any change of use within the “Ancillary Church Use Area,” shall be limited in occupancy to the equivalent of a Group B (business) Building Code Use Classification or less.

Mr. Craig addressed several of the comments from the public the first was further limitation on hours and he said the Baptist Student Center and the Hillel Student Center have hours of operations ending at 11:00 p.m. The Fredericksburg International Christian Church has special education limitations 8:00 a.m. to 4:30 p.m. the Northside Baptist childcare daycare hours are between 5:30 a.m. and 7:30 p.m., St. George’s

Episcopal School hours are 9:00 a.m. to 12:00 p.m., Trinity Episcopal Church is 11:00 p.m. and Trinity Episcopal Preschool is limited from 9:00 a.m. to 2:00 p.m.

Mr. Craig explained that the code requirement for public hearing notices is five days but they received complaints that certified mail took a long time and they changed it to 14-21 days. He said there was notice at the first public hearing that some had not received their mailing and staff held a second public hearing.

Councilor Graham asked what other uses were permitted in R-4 zoning district and Mr. Craig explained that R-4 was relatively restricted and does not allow too many uses except uses such as churches by SUP.

Councilor Kelly asked about the limit to the number of persons per square feet and Mr. Craig said Condition 9 limits the number of people to one person per 100 square feet. He said improvements could be made to up the number of people.

Councilor Kelly asked staff to give an update related to parking, pedestrian and traffic concerns. Assistant City Manager Brown said he has requested the Police department to do traffic counts. They have also evaluated parking on different days and during mass there were large volumes around the church. He said when there is no mass there are no parking issues. He said he was going to refer the parking to the Parking Advisory Committee in October. He has also asked the police to provide the accident history along Stafford Avenue and they are discussing parking enforcement with the Police Department.

Councilor Kelly said it was hard for him to limit St. Mary's hours when there are others in the area with no limitations.

Councilor Kelly moved to approve Resolution 23-58, granting a Special Use Permit for Saint Mary of the Immaculate Conception Parish on 5.4 acres of land located at 1301 William Street and associated lots on Stafford Avenue, Royston Street, and Augustine Avenue; motion was seconded by Councilor Graham.

Councilor Devine thanked all who came out and she thanked the church for working with CHCA. She reiterated that she did not like the expansion into the neighborhood and she suggested the next time they decide to expand that they do it outside of the City because it impacts the City.

Councilor Duffy disagreed with the hours of operations and he was hoping for a greater compromise.

Councilor Graham noted that as he reflected back to when he commuted, he did not get home until late and he said he did not want to get in the way of those commuters who may be in the same situation. He said he understand why the later hours may be needed.

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

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. Recognition of Department of Parks, Recreation and Events – Councilor Duffy

Board and Commission Updates.

Board of Social Services – Councilor Duffy reported that the department continues to struggle with long standing issues related to COVID19. He said the benefits were challenging for residents. The turnover of staff, due to stress, continues to be a challenge.

Central Rappahannock Regional Library – Councilor Devine reported that the money recouped from an insurance claim was added to the budget to allow Tuesday morning hours to be restored. There is a new initiative for the youngest readers who are read to. They are challenged to sign up and read 1,000 books before starting kindergarten to get them familiar with books.

Community Policy Management Team – Mayor Greenlaw report that they manage the Children Services Act funds for children with special needs. They currently serve 77 youth through this fund. Four of the cases are managed by the Rappahannock Area Community Services Board, 47 are managed by the Department of Social Services, 21 are managed by the schools and 5 by the Court Services Unit. There are 46 youth served through foster care. Of the 77 CSA youth, 19% are currently placed in residential or group homes.

Fredericksburg Area Museum – Councilor Gerlach reported that admission was free for the month of September. They have a new President and Chief Executive Officer Sam McKelvey. He had the results for the FAM Outreach efforts for Fiscal Year 2023: they reached 4,450 students and educators, 103 programs, they reach 1,747

students and teachers from Fredericksburg City Public Schools, 845 participated in free programs, the most popular student programs were Native Americans and Dinosaurs. Arts programs were the most popular, and 2,570 community members were reached through programs.

Fredericksburg Clean and Green Commission – Councilor Duffy reported that last week they were getting ready for the first Plant and Play event at Nats Park but they had to postpone the plant distribution and cancel the play event due to weather. He thanked everyone involved and the plants would be distributed this week. He said the Commission was focusing more on composting and they are working on a new mission and vision.

Fredericksburg Regional Alliance – Mayor Greenlaw reported that the Board of Directors voted to contract with Convergent Non-Profit Solutions to facilitate a private sector fundraising campaign. The goal is to provide funding for the five-year economic development initiatives. The goal of the campaign was to attract additional private sector investors.

GWRC/FAMPO – Councilor Graham reported that at their last meeting they voted for a position to help address homelessness in the region. The position would be fully funded by the City but managed by GWRC, to be a liaison working in the community to address incidents as they arise. This would minimize Fredericksburg Police Department’s involvement to focus more on police based matters but the motion failed. They are continuing to look for ideas to address homelessness within the City limits.

