



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

May 9, 2023

The Council of the City of Fredericksburg, Virginia, held a public hearing on Tuesday, May 9, 2023, beginning at 8:00 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 and Jason N. Graham

City Council Absent. Matthew J. Kelly, out of town.

Others Present. City Manager Timothy J. Barody, 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, Director of Planning & Building Development Charles Johnston, Principle Planner Michael Craig, Community Development Planner Bailey Thompson, Assistant Director of Tourism Margaret C. Morris, Tourism Marketing & Communications Manager Danelle Rose, Human Resources Director Lesley Moore and Clerk of Council Tonya B. Lacey.

Notice of Public Hearings (D23-178 thru D23-179). The Clerk read the notice of the public hearings as it appeared in the local newspaper, the purpose being to solicit citizen input.

Ordinance 23-12, First Read Approved, Amending the Planned Development - Residential District Regulations (D23-178 thru D23-179). no speakers. After staff's PowerPoint presentation and brief discussion Councilor Graham moved to approve Ordinance 23-12, on first read, amending the Planned Development - Residential District Regulations; motion was seconded by Councilor Gerlach 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 8:16 p.m.

Mary Katherine Greenlaw
Mary Katherine Greenlaw, Mayor

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

APPROVED
05-23-23



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HON. DR. TIMOTHY P. DUFFY, WARD THREE

May 9, 2023

The Council of the City of Fredericksburg, Virginia, held a regular session on Tuesday, May 9, 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 and Jason N. Graham.

City Council Absent. Matthew J. Kelly, out of town.

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, Director of Planning & Building Development Charles Johnston, Principle Planner Michael Craig, Community Development Planner Bailey Thompson, Assistant Director of Tourism Margaret C. Morris, Tourism Marketing & Communications Manager Danelle Rose, Human Resources Director Lesley Moore 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 Councilor Jason N. Graham.

Officer Recognized. Mayor Greenlaw recognized the presence of Lieutenant Michael Athenry at this evening's meeting.

Proclamation United States Marine Corp Historic Half Marathon (D23-173). Mayor Greenlaw presented a proclamation to Marine Corps Marathon Organization (MCMO) Director Alex Hetherington, MCMO Deputy Director Angela Anderson and Kristen Loflin. She urged the Fredericksburg citizens to embrace the mission of the Marine Corps Marathon Organization by leading an active healthy lifestyle, to generate community spirit and honor the men and women of the United States Marine Corps.

Mr. Hetherington said if the United States Marine Corps had a home, it would be Fredericksburg. He said many of the Marines spend a lot of time in Fredericksburg and while he is the Director he would be sure to showcase Fredericksburg as the vibrant City that it is.

Councilor Devine thanked the Marine Corps for their stealth setting up and removal of everything.

Recognition of the 2023 Small Business Person of the Year – Tyrone Logan, CEO of Obsidian Solutions Group. Mayor Greenlaw recognized Tyrone Logan, CEO of Obsidian Solutions Group, who was named the Small Business Person of

the Year in Virginia. Obsidian has been very active in the Community and Mr. Logan serves on several boards.

CSX Transportation Update, Randy Marcus, Director of State Relations, Virginia, West Virginia & Washington DC. Director of State Relations for Virginia, West Virginia and Washington, DC Mr. Randy Marcus provided an update from CSX. He said the tanker cars have been an issue in the past but due to operational changes on how they service the propane customer, there have not been any propane cars in the Fredericksburg yard since September of 2022. He noted this change was not permanent but it was a positive development for everyone concerned. He said there are many factors that causes changes with this customer and he could not consider this to be a permanent fix.

Mr. Marcus said they would continue to provide daily reports to the Fire Department on the hazardous material cars in the yard so that if operations change the City will know in real time.

