

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

March 12, 2019

The Council of the City of Fredericksburg, Virginia, held a public hearing on Tuesday, March 12, 2019, beginning at 8:16 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, Assistant City Attorney Robert Eckstrom, Director of Economic Development Bill Freehling, Visitor Center Manager Danelle Rose, Tourism Sales Manager Victoria Matthews, Budget Manager Deidre Jett, Public Works Director David King, Transportation Administrator Erik Nelson and Clerk of Council Tonya B. Lacey.

Notice of Public Hearings (D19-105). The Clerk read the notice of the public hearings as they appeared in the local newspaper, the purpose being to solicit citizen input.

Ordinance 19-08, First Read Approved, Renewing the Non-Exclusive Franchise to Olde Skool Tours LLC for Pedal-Cycle Tours of the Downtown (D19-105). no speakers. After staff presentation Councilor Devine moved approval of Ordinance 19-08, on first read, renewing the non-exclusive franchise to

Olde Skool Tours LLC for Pedal-Cycle Tours of the Downtown; 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).

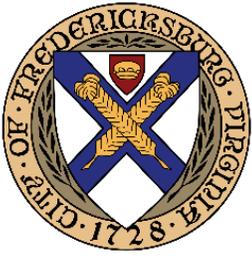
Adjourned. There being no more speakers to come before the Council at this time, Mayor Greenlaw declared the hearing officially adjourned at 8:19 p.m.

Mary Katherine Greenlaw
Mary Katherine Greenlaw, Mayor

APPROVED

03-26-19

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



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HON. DR. TIMOTHY P. DUFFY, WARD THREE
HON. CHARLIE L. FRYE, JR., WARD FOUR

March 12, 2019

The Council of the City of Fredericksburg, Virginia, held a regular session on Tuesday, March 12, 2019, beginning at 7:30 p.m. in the Council Chambers of City Hall.

City Council Present. Mayor Mary Katherine Greenlaw. Vice-Mayor 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, Assistant City Attorney Robert Eckstrom, Director of Economic Development Bill Freehling, Visitor Center Manager Danelle Rose, Tourism Sales Manager Victoria Matthews, Budget Manager Deidre Jett, Public Works Director David King, Transportation Administrator Erik Nelson and Clerk of Council Tonya B. Lacey.

Opening Prayer and Pledge of Allegiance. Council was led in prayer by Councilor Charlie L. Frye, Jr. followed by the Pledge of Allegiance led by Mayor Mary Katherine Greenlaw.

Officer Recognized. Mayor Greenlaw recognized the presence of Officer Scott Worley, at this evening's meeting.

City Manager's Recommended Operating and Capital Budget

Fiscal Year 2020 (D19-104.1). City Manager Baroody presented the Fiscal Year 2020 budget. The proposed general fund budget for FY 2020 was \$100,435,000. This is an overall increase of 4.6% over the FY 2019 original adopted budget. The budget document also included recommendations for a variety of other operating funds, including the City's main enterprise funds: Water Operating, Wastewater Operating, Transit Operating and the Parking fund.

The recommended budget also included recommended increases to the Fredericksburg City Public Schools by \$1,000,000, increase in the funding for the Rappahannock Regional Jail of \$960,000, additional funding for the Children's Services Act of \$540,000, additional funding for the Central Rappahannock Regional Library of \$162,000, additional funding for debt service in the General fund of \$349,580 and a recommended 2.5% increase in salaries as a cost-of-living increase. Although overall revenue growths forecasted to be strong the budget recommendation included an increase in the Real Estate rate from the current \$0.80 per \$100 valuation to \$0.84 per \$100 valuation. Of the current rate, one cent on the rate is used for Stormwater management purposes. The recommendation for the additional four cents would be to increase the amount dedicated to stormwater management purposes from one to two cents, with the other three cents being used for school and general government purposes.

Departments requested nineteen new positions in the FY 2020 budget but the recommended budget only included three new full-time positions: Assistant Commonwealth Attorney, Street Sanitation Crew Leader in Public Works and Deputy Chief of Operations in the Fire Department.

For more detailed information please see D19-104.1.

Public Hearings (D19-105). The regular session was recessed in order to conduct scheduled public hearings and immediately reconvened upon their conclusion.

Citizen Comment. The following speakers participated in the citizen comment portion of this evening's meeting.

