



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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**March 28, 2023**

**The Council** of the City of Fredericksburg, Virginia, held a public hearing on Tuesday, March 28, 2023, beginning at 7:53 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, Finance Director Robyn Shugart, Assistant Finance Director Richard Lawrence, Budget Analyst Donna Leahy, Parks, Assistant Director of Tourism Margaret C. Morris, Director of Public Transit Jamie Jackson, Director of Planning and Development Services Charles Johnston and Clerk of Council Tonya B. Lacey.

**Notice of Public Hearings (D23-124).** The Clerk read the notice of the public hearings as it appeared in the local newspaper, the purpose being to solicit citizen input.

**Ordinance 23-05, First Read, Renewing the Non-Exclusive Franchise to Trolley Tours of Fredericksburg, Inc., to Provide Motor Vehicle Tour**

**Services, and Approving the Transfer of the Franchise to FXBG Trolley, Inc., dba Trolley Tours of Fredericksburg (D23-124).** no speakers. After staff presentation Councilor Gerlach moved to approve Ordinance 23-05, on first read, renewing the non-exclusive franchise to Trolley Tours of Fredericksburg, Inc., to provide motor vehicle tour services, and approving the transfer of the franchise to FXBG Trolley, Inc., dba Trolley Tours of Fredericksburg; motion was seconded by Councilor Devine and passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Frye, Devine, Duffy, Gerlach and Graham. Nays (0).

**Suspend the Rules.** In order to place Ordinance 23-05 on for second read Councilor Gerlach move to suspend the rules; motion was seconded by Councilor Devine and passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Frye, Devine, Duffy, Gerlach and Graham. Nays (0).

**Ordinance 23-05, Second Read, Renewing the Non-Exclusive Franchise to Trolley Tours of Fredericksburg, Inc., to Provide Motor Vehicle Tour Services, and Approving the Transfer of the Franchise to FXBG Trolley, Inc., dba Trolley Tours of Fredericksburg (D23-124).** Councilor Gerlach moved to approve Ordinance 23-05, on second read, renewing the non-exclusive franchise to Trolley Tours of Fredericksburg, Inc., to provide motor vehicle tour services, and approving the transfer of the franchise to FXBG Trolley, Inc., dba Trolley Tours of Fredericksburg; motion was seconded by Councilor Devine and passed by the

following recorded votes. Ayes (6). Councilors Greenlaw, Frye, Devine, Duffy, Gerlach and Graham. Nays (0).

**Adjourned.** There being no speakers to come before the Council at this time, Mayor Mary Katherine Greenlaw declared the hearing officially adjourned at 8:00 p.m.

*Mary Katherine Greenlaw*

Mary Katherine Greenlaw, Mayor

*Tonya B. Lacey*

Tonya B. Lacey, Clerk of Council, MMC

**APPROVED**

**04-11-23**

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**March 28, 2023**

**The Council** of the City of Fredericksburg, Virginia, held a regular session on Tuesday, March 28, 2023, beginning at 7:30 p.m. in the Council Chambers of City Hall.

**City Council Present.** Mayor Mary Katherine Greenlaw. Vice-Mayor Charlie L. Frye, Jr. Council members Kerry P. Devine, Dr. Timothy P. Duffy, Jonathan A. Gerlach, Jason N. Graham and Matthew J. Kelly.

**Others Present.** City Manager Timothy J. Baroody, Assistant City Manager Mark Whitley, Assistant City Manager David Brown, City Attorney Kathleen Dooley, Finance Director Robyn Shugart, Assistant Finance Director Richard Lawrence, Budget Analyst Donna Leahy, Parks, Assistant Director of Tourism Margaret C. Morris, Director of Public Transit Jamie Jackson, Director of Planning and Development Services Charles Johnston and Clerk of Council Tonya B. Lacey.

**Opening Prayer and Pledge of Allegiance.** Council was led in prayer by Vice-Mayor Charlie L. Frye, Jr. followed by the Pledge of Allegiance led by student, Penn Bryant, who was invited by Mayor Greenlaw.

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

**Arbor Day Proclamation (D23-114).** Mayor Greenlaw read a proclamation into record proclaiming Arbor Day, April 12.

**Fredericksburg Regional Alliance Data Center Update.** President of the Fredericksburg Regional Alliance Curry Roberts gave an update on Data Centers. He said data centers were a targeted industry, initially by Stafford County in 2011-12 and became a regional priority by all five jurisdictions in 2015. Each of the jurisdictions adopted the same tax rate and appreciation schedule to match Prince William County's rate in 2019, but they have since raised their tax four times since. The localities did this to help avoid competing taxes with each other and it would make it easier to market as a region. Our region is the only region to adopt the same rate in the entire State.