He noted that idling cars occur when the temperature drops below 30 degrees to keep the engine block from freezing. Mr. Marcus said these cars typically sit on the west side of the tracks. He noted that when locomotives are refueling it creates an issue because they have to bring in a mobile fueling service and they park the locomotives on the tracks behind Canterbury Road. He said if this happen over the weekend they try to minimize the impact on residents. Mr. Marcus said they are willing to provide funds to plant trees in the back of the yards on Canterbury Road to buffer and minimize the impact to the neighbors.

He said in addition to the daily hazardous materials reports they provide a density study to the Fire Department with information on all the commodities funneling through Fredericksburg. He said all the first responders have access to it and it provides information on what is in each car and what to do if an emergency occurred.

In October 2021, they had response incident trainers come to the Fredericksburg yard to train Fredericksburg and Spotsylvania's first responders on specific hazmat incident response. They trained 185 first responders over 4-5 days on how to respond to certain incidents. They supported the Fire Department with funds to provide air monitors to some of the homes in the Mayfield neighborhood. They also put up new fencing and a gate to the entrance of Howison Avenue and the Railyard to help prevent trespassing and other issues. He said they are not a preferred neighbor but they try to be the best neighbor they could be.

Mr. Marcus noted that rail is the safest mode of ground transportation and CSX has the lowest accident rate among the Class 1 railroads.

Vice-Mayor Frye thanked Mr. Marcus for the years of communications. He said the daily communication was very important. He reiterated that if there was an emergency the rail not only affects the Mayfield neighborhood but the City at large. He noted that Mr. Marcus is responsive and that the voices of the residents are being heard.

Vice-Mayor Frye stated that sometimes the trains are idling when the temperatures are not below 30 degrees and he would like to know what could be done

to help with that. He also noted that the ethanol issues have been resolved and the most recent issue is with propane tankers.

Councilor Graham asked about the sale of the tracks from CSX to the Commonwealth of Virginia and Mr. Marcus said the tracks have been sold and they have a permanent passenger easement for the portion that comes through Fredericksburg. They have some issues that will take about a year to get through. Mr. Marcus explained that if a derailment incident happened with a CSX train, on the rails, CSX would be responsible.

Councilor Gerlach expressed his concern with propane tankers being parked next to the community. He was pleased that they have not been there since September. He asked Mr. Marcus what his statement meant, that the change was not permanent with the propane cars. Mr. Marcus explained that how they serve customers has changed in different ways over the eight years he has been in the job and they are based on factors related to network condition, customer needs and resources. He said they are not there now and he could not say for certain that that would not change.

Councilor Gerlach asked how the environmental and public health aspect weighed against CSX's business decisions. Mr. Marcus said there was nothing unsafe about having tank cars temporarily in the yard as they are switching out. Mr. Gerlach was concerned about the risk of a bleve, an explosion caused by the rupture of a vessel containing a pressurized liquid that has reached a temperature above its boiling point.

Consent Agenda Accepted for Transmittal as Recommended (D23-174 thru D23-177). Councilor Devine moved approval of the City Manager's consent

agenda; motion was seconded by Councilor Graham and passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Frye, Devine, Duffy, Gerlach and Graham. Nays (0).

- Resolution 23-34, Appropriating \$14,500 in City Grants Fund for a Grant from Department of Historical Resources for Research into Liberty Line in Fredericksburg (D23-174).
- Resolution 23-35, Approving The 2023-2024 Community Development Block Grant Annual Action (CDBG) Plan (D23-175).
- Transmittal of the Board and Commission Minutes
 - Clean and Green Commission – March 6, 2023 (D23-176).
 - Clean and Green Commission – April 3, 2023 (D23-177).

Public Hearing (D23-178 thru D23-179). 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.

Sue Sargeant (D23-180), 1318 William Street, spoke in opposition of a special use permit (SUP) application filed by St. Mary's Church. This application will be heard by the Planning Commission on May 24. She said she has heard many complaints about the Diocese of Arlington encroaching in on the neighborhood. Ms. Sargeant said they were requesting to put all their SUP's under one SUP which would be 19 parcels under

one SUP and she was not in favor of this move. She also spoke against them placing gates on all the properties they currently own. See D23-181 for more information.