Gregory Gavan (D19-106), 242 Stoney Hill Road, Hartwood, VA, an activist who is focused on land rights and public land stewardship issues including clean roads, parks, improved access to public land and proper zoning requirements. Mr. Gavan wanted to see universal accessibility to the Rappahannock River in Hartwood. He requested to see the City's accessibility audit to make sure the City's Watershed Management plans were ADA compliant. Mr. Gavan also stated that he planned to file a concern with the United States Department of Justice to make sure the City's Watershed Plan was ADA compliant and accessible to all regardless of their physical impairments. See D19-106 for more information.

Judy Love (D19-107), 2216 Caroline Street, spoke about affordable housing and how it took her two years to get in low income housing because the wait list was so long. She also spoke about the 435 eviction notices delivered in the City in the past 6 months. Ms. Love informed the Council about the research done by Virginia Organizers on Housing Trust. She said housing trust could provide first month security deposits, emergency loans for those facing eviction, loan programs and down payment assistance for teachers, police, firefighters and assistance to low paid service workers. See D19-107 for more information.

Caitie Finlayson (D19-107.1), 1105 Great Oaks Lane, spoke to the school enrollment projections she provided to Council and she said even from her conservative measure there was a need to build a new school. Ms. Finlayson again stated that she would be willing to pay higher taxes although she recognized that higher taxes would impact the most vulnerable residents but she said there were strategies for easing the property tax burden

on the low income residents. She also spoke about her frustrations over comments from a previous meeting. Ms. Finlayson said this was a significant problem that the City was facing and that it was a more serious and long lasting problem than the projected enrollment estimates show. See D19-107.1 for more information.

Jennifer Woollven (D19-108), 129 Princess Anne Street, spoke about the overcrowding in schools and how it could lead to behavioral issue, feelings of detachment and a decline in academic achievement. She spoke of the importance for teachers to provide innovative learning opportunities, make personal connection and establish trust with students but she said it was nearly impossible to do this in overcrowded schools. Ms. Woollven asked the Council to take advantage of the array of experience and knowledge within the group of concerned citizens. She asked the Council to pause on an expansion because it was not in the best interest of the students, teachers or the community. She asked that the Council work with the community to develop a long-term solution that included a tax increase with an increase to the waiver limit to protect those on a fixed income and ultimately a new school. See D19-108 for more information.

Hillary Delwiche, 1202 Buckner Street, urged the Council to consider the long and short term plans for the schools. She spoke of the overcrowding issues in the classroom. She urge the Council to look into accountability for the logistical issues surrounding the underutilized old Walker-Grant School, increasing the property tax rate, exploring other revenue opportunities to help fund the schools and teacher pay increase and retention. Ms. Delwiche said the first step should be to have a meaningful panel discussion to discuss the Moseley Study and allow subject matter experts involved.

Jon Gerlach, 809 Charlotte Street, stated that the decision on schools would have a profound effect on the children and the quality of life in the City. Mr. Gerlach asked the

Council to take the budget slow with the school expansion. He encouraged the Council to allow Ms. Finlayson to compare methodology concerns. Mr. Gerlach was concerned that Mosley may benefit financially from a new school or school expansion because they are architects. He said he wanted to be sure that was not the case. Mr. Gerlach also suggested turning the Walker-Grant Center back into a school and moving the administration someplace else.

Anne Little (D19-108.1), 726 William Street, spoke to the issue of school overcrowding and school finances. She said the school budget was bloated and that teacher pay needed to be raised in order to retain good teachers. Ms. Little spoke about the superintendents salary, and that he only oversees four (4) schools, but makes more than the Stafford superintendent, who oversees 33 schools. She spoke about how irresponsible it was for the Schools Board to say they did not like the proposed Lafayette expansion plan but voted to approve it and sent it to the City to fund it. Ms. Little asked that the Council send the Mosely Report to the Weldon Cooper Center to have them analyze the data to get a second opinion. Ms. Little agreed that taxes needed to be increased but she also said that expenses needed to be managed. See D19-108.1 for more information.

Jeff Small, Clerk of the Circuit Court, spoke in support of the agenda item to allow the Police Chief to void parking tickets for jurors. He said management of juries was hard in a small City and this would provide good service to the jurors. Mr. Small said he and his staff have been working hard to become the best clerk's office in the state.