Mr. Roberts said taxes are the reason data centers are a target, the current estimates are for every 250,000 square feet built and fully equipped, it will yield between \$3-4 million annually in local taxes. In Prince William County forum, it was stated that for every \$1.00 provided to a data center they contribute back \$13.00 in local taxes. He said with a 250,000 square foot data center would employ 30 permanent full-time employees, with an average wage of \$100,000.

In 2016 and 2017, Mr. Roberts said he worked with Dominion Energy and Rappahannock Electric Cooperative to identify sites of 50 acres or more that would not require and electric transmission line extension near residential development. He said he then worked with land owners and localities to ascertain other public utilities that could serve the sites and the suitability of the site for rezoning where and if it was required. Mr. Roberts said they were able to identify about 18 sites and most have

letters of intent in place with data center developers. The most recent rezoning application was filed in Stafford two weeks ago.

Mr. Roberts reported that most of the major transmission capacity in the region was east of I-95 away from dense residential development. Data Centers are industrial uses and should be located accordingly. Both Dominion Energy and Rappahannock Electric are aware of the projects that are looking around the region and they are confident that they can handle the demand for any additional transmission upgrades to serve further growth.

Mr. Roberts noted that, where available, data centers would prefer to use reused water or discharge water and the evaporation rate is about 50%. Loudon County has a reused line in place but Prince William County does not have one. This would be an additional source of revenue for localities. Using reused water mitigates the demand on potable supplies. Caroline, Spotsylvania and Stafford Counties are exploring deployment of reused systems in their counties. In areas where potable water is limited or unavailable many data center companies use a closed loop cooling system.

Councilor Graham asked if the distance to 95 or the dark fiber was a concern when looking for sites. Mr. Curry stated it used to be but when they are paying millions for land in Loudon County it is cheaper to lay their own fiber.

Councilor Duffy asked how data centers had changed over the years. Mr. Curry stated that they are now two stories and they have added more features.

Councilor Devine stated she had a concern with water usage but the closed loop system helps with her concern. She was also concerned with the noise. Mr. Roberts said

he was about 100 feet away from one and there was a hum and at 500-700 feet away he heard nothing. He also noted there were many factors that could cause noise. He said it was an industrial site and most industrial site have some noise.

Councilor Gerlach asked Mr. Curry if he could explain what a data center was and if the backup generators have an effect on the environment. Mr. Curry said it is a warehouse full of servers and it was regulated by Department of Environmental Quality.

**Consent Agenda Accepted for Transmittal as Recommended (D23-115 thru D23-123).** 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 (6). Councilors Greenlaw, Frye, Devine, Duffy, Gerlach and Graham. Nays (0).

- Ordinance 23-03, Second Read, Granting Fredericksburg VFW No. 3103, Veterans of Foreign Wars of the United States, a Twenty-Year Lease of the Freedom Lane Right of Way, to Use for Surface Parking and Other Improvements Associated with the Expansion of the Post; and Closing Freedom Lane to Motor Vehicle Traffic (D23-115).
- Ordinance 23-04, Second Read, Changing the Real Estate and Personal Property Tax Due Dates (D23-116).
- Resolution 23-\_\_, Amending the Fiscal Year 2023 Budget to Appropriate Funds in the City Grants Fund for Sheriff Community Projects (D23-117)
- Transmittal of the Board and Commission Minutes
  - Architectural Review Board – November 22, 2021 (D23-118).



- Architectural Review Board – December 13, 2021 (D23-119).
- Architectural Review Board – December 12, 2022 (D23-120).
- Economic Development Authority – February 13, 2023 (D23-121).
- Economic Development Authority – February 24, 2023 (D23-122).
- Parking Advisory Committee – December 12, 2022 (D23-123).

**Public Hearing (D23-124).** 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.

**Seth Casana (D23-125),** 1305 Princess Anne Street, spoke in support of the City maintaining ownership of the Renwick Courthouse. He said this particular site was too significant to Fredericksburg’s history to risk a change in ownership that might endanger the buildings. He recommended the City retain ownership of these three buildings: Renwick, Wallace Library and the jail. Mr. Casana noted that the Council has not taken any formal action to say they are not going to sell Renwick. He suggested if the Council wanted to change that perception he suggested more clarity going forward.

