



CITY OF FREDERICKSBURG, VIRGINIA  
CITY COUNCIL  
**MINUTES**

Council Chambers, 715 Princess Anne Street  
Fredericksburg, Virginia 22401

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

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**January 22, 2019**

**The Council** of the City of Fredericksburg, Virginia, held a regular session on Tuesday, January 22, 2019, beginning at 7:30 p.m. in the Council Chambers of City Hall.

**City Council Present.** Mayor Mary Katherine Greenlaw, William C. Withers, Jr., Council members Kerry P. Devine, Dr. Timothy P. Duffy, Charlie L. Frye, Jr., Jason N. Graham and Matthew J. Kelly.

**Also Present.** City Manager Timothy J. Baroody, Assistant City Manager Mark Whitley, Assistant City Manager Doug Fawcett, City Attorney Kathleen Dooley, Budget Manager Deidre Jett, Director of Parks, Recreation and Special Events Jane Shelhorse, Treasurer Brenda Wood, Director of Economic Development Bill Freehling 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 Fairview Beach Baptist Church Boy Scout Troop #179.

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

**Citizen Comment.** There were no speakers who participated in the citizen comment portion of this evening's meeting.

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

7A. Payment of City Utility and Tax Bills by Furloughed Federal Government Employees – Vice-Mayor Withers

**Payment of City Utility and Tax Bills by Furloughed Federal Government Employees – Vice-Mayor Withers.** Vice-Mayor Withers stated that there were City residents that were affected by the government shutdown and he talked to the Treasurer and city staff about getting some relief for those workers while they were not getting paid.

Councilor Graham stated that he was a member of a business profession occupation or group of three or more members affected by the shutdown. Namely, he is an employee of Booz Allen Hamilton a federal contractor that has been affected by the government shutdown and directly does business with the Federal government and he decided to abstain from any discussion and votes on this matter.

Mr. Whitley explained that there were two separate issues the first was taxation bills and the other was city utility bills. Mr. Whitley explained that that there were about 1,800 supplemental tax bills that were sent out and will be due January 30 and the Commissioner and the Treasurer can waive penalties and interest for a variety of circumstances. The Commissioner and the Treasurer can consider requests by the City Manager or his designee to abate penalties and interest for particular payments and staff recommended that all 1,800 bills be postponed until February 28. Mr. Whitley stated that the utility piece was different under the utilities code. He noted that the Treasurer has the authority to extend service cut offs for water, sewer and garbage. The code is specific about the ten percent penalty if the

bill is not paid by the 25<sup>th</sup> day of the month and that the bill is due upon receipt. Mr. Whitley asked to Council to consider a temporary suspension of this section of the code. Ms. Wood, the Treasurer said she was on board with whatever the Council decided and she said she would continue to work with those furloughed employees.

Vice-Mayor Withers thanked Ms. Wood and Mr. Whitley for working on this and he agreed that postponing the tax bill for everyone would be easiest to do and he said he would hate to charge penalties to people when the furlough was no fault of their own.

Council was in support of the temporary proposed changes and staff would prepare to bring an ordinance forward at the February 12 meeting.

**City Manager's Consent Agenda Accepted for Transmittal as Recommended (D19-20 thru D19-26).** Councilor Duffy disclosed that he was an Assistant Principal at James Monroe High school but he could participate in the transactions fairly, objectively and in the public interest and Councilor Frye disclosed that his spouse was an employee of the Fredericksburg Public schools but he could participate in the transactions fairly, objectively and in the public interest. This disclosure was made for both school items on the agenda.

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

- Resolution 19-01, Second Read Approved, Fiscal Year (FY) 2019 Budget Amendment Authorizing the Appropriation of FY 2018 Carryovers and Approving Additional Appropriations for Certain Capital Projects (D19-20).
- Ordinance 19-01, Second Read Approved, Amending the Unified Development Ordinance to Provide for Form-Based Zoning, and to Add Form-Based

Regulations to the Commercial-Highway Zoning District and Adopting a Frontage Map for the District (D19-21).