Kristin Kinnamon (D19-109), 1218 Brent Street, spoke about the overcrowding concerns and she said teachers and administrators have said that behavior issues have increased and they believe it is attributed to the overcrowding and lack of proper resourcing. Ms. Kinnamon asked the Council to accept and approved the schools operating budget. She

also suggested that the Council allow a few residents who understand research and analysis to be part of the discussions. Ms. Kinnamon also said she understood that a new school was not a viable option now but she recommended that the Council not approve an expansion on Lafayette Upper Elementary until the proper growth projections were determined. See D19-109 for more information.

James Tankersley (D19-110), 804 Charlotte Street, said he wanted the Council to know that residents are now showing up and getting involved and paying closer attention to the schools and the Council's role in funding them. He said they were also paying attention to the school board and they would be holding them accountable. Mr. Tankersley stated that there was bloat in the school system and they intend to watch how they allocate their funds. He encourage the Council as they address the need to raise real estate property taxes that they protect the people living on fixed incomes by raising the current tax waiver. Mr. Tankersley said that the need for a new school was not something new because it had been in the Capital Improvement Plan since 2017. He asked the Council to fully fund the City Schools. See D19-110 for more information.

Shane Riordan, 1009 Martingale Court, stated that he was a public and private school teacher and that he has seen the negative impacts of overcrowding. He said he was currently a volunteer at Hugh Mercer Elementary School and he saw the great work they do with the students. Mr. Riordan said well-funded schools attract families and diverse businesses.

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

7A. Resolution 19-24, First Read Approving a Fiscal Year (FY 2019 Budget Amendment to Provide Funds to the Fredericksburg City Public Schools Necessary to Move

Virginia Preschool Initiative Children from Hugh Mercer Elementary School to Walker-Grant Center – Mayor Greenlaw.

7B. Dixon Street – Spotsylvania – Councilor Frye.

7C. Slave Block – Councilor Frye.

Resolution 19-24, First Read Approving a Fiscal Year (FY 2019 Budget Amendment to Provide Funds to the Fredericksburg City Public Schools Necessary to Move Virginia Preschool Initiative Children from Hugh Mercer Elementary School to Walker-Grant Center (D19-130 thru D19-131.2). – Mayor Greenlaw stated that she moved item 10C to the Council agenda so that it could be discussed with all the citizen comments.

Assistant City Manager Whitley presented this item explaining that this item was to move the Virginia Preschool Initiative Children from Hugh Mercer Elementary back to the Walker-Grant Center. The cost to move them would be \$389,682 and they are making this an amendment to the 2019 budget. The source of the funds was from tax settlements and a delinquent tax sale settlement.

Councilor Duffy disclosed that he was an Assistant Principal at James Monroe High School but that he could participate fairly, objectively and in the public interest. Councilor Frye also disclosed that his spouse works for the Fredericksburg City School but that he could participate fairly, objectively and in the public interest.

Councilor Graham asked about a comment in the letter submitted by the School Superintendent that three classes would be converted for use by the VPI program and the fourth class would have to be taken from the Early Childhood Special Education Program, so he asked for clarification on what would happen with those children. Dr. Melton said the

room held special education equipment and the students were not in the room all the time so they would move the equipment to another space and convert the room to a classroom.

Councilor Devine stated that this move was very necessary and it would benefit all the students with the trickledown effect but she was disappointed that the \$12½ million for the renovations did not include space for all of the preschool children's programs. She said she was under the assumption that the move to Hugh Mercer was temporary for the children in the VPI program.

Councilor Kelly asked Dr. Melton to explain how it worked out to have all of the administration in one location and to free up space in the other schools. Dr. Melton said the administration was spread out across four buildings and it freed up space at Hugh Mercer but it was not class room space.

Vice-Mayor Withers wanted to clarify for the public that the Walker-Grant Center was not only used for office space but also for the Head Start program.

Councilor Frye asked what would happen to the alternative education students and Dr. Melton said they have been doing some work to the Annex building and there were additional classrooms over there and he said the alternative education program was very small only a half dozen students.

Councilor Kelly made a motion to approve Resolution 19-25, on first read, approving a Fiscal Year (FY 2019) budget amendment to provide funds to the Fredericksburg City Public Schools necessary to move Virginia Preschool Initiative Children from Hugh Mercer Elementary School to Walker-Grant Center; 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).

Motion to Suspend the Rules. In order to place Resolution 19-25 on second read Vice-Mayor Withers moved to suspend the rules; motion was seconded by Councilor Kelly and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Frye, Graham and Kelly. Nays (0).