**Raymond Herlong (D23-126),** 1009 Prince Edward Street, stated that some of the Planning Commissioners have interpreted Ordinance 23-02 as review of only the Council text amendment and have not questioned if ADU’s are appropriate or beneficial. He suggested it may have been more appropriate to direct the Planning Commissioners to study and determine the advantages and disadvantages of ADU’s for Fredericksburg.

Mr. Herlong applauded the Council for the 100-day engagement period but he said it failed from the start. He said the public's speaking time was cut from 5 to 3 minutes and the Commissioners voted on the issues citizens were not allowed to speak upon. He also said the initial questions remain unanswered.

Mr. Herlong stated that the Commission Chair and a staff member shouted down a speaker who was questioning ADU's. He stated that questions were not being answered and citizens were feeling harassed. He questioned the process for robust public engagement. He asked the Council to reign in the process so that decorum is exercised and citizens are not felt threatened.

**Hamilton Palmer**, 1500 Caroline Street, spoke about a project he has on a corner lot with an existing driveway on a low volume street. He complained that Public Works was requiring him to remove the driveway because they said it does not meet the standards and it needed to comply with the code for new developments. Mr. Palmer noted this was not a new development it was in an existing development. He said public works has approved several curb cuts and driveways on heavily traveled collector streets but will not approve one on a low volume road. He listed several safety issues within the City that were not being addressed and he felt like this was bureaucracy.

**Adrianna Moss (D23-127)**, 122 Longstreet Avenue, stated that she was disheartened by Council's decisions of the Renwick Courthouse lately. She spoke of how beneficial it was to pursue individual listing on the National Register of Historic Places. She spoke of the grants that are available if the property was listed individually. Ms. Moss also suggested that if Historic Fredericksburg Foundation was willing to do the

work let them. She also informed the Council and staff about a National Trust virtual roundtable that would be occurring in April and May.

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

- Tree City 2022 – Mayor Greenlaw
- Tree Canopy Letter – Councilor Duffy
- Omni Ride Letter – Mayor Greenlaw
- Board and Commission Updates - Housing Advisory Committee, PRTC, Rappahannock Juvenile Detention, R-Board, Rappahannock River Basin, Recreation Commission, Rappahannock Group Home Commission, Town & Gown, Virginia Railway Express, Fredericksburg Arts Commission

**Tree City 2022** – Mayor Greenlaw read a letter the City received from the Arbor Day Foundation from the Chief Executive naming the City of Fredericksburg a 2022 Tree City USA for the 37<sup>th</sup> year. Fredericksburg is part of 3,600 tree Cities in the USA.

**Tree Canopy Letter** – Councilor Duffy stated that the Clean and Green Committee endorsed and requested the City pursue a Tree Canopy Ordinance. In 2022, the General Assembly gave localities the authority to require developers to plant trees on site to achieve canopy replacement percentages and to establish a tree canopy bank that the developers pay into if they cannot meet the replacement percentages onsite. The Commission mentioned the many benefits of having a tree canopy.

Councilor Duffy requested the City Manager bring ideas to City Council on how they could pursue this request.

Councilor Devine stated that she loved the idea and that the tree canopy bank was local and the funding would incentivize developers.

**Omni Ride Letter (D23-128).** – Mayor Greenlaw read a letter from the Executive Director Robert Schneider of OmniRide thanking the City for its long-standing support of the Potomac and Rappahannock Transportation Commission (PRTC)/OmniRide.

Mr. Schneider said they recently won the Prince William Chamber of Commerce’s 2023 Excellence in Business Award and he wanted to share this with their partners.

### **Board and Commission Updates.**

Housing Advisory Committee – Vice-Mayor Frye reported that the committee was discussing the Community Development Block Grant funds and how much would be going to certain organizations. He explained that this program helps with home improvements such as: leaking roofs, electric, architectural barriers as well as home buying assistance.

Potomac, Rappahannock Transportation Commission (PRTC) – Councilor Graham reported that OmniRide had a work stoppage but they were back up and running.

Rappahannock Juvenile Detention – Assistant City Manager Whitley stated that they were in the middle of an energy performance contract. He also reported that the

City's share of detainees had risen since last year and they are anticipating a negative adjustment to the next bill.

Rappahannock Regional Solid Waste Management Board (R-Board) – Councilor Gerlach reported that the value per ton on recyclables declined in 2022. He said the prices were stabilizing but they were still down and it was costing our facility about \$14,000 per month for single stream recycling.

James Monroe students and volunteers picked up over 200 pound of trash in Old Mill Park during the Martin Luther King, Jr. Day of service. May 12 in Hurkamp Park they will be hosting a Compost-a-thon.