Mike Worsham (D23-181), 1317 Royston Street, spoke in opposition of the SUP for St. Mary's Church. He spoke about all the properties the church has acquired surrounding the church, and the fact that they are worth \$11 million dollars. He was not happy with the church trying to consolidate their SUP's into one. Mr. Worsham stated that the purpose for the church consolidating the SUP's is to allow the City to wipe clean any reported SUP violations and start again with new conditions.

Mr. Worsham also said the proposal may include consolidation of lot lines and he said this would not benefit the College Heights Neighborhood. He said several Association members were concerned and wanted to understand the impacts to the community. He said St. Mary's has grown too large for the neighborhood and he suggested they sell some of their residences to private families so they can preserve the integrity of College Heights as a primarily single family residential neighborhood. Mr. Worsham urged the Council to deny the St. Mary's SUP and require individual permits for desired changes to Church property. See D23-181.1 for more information.

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

8a. Gun Giveback – Vice-Mayor Frye

Gun Giveback. Vice-Mayor Frye reported that there was a gun giveback held on April 15. He said he did not announce it at Council because there was a crisis going on in the City where a young man had been shot and killed at the time. There were no

guns collected but he remained positive because there was a weapon turned in afterwards. Vice-Mayor Frye reminded everyone that they could turn in unwanted weapons at any time throughout the year at the Fredericksburg Police Department.

Vice-Mayor Frye thanked the Police and Sheriff's office for their help with the giveback.

Adoption of Minutes. Councilor Graham moved approval of the April 18, 2023 Public Hearing and April 25, 2023 Regular Session minutes; 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).

Parks and Recreation Commission Appointments – Kevin Brown, Maria McCauley-Denardi, Carolyn Helfrich, Debra Fults and Robert Belcourt (D23-182). After the recorded vote was taken, Carolyn Helfrich, Debra Fults and Robert Belcourt were appointed to serve on the Parks and Recreation Commission with a vote resulting between applicants Kevin Brown, Maria McCauley-Denardi, Carolyn Helfrich, Debra Fults and Robert Belcourt. Brown (2). Duffy, Gerlach; McCauley-Denardi (1). Frye; Helfrich (6). Greenlaw, Frye, Devine, Duffy, Gerlach, Graham; Fults (5). Greenlaw, Devine, Duffy, Gerlach, Graham; Belcourt (4). Greenlaw, Frye, Devine, Graham.

Fredericksburg Clean and Green Commission – Johnathan Stevens, Bruce Saller(D23-183). Councilor Duffy moved to appoint Johnathan Stevens to the Fredericksburg Clean and Green Commission; 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).

Disclosures. Councilor Duffy disclosed that he is employed by the Fredericksburg Schools and he can participate in all budget matters related to schools fairly, objectively and in the public interest.

Councilor Frye disclosed that his spouse is employed by the Fredericksburg Schools and he can participate in all budget matters related to schools fairly, objectively and in the public interest.

Ordinance 23-07, Second Read Approved, Setting the Real Estate Tax Rate at \$.89 per Every \$100 of Assessed Value of Real Estate for Fiscal Year 2024 (D23-184). After staff presentation and brief comments Councilor Devine moved to approve Ordinance 23-07, on second read, setting the Real Estate tax rate at \$.89 per every \$100 of assessed value of Real Estate for Fiscal Year 2024; motion was seconded by Councilor Duffy and passed by the following recorded vote. Ayes (6). Councilors Greenlaw, Frye, Devine, Duffy, Gerlach and Graham. Nays (0).

