



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 23, 2023

The Council of the City of Fredericksburg, Virginia, held a regular session on Tuesday, May 23, 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, Assistant Finance Director Richard Lawrence, Budget Analyst Donna Leahy, 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 Councilor Jason N. Graham.

Officer Recognized. Mayor Greenlaw recognized the presence of Officer Kenneth Bach at this evening's meeting.

Certificate of Recognition Carolyn Helfrich for Service on Clean and Green Commission (D23-197). Mayor Greenlaw presented Ms. Helfrich with a

Certificate of Recognition for her 13 years of service on the Clean and Green Commission.

Friends of the Rappahannock Recognizing Tom Worthy. Bill Micks and Adam Lynch of the Friends of the Rappahannock recognized Deputy Tom Worthy for his contribution to the Friends of the Rappahannock and to the river community for decades of work behind the scenes. He worked closely with landowners along the river in the City and beyond. He cultivated relationships and built public trust and they presented him with a custom madewood paddle.

Mr. Worthy thanked them for recognizing him and he was hoping to get one more canoe trip in with the City Council and other local governments. He said he enjoyed being the river steward.

Recognition of the Virginia Municipal League “If I were Mayor” Essay Contest Winner, Zohair Zaman (D23-198). Robert Bullington from VML presented Mr. Zaman with his winnings and his certificate as the winner of the “If I Were Mayor Essay Contest.” He also gave a brief background on the contest. Mr. Zaman read his essay which displayed inclusivity.

Opioid Harm Reduction Report – Dr. Olugbenga Obasanjo and Michelle Wagaman (D23-199). Dr. O presented a PowerPoint presentation and he spoke on the 2021 Opioid Related Death Rates, Opioid Related Deaths Among Fredericksburg Residents, and Emergency Department Visits for Unintentional Opioid Overdose Among Fredericksburg Residents. Ms. Wagaman said the emergency room

number were going down but that is the opposite of what they would like to see because they are seeing an increase on fatalities. Ms. Wagaman took over the presentation and discussed What is Harm Reduction, In Context of Opioid Use, What Harm Reduction is Not, Research and Policy Support, Positive Impacts of Harm Reduction, Continuum of Care of Harm Reduction, and Current Status and Resources.

Councilor Graham asked if RACSB would like to eventually have a Syringe Service Program and Dr. O said in the United States there was only one safe injection site in Rhode Island. He said he would do whatever the Council and the Community is comfortable with. He said it would be an uphill battle to get one here.

Councilor Devine asked about training on the Naloxone and Ms. Wagaman said anyone could request training and they would do it.

Councilor Duffy asked where they were with providing Naloxone in the schools and Ms. Wagaman said all five school districts have been approved for the nurse to carry it and they have provided training in some schools.

Consent Agenda Accepted for Transmittal as Recommended (D23-200 thru D23-206). Councilor Kelly pulled item 5a for further discussion and he moved approval of the City Manager's consent agenda minus items 5A; 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 23-40, First Read, Amending the Fiscal Year 2023 Budget to Appropriate Funds in the COVID-19 Relief Funds for a Virginia Department of

Criminal Justice Services American Rescue Plan Act Law Enforcement Grant (D23-201).

- Transmittal of FXBGO Quarterly Reports – January through March (D23-202)
- Transmittal of the Board and Commission Minutes
 - Architectural Review Board – February 13, 2023 (D23-203).
 - Architectural Review Board – February 27, 2023 (D23-204).
 - Architectural Review Board – March 2, 2023 (D23-205).
 - Economic Development Authority – April 17, 2023 (D23-206).

Ordinance 23-12, Second Read Approved, Amending the Planned Development – Residential District Regulations (D23-200). Councilor Kelly reiterated his concerns with incremental changes to density in the City and not looking at it holistically. He said defining housing needs by political boundaries does not make sense. He said the amount of housing going to the north and south is extensive and will be less than the cost of housing in the City. He understood there were projects tied to this approval but he said he would rather have special exceptions for those projects. He suggested having a more in depth conversation on housing before taking action.

Councilor Kelly made a motion to defer action until further conversations were had on broader housing needs in the City. Motion fails for no second.

Councilor Graham made a motion to approve Ordinance 23-12, on second read, amending the Planned Development – Residential 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. Nays (1). Councilor Kelly.