Resolution 19-24, Second Read Approving a Fiscal Year (FY 2019 Budget Amendment to Provide Funds to the Fredericksburg City Public Schools Necessary to Move Virginia Preschool Initiative Children from Hugh Mercer Elementary School to Walker-Grant Center. Councilor Kelly made a motion at approve Resolution 19-25, on second read, approving a Fiscal Year (FY 2019) budget amendment to provide funds to the Fredericksburg City Public Schools necessary to move Virginia Preschool Initiative Children from Hugh Mercer Elementary School to Walker-Grant Center; 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).

Dixon Street – Spotsylvania – Councilor Frye was excited to announce that Spotsylvania was bringing a Hardees to the Route 2 corridor. He said any new business on that side of town was great although this happens to be on the Spotsylvania line.

Slave Block – Councilor Frye announced that the Council would be meeting on Thursday to receive the final report from the International Coalition of Sites of Conscience. He said the topic may also come back before the Council on March 26 for action. Councilor Frye said this work will open the door for more stories on African American History.

City Manager's Consent Agenda Accepted for Transmittal as Recommended (D19-111 thru D19-127). Councilor Graham pulled item 8D. Councilor Kelly moved approval of the City Manager's consent agenda items; motion was seconded by Vice-Mayor Withers and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Frye, Graham and Kelly. Nays (0).

- Ordinance 19-06, Second Read, Renewing the Non-Exclusive Franchise to Marriage, Carriage & More LLC for Horse and Carriage Tourism (D19-111).
- Ordinance 19-07, Second Read, Designating the City as a Technology Zone and Repealing Parameters Under Which Tax Incentives Which May be Offered, and Conforming with the Authorizing Legislation in the Code of Virginia (D19-112).
- Resolution 19-25, Affirming Commitment of State of Good Repair Funds for Chatham Bridge Rehabilitation and Bridge Detour Route (D19-113).
- Transmittal of Board and Commission Minutes
 - Architectural Review Board – January 14, 2019 (D19-115).
 - Board of Social Services – December 6, 2018 (D19-116).
 - Board of Zoning Appeals – October 15, 2018 (D19-117).
 - Clean and Green Commission – January 7, 2019 (D19-118).
 - Economic Development Authority – January 16, 2019 (D19-119).
 - Economic Development Authority – January 17 2019 (D19-120).
 - Economic Development Authority – January 22, 201 (D19-121).
 - Fredericksburg Arts Commission – December 19, 2018 (D19-122).
 - Green Committee – January 8, 2019 (D18-123).
 - Memorials Advisory Commission – September 19, 2018 (D19-124).

- Public Transit Advisory Board – December 5, 2018 (D19-125).
- School Board – November 28, 2018 (D19-126).
- School Board – December 3, 2018 (D19-127).

Resolution 19-26, Approved, Supporting the Smart Scale Round 3 Project Changes (D19-114). Councilor Graham asked Transportation Administrator

Nelson to explain the proposed improvements and the funding mechanism.

Mr. Nelson said this was a previous project that was approved for a park and ride lot in Stafford County which was submitted by FRED Transit but Stafford chose not to have the lot and now the City has the opportunity to repurpose the funds. There were three potential projects from Stafford, Spotsylvania and the City but because the City was the initial applicant VDOT does not want to take it to the Transportation Board unless the City was on board. The idea is that the City is telling the State that it is onboard with removing this project from consideration and it fully supports the other projects. The City's suggested project is the ramp improvements on I-95 north bound coming to Route 3 which is related to the Gateway Boulevard project but it could be completed at any time. Mr. Nelson said there would be no City funds involved.

Councilor Graham made a motion to approve Resolution 19-26, supporting the Smart Scale Round 3 project changes; motion was seconded by Councilor Kelly and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Frye, Graham and Kelly. Nays (0).

Adoption of Minutes. Councilor Graham moved approval of the February 26, 2019 Public Hearing and Regular Session minutes; motion was seconded by Councilor Kelly

and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Frye, Graham and Kelly. Nays (0).

Permitting the Chief of Police or His Designee to Void Parking Citations Issued for Time-Zone Violations to Persons Serving Jury Duty in Fredericksburg Circuit Court (D19-128). After staff presentation Council had some discussion on the where the jurors were parking, 2 hour or 20 minutes. Councilor Devine said she did not want the 20 minutes spaces held up all day while jurors were in court. She requested that 20 minute parking be excluded. Assistant City Manager Fawcett explained that the problem occurred more in the block of the courthouse and the block of the post office. Councilor Devine asked if the 20 minute restriction could be stipulated in the letter that was sent to the jurors.