FAMPO was looking at what a Regional Transportation Authority might look like. Senator Jeremy McPike brought a bill to the General Assembly for a Regional Transportation Authority in the Fredericksburg region and it failed by one vote and it is likely that it will come back to the General Assembly. Staff is putting together a draft bill that could be used by a member of the General Assembly. The Regional Transportation Authority would have to come through the Council.

Healthy Generations Area Agency on Aging – Mayor Greenlaw said there were 69 clients being served and they continue with their emergency home services. She suggested if anyone needed daily assistant that they check them out. The Director was on the panel for the Regional Housing Summit.

Main Street Board – Councilor Gerlach reported that “A Downtown Affair” would be held on Sunday, October 8 on Charles Street. There were 10 restaurants participating and there were a few tickets still available.

Fredericksburg City Schools E-Bus Unveiling – Councilor Duffy said the 10 buses were unveiled yesterday at James Monroe High school. He congratulated the School Board and staff. They were able to purchase them with grants.

Recognition of the Department of Parks, Recreation and Events – Councilor Duffy said the Fredericksburg Parks, Recreation and Events Department received awards at the recent annual meeting of the Virginia Recreation and Parks Society. He announced that they won five awards for Best New Facility – Riverfront Park, Best New Program - Mobile Recreation Program (Rec2U), Best New Diversity and Inclusion Initiative – the Plaque at the Community Center; Distinguished Volunteer

Service Award – Anne Little and Distinguished Private Sector Award for the work of Fredericksburg Nationals in the City. He congratulated staff and the volunteers who made this happen. He thanked Mr. Todd Brown for his work to make it all happen.

Adoption of Minutes (D23-445). Councilor Devine moved approval of the April 4, 2023 Work Session minutes; 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).

Fiscal Year (FY) 2023 Preliminary Unaudited Financial Report (D23-447 thru 448). Finance Director Shugart presented a PowerPoint presentation and she highlighted the FY 2023 budget which was revised to \$118,229,472. The total preliminary revenues for FY 2023 were \$116,280,997 and the expenditures were \$114,523,698. The Real Estate, Personal Property and Consumption taxes including sale, meals, lodging and admissions all met or exceeded the FY 2023 budget. The expenditure increased due to fuel, healthcare costs, salary growth and inflationary increases.

Ms. Shugart also reviewed charts on the Revenue and Expenditure Actuals History, FY 2023 Budget to Actuals (preliminary) of key Revenues, Sales Tax Budget to Actuals, Meals Tax Budget to Actuals. She also noted that the expected sales of the Water/Sewer funds met the FY 2023 budget.

Ms. Shugart reported that the FY 2024 Budget began July 1, 2023. She noted did not have updated material to provide for the financial status of FY 2024 because the revenue received for the month of July and a portion of August get posted to FY 2023 to

reflect the period in which they covered. She also reported that on September 14, 2023, the Governor approved the budget amendments the General Assembly passed in the 2023 special session. Staff was in the process of reviewing those changes and would inform the City Council of any changes that may require amending the budget.

Resolution 23-59, First Read Approved, Amending the Fiscal Year 2023 Budget for the Health Insurance and Multi-Purpose Stadium Funds

(D23-449). After staff presentation Councilor Gerlach moved to approve Resolution 23-59, First Read, amending the Fiscal Year 2023 Budget for the Health Insurance and Multi-Purpose Stadium Funds; 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).

Transmittal of Assignment of Fund Balance for Fiscal Year 2023

(D23-450 thru 451). Finance Director Shugart presented a PowerPoint presentation explaining that the Fund Balance was the sum of all deficits or surpluses that occur during the life of the government, and at the end of the fiscal year the difference between actual revenues and actual expenditures is what would be added or deducted from fund balance. At the end of the fiscal year, she said it was prudent to review the current allocations in fund balance and make additional recommendations to Council for consideration.

The FY 2023 General Fund Preliminary results were as follows: Revenues \$116,280,997, Expenditures \$114,523,698 with a difference of \$1,757,299.

City Manager’s Report and Council Calendar (D23-452 thru D23-

453). City Manager Baroody directed the Council’s attention to the Manager’s Update: Fredericksburg Parks, Recreation and Events Awards, National Hispanic Heritage Month, Community and School Safety, Fredericksburg’s New Downtown Community Police Officer, Fredericksburg Sheriff Lt. Merrell Recognized, Fire Department Open House, Area 5 Small Area Plan Open House and Community Workshops, In-Person Absentee Voting (early voting), Election Text Notifications, Public Input Sought on Auction Block Site Proposed Plan, Be Aware of Scams, Upcycled Art Ghost Painting, Parks, Recreation and Events Fall Catalog 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 9:44 p.m.

Mary Katherine Greenlaw
Mary Katherine Greenlaw, Mayor

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

APPROVED
10-24-23