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

Adam Lynch, 1108 Sophia Street, said he was joined by Mary Marshall another member of the Planning Commission's Capital Improvements Plan Committee. He said the committee makes recommendations to the City Manager and one of the things they regularly bring up in their letters and their work is to find ways to better utilize the City's resurfacing program to adopt what are known as complete street principles. He said complete streets is a system where the streets are designed for more than passenger vehicles and expand utility of the roads to bikes, pedestrians with an eye to people with mobility issues. Mr. Lynch said every time the streets are repainted this is an opportunity to restripe the street a little more equitable and friendly.

Mr. Lynch stated that he and Ms. Marshall were expressing the Planning Commission's appreciation for the work that was being done by the Planning Department and the Public Works Department to improve the way the program operates. He said the street list the Council would be voting on was a collaboration between public works and planning. He also spoke of his witnessing the two departments collaborating together.

Raymond Herlong (D23-206.1), 1009 Prince Edward Street, spoke on the comparison of Granny Suite ADU's and by-right ADU Apartments. He stated that Granny Suites originate from a family need and the need was low but the ADU-Apartment is

used to produce income and with income motivation, the incentive to construct these apartments would be strong. Mr. Herlong said Fredericksburg ranks among the highest rental communities in Virginia at 62% and the financial incentives created with by-right rental-apartments would drive the percentage higher.

Mr. Herlong said one of the most repeated citizen suggestions was to require owner-occupancy because it would discourage developers and the four Commissioners chose to add confusion by requiring owner-occupancy, but only at the time a permit is issued. Another concern was that the neighbors could have a say in what will be constructed around them but the four Commissioner required neighbor notification but by-right status of ADU's would not allow opportunity for neighbors to respond.

Mr. Herlong said it was time for the Council to make their positions known and he asked them not to delay a vote. See D23-206.1 for more information.

Dana Herlong (D23-206.2), 1009 Prince Edward Street, spoke about the far-reaching consequences of up-zoning to private residential properties in the City. She said this threatens the existence of the City's unique 5,000 single-family homes within the established neighborhoods. Ms. Herlong stated that after months of publicly observed deliberations, the Planning Commissioners voted 4-3 on each ADU ordinance issue. She asked the Council to please pay attention and engage now in efforts to communicate and increase the participation and connection of the under-represented civic voices. See D23-206.2for more information.

Sue Sargeant (D23-206.3), 1318 William Street, stated that she had done research on ADU's and she asked the Planning Commission to add conditions to the ADU

text Amendment: develop innovative financing mechanisms to ensure that homeowners of all wealth and income levels are able to build their own ADU's; support programs that incentivize rather than require affordability to increase the supply of affordable rental units in the City and consider both residents input and equity implication in the design and implementation of an ADU regulation. She noted that there was concern for gentrification. Ms. Sargeant also talked about the final planning Commission and how she felt they just wanted to get the vote over with. See D23-206.3 for more information.

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

- 8a. ADU Timeline – Councilor Kelly
- 8b. Public Works Appreciation Week – Councilor Devine
- 8c. Joe Washington, Jr. – Vice-Mayor Frye

ADU Timeline. Councilor Kelly stated that there have been robust conversations on ADU's and the community is looking for direction. He said since the Council would not be moving forward with a vote he asked that the City Manager give a timeline of the next steps.

Councilor Gerlach thanked staff, Planning Commission and the public for all the attention given to this topic. He said a lot of his constituents were against ADU's and some were for them. He said there is a real mix and he asked was there a common ground. He said many would support a middle path which consist of ADU's within the main dwelling. He said he could vote on that in the near future. He would like to see a comprehensive plan on how Fredericksburg is going to deal with population growth that

is coming. Another issue he said he would like to explore with staff is gentrification. Councilor Gerlach suggested staff could report back on the questions to the 42 recommendations in the GWRC Housing Study from 2019.

Mayor Greenlaw added that it was to the community and Planning Commission's credit that they have received as much community input as they have and she said it needed to be considered.

Councilor Duffy thanked everyone for the open and accessible discussions. He was supportive of trying to find a compromise that the City could agree on. The City has had successful ADU's and this is something that could extend to current citizens without bringing harm to neighborhoods. He suggested using the Small Area Plans process to develop neighborhood preservation programs to protect against gentrification. The pressure on housing was going to be more intense and the City needed to get a handle on it.