Ordinance 23-08, Second Read Approved, Amending Water and Sewer Rates and Charges (D23-185). After staff presentation Councilor Duffy moved to approve Ordinance 23-08, on second read, amending water and sewer rates and charges; motion was seconded by Councilor Graham and passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Frye, Devine, Duffy, Gerlach and Graham. Nays (0).

Ordinance 23-09, Second Read Approved, Amending Emergency Medical Services Transport Fees (D23-186). After staff presentation Councilor Gerlach moved to approve Ordinance 23-09, on second read, amending emergency medical services transport fees; 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 23-10, Second Read Approved, Amending the Tax on Transient Lodging (D23-187). After staff presentation Councilor Graham moved to approve Ordinance 23-10, on second read, amending the tax on transient lodging; 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 23-11, Second Read Approved, Increasing the Elderly and Disabled Relief from Real Estate Taxes (D23-188). After staff presentation Councilor Gerlach moved to approve Ordinance 23-11, on second read, increasing the elderly and disabled relief from real estate taxes; 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).

Resolution 23-29, Second Read Approved, Budgeting and Appropriating Funds for Fiscal Year (FY) 2024 Beginning July 1, 2023 through June 30, 2024 (D23-189). After staff presentation Councilor Graham moved to approve Resolution 23-29, on second read, budgeting and appropriating funds

for Fiscal Year (FY) 2024 Beginning July 1, 2023 through June 30, 2024; motion was seconded by Vice-Mayor Frye and passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Frye, Devine, Duffy, Gerlach and Graham. Nays (0).

Resolution 23-36, Stating City Council Intent with Regard to Employee Pay Policy for Public Safety Employees (D23-190). After staff presentation Councilor Gerlach moved to approve Resolution 23-36, stating City Council intent with regard to employee pay policy for public safety employees; 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).

Resolution 23-37, Adopting the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan (D23-191). After staff presentation Councilor Graham moved to approve Resolution 23-37, adopting the Fiscal Year 2024 – Fiscal Year 2028 Capital Improvement Plan; motion was seconded by Vice-Mayor Frye and passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Frye, Devine, Duffy, Gerlach and Graham. Nays (0).

Resolution 23-38, Initiating an Amendment to the Residential Use and Density Regulations of the Unified Development Ordinance (D23-192 thru D23-193). Planning & Building Services Director Johnston presented a brief PowerPoint presentation and he answered why initiate modifications to the residential development standards, what residential development standards are proposed for modification and status of the residential development standards update.

After a brief discussion Councilor Gerlach moved to approve Resolution 23-38, initiating an amendment to the Residential Use and Density Regulation of the unified Development Ordinance; 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).

Resolution 23-39, Rescinding Resolution 23-28 and Resetting the Personal Property Tax Relief Percentage for the 2023 Billing in Accordance with the Changes to the Personal Property Tax Relief Act of 1998 (D23-194). After staff presentation Councilor Graham moved to approve Resolution 23-39, rescinding Resolution 23-28 and Resetting the Personal Property tax relief percentage for the 2023 billing in accordance with the changes to the Personal Property Tax Relief Act of 1998; motion was seconded by Vice-Mayor Frye and passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Frye, Devine, Duffy, Gerlach and Graham. Nays (0).

City Manager's Report and Council Calendar (D23-195 thru D23-196). City Manager Baroody directed the Council's attention to the Manager's Update: Marine Corps Historic Half Events, 2023 Midnight Madness, Annual Water Disinfection Change and Flushing Continues, Wall of Honor, Train Bridges Rehabilitation Project, Board and Commission Openings, The Parks, Recreation, and Events Summer Catalog, Spring Programs, and Fred Focus.

Councilor Devine announced that it was teacher appreciation week and she gave a shout out to teachers for the work they do.

Adjournment. There being no further business to come before the Council at this time, Mayor Greenlaw declared the meeting officially adjourned at 9:08 p.m.

Mary Katherine Greenlaw
Mary Katherine Greenlaw, Mayor

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

APPROVED
05-23-23

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