Rappahannock River Basin – Councilor Gerlach reported that there was an infestation of blue catfish in the rivers and the Chesapeake Bay. He said they are a threat for the bay.

Recreation Commission – Councilor Duffy stated that they were working to implement the Master Plan and they were continuing to work on needed repairs throughout its assets. He said program numbers were up, the Community Center was seeing more people, the Women's Club art show was a success. Staff was working with Fredericksburg Senior Citizens Association to work on increasing program offering for them. Coming this spring: Motts Reservoir would be opening, Farmer's Market, Earth Day, the pool opens, the Mobile Rec Van will arrive in neighborhoods and Midnight Madness returns.

Rappahannock Group Home Commission – Councilor Duffy said their budget proposal was high on their list and they were looking for a full-time counselor staff. He said he was happy to see the City Manager’s budget included their increase.

Town & Gown – Dr. Duffy said Town and Gown would be holding a meeting in April.

Virginia Railway Express – Councilor Graham said ridership levels were not back to where they were pre-pandemic but they were rising. He spotlighted a project that will allow Amtrak to bring passengers to National Landing and Fredericksburg could possibly be included in that railway path allowing increased commuter options as the third rail is built. It could possible include the reverse train.

Fredericksburg Arts Commission – Councilor Devine reported that the Arts Commission voted and distributed the Creative Community Partnership grant funds. These funds are State grant funds which are matched by a local grant and they awarded seven grants totaling \$11,000 to local groups. She said this was one way to support the City’s arts community.

**Adoption of Minutes.** Councilor Devine moved approval of the August 23, 2022 (resubmit) the March 14, 2023 Public Hearing and Regular Session minutes; motion was seconded by Councilor Frye and passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Frye, Devine, Duffy, Gerlach and Graham. Nays (0).

**Resolution 23-24, First Read, Amending the Fiscal Year 2023 Budget to Appropriate Funds in the Transit Fund for a Project Administration**

**Agreement with the Northern Virginia Transportation Commission, Grant Carryovers, and Sale of Surplus Property (D23-129).** After staff presentation Councilor Graham moved to approve Resolution 23-24, on first read, amending the Fiscal Year 2023 budget to appropriate funds in the Transit Fund for a Project Administration Agreement with the Northern Virginia Transportation Commission, grant carryovers, and sale of surplus property; motion was seconded by Councilor Frye and passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Frye, Devine, Duffy, Gerlach and Graham. Nays (0).

**Ordinance 23-06, First Read Approved, Making Three Technical Corrections to Ordinance 23-02, the Floodplain Overlay District, in Order to Meet State and Federal Requirements for the District Regulations (D23-130).** After staff presentation Councilor Gerlach moved to approve Ordinance 23-06, on first read, making three technical corrections to Ordinance 23-02, the Floodplain Overlay District, in order to meet State and Federal requirements for the district regulations; motion was seconded by Councilor Devine and passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Frye, Devine, Duffy, Gerlach and Graham.

**Suspend the Rules.** In order to place Ordinance 23-06 on for second read Councilor Gerlach move to suspend the rules; motion was seconded by Councilor Duffy and passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Frye, Devine, Duffy, Gerlach and Graham. Nays (0).

**Ordinance 23-06, Second Read Approved, Making Three Technical Corrections to Ordinance 23-02, the Floodplain Overlay District, in Order to Meet State and Federal Requirements for the District Regulations (D23-130).** Councilor Gerlach moved to approve Ordinance 23-06, on second read, making three technical corrections to Ordinance 23-02, the Floodplain Overlay District, in order to meet State and Federal requirements for the district regulations; motion was seconded by Councilor Devine and passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Frye, Devine, Duffy, Gerlach and Graham.

**City Manager’s Report and Council Calendar (D23-131 thru D23-132).** City Manager Baroody directed the Council’s attention to the Manager’s Update: Annual Water Disinfection Change and Flushing Begins, Canal Cleanup and planned Fallen Tree Removal, Women’s History Month, Accessory Dwelling Units Ordinance Proposal Community Outreach, Wall of Honor, Train Bridges Rehabilitation Project, Wild and Scenic Film Festival, Board and Commission Openings, Dog Easter Egg Hunt, The Parks, Recreation and Events Summer Catalog is now available, Spring Programs and Fred Focus.

**Adjournment.** There being no further business to come before the Council at this time, Mayor Greenlaw declared the meeting officially adjourned at 8:52 p.m.

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

Mary Katherine Greenlaw  
Mary Katherine Greenlaw, Mayor

**APPROVED**  
**04-11-23**