Councilor Devine also expressed appreciation to Planning, the residents and business owners who have spoken either for or against ADU's. Ms. Devine explained why they could not vote on the ADU tonight. She said they just saw the final proposal from the Planning Commission which was a 4 to 3 vote. This vote was not an overwhelming endorsement. She said there was a lot to still consider and a lot of questions on the proposal. She was in favor of moving forward with discussions.

Councilor Graham was also appreciative of the comments and discussions that have gone into the topic. He was in agreement that there needed to be discussions. He was appreciative of Councilor Gerlach's proposal but he was not ready to vote on any

proposal. He said internal ADU's would work in certain neighborhoods only, there were other neighborhoods that would not have that option and in the spirit of equity and opportunity he would like to have more discussions. He said if the City does not allow for incremental growth steps then it risk gentrification.

Vice-Mayor Frye said he was not in a rush to make a vote after receiving the information back from the Planning Commission. He said the point of the community meetings were to hear from the community. He said many in the community have been prejudging what the City Council is going to do and he said it was not fair to the Council. He said he will wait until the vote to make his decision. He had a couple of questions that he wanted answered: What do ADU's look like across the city? What happens with the 90 unregulated ADUs that are in the City? What are the next steps for those who have unregulated ADU's?

Councilor Kelly said in reading the most recent emails most were in support of ADU's and they were supportive because of it allows for home care opportunities, aging in place and assisting younger couples with mortgage payments. He said he could see the rationale for that. He also mentioned that with this only bringing in 5-6 units a year it would not do anything to help with affordability or housing stock issues. Councilor Kelly also noted that building a separate unit would not be affordable. He agreed that most would be agreeable to owner occupied within the confines of the existing structure.

Councilor Duffy stated that some of the comments he has heard does not show goodwill toward listening to the other side and he was hopeful the Council would set the standard and listen to each other and do the work of Council.

Mr. Baroody said it was helpful to know where City Council is headed. He said staff has been meeting and they would meet again this week and they could prepare a work session on June 13 and schedule an additional work session with a public hearing at the June 27 meeting.

Public Works Appreciation Week. Councilor Devine acknowledged that it was Public Works Appreciation week and she praised them for the work they do every day and she encouraged people to give appreciation to the employees when they see them.

Joe Washington Jr. – Vice-Mayor Frye expressed condolences to the Washington Family. Mr. Washington lost his life trying to cross Dixon Street. Vice-Mayor Frye said he went to the Spotsylvania County Board of Supervisors meeting to address the safety issues. He said they were receptive to the request. Mr. Bates from Virginia Department of Transportation was at the meeting and they have a meeting to discuss the safety issues on site. Vice-Mayor Frye also thanked the staff for dealing with him on this issue.

Councilor Graham thank Vice-Mayor Frye for bringing this to the Council's attention and he offered to help in any way he could. He noted that through FAMPO there was a safe streets grant and this project would be a perfect project.

Adoption of Minutes. Councilor Gerlach moved approval of the May 9, 2023 Public Hearing and Regular Session minutes; 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).

Rappahannock Emergency Medical Services – Scott Davis (D23-207). Councilor Devine moved to appoint Scott Davis to the Rappahannock Emergency Medical Services Board; motion was seconded by Councilor Graham and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Gerlach, Graham and Kelly. Nays (0).

Resolution 23-41, Approved, Adopting the Updated Economic Development Strategic Plan (D23-208). After staff presentation Councilor Kelly expressed his concerns with Goals #3, 4 and 7. He said the City needed to focus on Historic Tourism as well as sports tourism. He said the City needed to have an Environmental Study before putting in charging stations and he said in order to get federal money for them there must be a study. Another concern was the gateway improvements into the City particularly Lafayette Boulevard. Councilor Kelly's last concern was with Workforce Development. He said this must be a regional effort because the City was too small to do it on its own.

Councilor Kelly also wanted to make known his reservation on giving taxpayers' dollars to the EDA and the City Council not have control of those monies.

Councilor Devine said she appreciate the Economic Development Strategic Plan was an overarching plan as the Economic Development and the Economic Development Authority (EDA) work through the action items and she was confident the specifics would be brought to the Council. She said the ten goals were goals the Council has talked about as well as the EDA.

Councilor Devine moved to approve Resolution 23-41, adopting the updated Economic Development Strategic Plan; motion was seconded by Councilor Graham.

Councilor Graham was appreciative that sports tourism was a focus. He said sports tourism was more of an economic driver today and it is an untapped market in the region.