Vice-Mayor Withers made a motion to approve the Ordinance on first read, permitting the Chief of Police or his designee to void parking citations issued for time-zone violations to persons serving jury duty in Fredericksburg Circuit Court; motion was seconded by Councilor Kelly.

Councilor Devine asked to amend the motion by adding there would be no parking in the 20 minute spaces. Vice-Mayor Withers accepted the amendment. Assistant City Manager Fawcett expressed his concern with adding the 20 minute restriction to the motion until he could discuss it further with the Police Chief and he asked if the Council would withdraw the motion so that he could meet with the Chief. Vice-Mayor Withers withdrew his motion and Councilor Kelly withdrew his second.

Resolution 19-27, Approved, Authorizing the City Manager to Execute the Fiscal Year 2019 Asphalt Rehabilitation Program Contract

with Fredericksburg Asphalt and Paving (D19-129). After staff presentation and considerable discussion on paving and how long it should last Councilor Kelly made a motion to approve Resolution 19-27, authorizing the City Manager to execute the Fiscal Year 2019 Asphalt Rehabilitation Program Contract with Fredericksburg Asphalt and Paving; motion was seconded by Vice-Mayor Withers and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Frye, Graham and Kelly. Nays (0).

Resolution 19-28, Approved, Renewing the Memorandum of Understanding with the Fredericksburg Regional Tourism Partnership for One Year (D19-132). After staff presentation Councilor Kelly made a motion to approve Resolution 19-28, renewing the Memorandum of Understanding with the Fredericksburg Regional Tourism Partnership for one year; 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 19-29, Approved, Authorizing the City Manager to Execute a Letter of Intent with Liberty Place Partners, LLC and the Fredericksburg Economic Development Authority (D19-133). After staff presentation, Mayor Greenlaw stated that this project had been a lot of work and consideration as well as a hefty investment in the City. She said it was not often that the City would have an opportunity to attractively redevelop two city blocks in a strategic location.

Vice-Mayor Withers made a motion to approve Resolution 19-29, authorizing the City manager to execute a Letter of Intent with Liberty Place Partners, LLC and the Fredericksburg Economic Development Authority; motion was seconded by Councilor Devine.

Councilor Duffy was appreciative of all the work done on this project. He said it had gone through many iterations and there were somethings we hoped for that may not materialize but the opportunity to revitalize that entryway along that corridor would add vitality to the City.

Councilor Frye noted that the City does do thing to bring revenue in the City. He said this had been a long process.

Councilor Kelly said he was not against the project and he was looking forward to what Vakos was bringing forward. He said he had an issue with this deal because the original deal was to provide more parking downtown but now there would only be parking to take care of the two properties. He said this was the first time the Council was dealing with incentives that were not incentivizing a business. Councilor Kelly also spoke about the number of restaurants in the downtown and whether the downtown could support any more restaurants. He said this is the only project that he could recall that the City was incentivizing.

Councilor Devine said this was an opportunity to work with local developers to change the entrance into downtown. She said the businesses that were proposed were well known and bring a different clientele and she did not think this would cannibalize other restaurants. She said she was excited about the project and this would provide an opportunity for others to come to the City.

Vice-Mayor Withers said he was disappointed that the City would not get the parking but by the partnership and the garage being built on this property it would allow Vakos to have a more intense development and he believes it was the best thing for the City.

Councilor Graham said he would not normally support the use of incentives but because of the complexity of the project and that the garage could be enclosed within other

areas of the development in an esthetically pleasing way that would not disrupt the fabric of the City and for those reasons he would support the project.

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

City Manager’s Report and Council Calendar (D19-134 thru D19-135). City Manager Baroody reviewed the Manager’s report and Council Calendar. Activities highlighted on the report were as follows: Special Council Meeting on March 14, Upcoming Billing Changes for Garbage Services, Upcoming FY 2020 Budget Schedule, DMV Connect Offered in Fredericksburg, Motts Cleanup Day, Fine Arts Show, Summer Camps-* and Fredericksburg Baseball Billboard.

Adjournment. There being no further business to come before the Council at this time, Mayor Greenlaw declared the meeting officially adjourned at 10:32 p.m.

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

Mary Katherine Greenlaw
Mary Katherine Greenlaw, Mayor

APPROVED
03-26-19

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