- Ordinance 19-02, Second Read Approved, Amending of the Unified Development Ordinance Article 5, “Development Standards,” to Revise Requirements for Blocks and Lots, Access, and Parking (D19-22).
- Resolution 19-05, Second Read Approved, Approving a Fiscal Year (FY) 2019 Budget Amendment Appropriating Funds in the General Fund for a Contribution to the Other Post-Employment Benefits (OPEB) Trust Fund (D19-23).
- Resolution 19-06, Second Read Approved, Approving a Fiscal Year (FY) 2019 Budget Amendment Appropriating Funds in School Grants Funds (D19-24).
- Transmittal of Board and Commission Minutes
  - Green Committee – November 13, 2018 (D19-25).
  - Green Committee – December 11, 2018 (D19-26).

**Adoption of Minutes.** Councilor Devine moved approval of the January 8, 2019, Public Hearing and Regular Session minutes; motion was seconded by Councilor Frye and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Frye, Graham and Kelly. Nays (0).

**Appointment to the Policy Board for the Rappahannock Area Alcohol Safety Action Program – Andrew Cornick (D19-27).** Councilor Duffy made a motion to reappoint Andrew Cornick to the Policy Board for the Rappahannock Area Alcohol Safety Action Program; motion was seconded by Councilor Devine and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Frye, Graham and Kelly. Nays (0).

**Appointment to the Memorials Advisory Commission – Pauline Felder (D19-28).** Councilor Devine made a motion to appoint Pauline Felder to the Memorials Advisory Commission; motion was seconded by Councilor Frye and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Frye, Graham and Kelly. Nays (0).

**Ordinance 19-03, First Read Approved, Amending the Special Events Ordinance to Provide for a Tiered Structure for Event Applications, and to Clarify the Effect of the Issuance of a Special Events Permit (D19-29).** After staff presentation and brief discussion Councilor Devine made a motion to approve Ordinance 19-03, on first read, amending the Special Events Ordinance to provide for a tiered structure for event applications, and to clarify the effect of the issuance of a Special Events Permit; motion was seconded by Councilor Duffy and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Frye, Graham and Kelly. Nays (0).

**Resolution 19-09, Approved, Fiscal Year (FY) 2019 Budget Amendment for Use of Contingency in the General Fund for Storm Damage (D19-30).** After staff presentation Councilor Devine made a motion to approve Resolution 19-09, Fiscal Year (FY) 2019 budget amendment for use of contingency in the general fund for storm damage; motion was seconded by Councilor Duffy and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Frye, Graham and Kelly. Nays (0).

**City Manager's Report and Council Calendar (D19-31 thru D19-32).**

City Manager Baroody reviewed the Manager's report and Council Calendar. Activities highlighted on the report were as follows: Winter Restaurant Week Starts Friday, January 18, Four Hour Parking in the Downtown Continues for the Month of January, Winter Activities Update for Parks, Recreation and Events, Police Department Changes Policy on Facial Hair, Drug Disposal Box at Police Department, Culvert Repairs on Blue Gray Parkway to Begin, DMV Connect and Leaf Collection Season Continues.

**Closed Meeting Approved (D19-33).** Upon a motion Councilor Duffy, moved approval of a closed session under Virginia Freedom of Information Act Section 2.2-3711 (A)(39) for discussion of confidential memoranda, working papers, and other information related to economic development, related to the Liberty Place project where disclosure of the information would adversely affect the financial interest of the City of Fredericksburg; motion was seconded by Councilor Devine and passed by the following recorded votes. Ayes (7) Councilors Greenlaw, Withers, Devine, Duffy, Frye, Graham and Kelly. Nays (0).

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

**Resolution 19-10, Approved, Certifying Closed Meeting.** Upon the motion Councilor Duffy approved Resolution 19-10 certifying the closed meeting; seconded by Councilor Devine and passed by the following recorded votes. Ayes (7) Councilors Greenlaw, Withers, Devine, Duffy, Frye, 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 8:25 p.m.

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

*Mary Katherine Greenlaw*  
Mary Katherine Greenlaw, Mayor

**APPROVED**

**02-12-19**

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