Councilor Gerlach said he has been in the tourism industry for 30+ years with travel insurance. He said he goes to the trade shows and he said Fredericksburg has very smart people making pitches for the City and he was comfortable with the direction the City was going in. He said there needed to be a robust economic development so there isn't such a dependency on real estate tax increases. He noted the city would be the hub of an urban area of over 600,000 people.

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

Resolution 23-42, First Read Approved, Amending the Fiscal Year 2023 Budget to Appropriate Funds in the General Fund and Fredericksburg Opportunity Fund (D23-209). After staff presentation Councilor Kelly moved to approve Resolution 23-42, on first read, amending the Fiscal Year 2023

budget to appropriate funds in the General Fund and Fredericksburg Opportunity Fund; 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 23-43, Approved, Authorizing Use of \$1,346,653 of Motor Fuels Tax Funds for Various Transportation Projects (D23-210). After staff presentation Councilor Kelly moved to approve Resolution 23-43, authorizing use of \$1,346,653 of motor fuels tax funds for various transportation projects; motion was seconded by Councilor Graham and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Gerlach, Graham, and Kelly. Nays (0).

Resolution 23-44, Approved, Authorizing the Use of \$518,584 in Motor Fuels Taxes for the Virginia Railway Express and \$32,400 for the Potomac and Rappahannock Transportation Commission for Fiscal Year 2024 (D23-211). After staff presentation Councilor Kelly moved to approve Resolution 23-44 authorizing the use of \$518,584 in motor fuels taxes for the Virginia Railway Express and \$32,400 for the Potomac and Rappahannock Transportation Commission for Fiscal Year 2024; motion was seconded by Councilor Graham and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Gerlach, Graham, and Kelly. Nays (0).

Resolution 23-45, First Read Approved, Approving Assignment of Fund Balance and Re-Obligation of American Rescue Plan Act Funds for

Fiscal Year 2023 (D23-212). After staff presentation Councilor Graham moved to approve Resolution 23-45, on first read, approving assignment of fund balance and re-obligation of American Rescue Plan Act Funds for Fiscal Year 2023; 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 23-46, Fiscal Year 2024 Asphalt and Concrete Rehabilitation Program – Proposed list of Street (D23-213). After staff presentation Councilor Graham requested that Briscoe Lane be moved to the top of the Alternate 2 list. He stated that they have had paving needs for a decade or longer. Mr. Brown said some streets may not get paved it all depends on the availability of the funds.

Councilor Graham moved to approve Resolution 23-46, Fiscal Year 2024 Asphalt and Concrete Rehabilitation Program – proposed list of street, amended so Briscoe Lane is at the top of the Alternate 2 list; motion was seconded by Councilor Gerlach.

Mayor Greenlaw asked why Briscoe Lane was at the bottom of the list. Mr. Brown explained that it was at the bottom of the list because the costs associated with it and the other streets were a higher priority and had more traffic associated with them. The other streets had more need for safety.

Councilor Graham said those were valid reasons but his constituents feel that their street will always fall to the bottom because it does not have as much traffic.

Councilor Kelly stated that Charles Street to William Street to Hanover Street were significantly main roads and he did not like the idea of bumping them.

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

City Manager's Report and Council Calendar (D23-214 thru D23-215). City Manager Baroody directed the Council's attention to the Manager's Update: Important Tax Deadline Information – Real Estate Tax Bills, Personal Property Tax Bills, Marine Corps Historic Half Events: planned road closures May 21, Scam Prevention Presentation, Executive Plaza Building To Be Closed on June 5 for Maintenance, Early Voting for the June 2023 Dual Primary, Hydrant Maintenance Flushing Program, Board and Commission Openings, The Parks, Recreation, and Events Summer Catalog is now available, Spring Programs, and Fred Focus.

Closed Meeting Approved. Upon a motion Councilor Devine, moved approval to convene in closed session under Va. Code 2.2-3711(A)(8) to consult with the City Attorney regarding a pending zoning application, which requires the legal advice by such counsel; motion was seconded by Councilor Frye and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Gerlach, Graham, and Kelly. Nays (0).

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

Resolution 23-47, Approved, Certifying Closed Meeting. Upon the motion Councilor Kelly, approved Resolution 23-47 certifying the closed meeting; seconded by Councilor Gerlach and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Gerlach, 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 10:00 p.m.

Mary Katherine Greenlaw
Mary Katherine Greenlaw, Mayor

APPROVED
06-13-23

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