



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

June 11, 2019

The Council of the City of Fredericksburg, Virginia, held a regular session on Tuesday, June 11, 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, Historic Resources Planner Kate Schwartz, Building Administrator Marne Sherman, Economic Development Director Bill Freehling, Business Development Manager Angela Freeman, Human Resources Director Lesley Moore 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 Mayor Mary Katherine Greenlaw.

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

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

Scott Dehaven (D19-260), 221, Braehead Drive, spoke about his concern that Braehead Woods was zoned R-4 and with that zoning he said it allows densities that do not fit the existing character of the neighborhood. He stated with that density would destroy the neighborhood. Mr. Dehaven asked the Council to downzone their neighborhood to R-2.

Piper Foresman, 224 Braehead Drive, recapped that a developer had bought three (3) lots and they filed to subdivide lots in the City and two were in the Braehead Woods subdivision. The community hired an attorney and they shared their findings with the City and the City in turn has voided the applications for various reasons. Ms. Foresman said it was her hope that the City would do its due diligence in the future to ask developers: if they have certificates of good standing from the State Corporation, does the developer have a City business license, does the developer have contacting license in Virginia. She said this should help to prevent this from happening again.

Adrienne Raymond, Braehead Woods, spoke about the benefits of greenspaces and how they are therapeutic to people. She noted that many people take that for granted. She also addressed the Stormwater drainage and she asked the City to right its wrongs with the stormwater.

Thom Schiff, 300 Prince Edward Street, spoke about the slave auction block and he said we all need empathy and this is an issue that needs empathy. He said he was a history guy and he like his history to be visible but in this case the auction block has a different effect on some than it does him so if there are some that want it removed because it bothers them it should be removed.

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

7A. Slave Auction Block Removal – Councilor Frye

7B. July 5 – Mayor Greenlaw

7C. Braehead Stormwater Issues –Councilor Kelly

Slave Auction Block Removal. Councilor Frye noted how grateful he was to the City for engaging in a conversation about the slave auction block, and African American history. The unanimous support of hiring the International Coalition of Sites of Conscience led to hundreds coming together and talking about the difficult topic of race relations in Fredericksburg and America. He said he believes the City has grown as a community, and in light of the Coalition’s final report he believes the City is ready to take a bold action. With that, Councilor Frye moved that the slave auction block be removed from the corner of Charles and William Street and that it be brought to the Fredericksburg Area Museum (FAM) for internal display, interpretation and protection; the motion was seconded by Councilor Duffy.

Councilor Frye said this action would help ensure that the City continue to be a place that works for everyone and a community where the people are writing the next chapters of Fredericksburg’s history. He requested the City Manager to bring a plan to Council no later than July 9, to execute the slave auction block removal by the end of this calendar year.

Councilor Kelly said this has been good discussion in the City and he said the City has set the example and brought the community together and it has given everyone the opportunity to speak. He said coming out of those discussions, the City said it would come back with how it wanted to present the auction block. Councilor Kelly said everyone had their own positions but everyone was trying to get to the same point by ensuring nothing like what the auction block represents, never happen again and that the citizens of the community recognize that we have a role in making sure something like that never happens again. He thanked the community and the Council for having civil discussions that will continue

beyond this issue. Councilor Kelly had one concern about voting on removing the slave auction block at this evening's meeting. He said this has been a community discussion and he did not feel like the community had been made aware that this action would be taken at this meeting and he was concerned that many would read about it after the fact. He said it was imperative to let the community know where the City stands and what actions it plans to take and the context in which it plans to take those actions before a vote was taken.

Councilor Kelly made a substitute motion to postpone the vote on the motion for two weeks so the public could be aware that this would be taking place and it would give the community an opportunity to speak to the issue before the vote; motion was seconded by Vice-Mayor Withers.

Mayor Greenlaw warned that she would not be at the next meeting to place a vote and Councilor Kelly said it was too important to hold off any longer.

Vice-Mayor Withers said he agreed with delaying the vote. He said he spent a great deal of time reading the African American history of the City and he would at some point vote to move the block. He said the City has gone out of its way to involve the whole community and he would like to defer and he would like to defer until Mayor Greenlaw returns on July 9 because the vote was too important.

Councilor Kelly amended the motion until July 9.

Councilor Frye said there were a lot of people present at the meeting so the public was aware and he said he made a public announcement at the work session saying that he would be bringing this item up for a vote. He said the City has been working on the project for a year and a half and the community was waiting for a decision. He said the process has been public and it was time for the City to make a decision.

Councilor Devine said the public has been aware that this has been discussed for a year and a half. She agree that the public had not weighed in on what to do with the block but that would be the next step.

Councilor Duffy said he has learned a lot through this process and his view has changed and he was enthusiastic about voting to move the artifact. He has been moved by the account and views from his neighbors. He said it was powerful to talk to people about their views and it was great education for him, more then he got in history books and especially contemporary American race relations. Councilor Duffy said he was also moved by the report from ICSC and how difficult it would be to represent the context of the artifact on the street corner.

Vice-Mayor Withers said it looked like the motion would carry through to remove the block and the issue was too important for the Council to be split so he withdrew his second to the substitute motion in hopes that Councilor Kelly would go along with that. Mayor Greenlaw noted that without a second, there was no motion and with no objection the Council moved to the original motion.

Mayor Greenlaw clarified that there was a designated location for the auction block at FAM and that was a part of the original motion. She also referenced John Meecham's book *The Soul of America – The Battle for Our Better Angels* which she said reminds that from the beginning the United States has struggled to deliver on the promises of the Declaration of the Independence, to make a more perfect union. Race has often been at the heart of these struggles and we cannot and should not deny that. Mr. Meecham defines the first duties of an American citizen to enter the arena, to resist tribalism, to respect fact and deploy reason, and find a critical balance above all keeping history in mind. Mayor Greenlaw said she has found this advice pertinent to the yearlong discussion regarding the auction block. She said it

was her belief that the City tried to find a critical balance while keeping history in mind. Mayor Greenlaw said she was impressed by the honesty shown by all participants and the desire to leave a truthful history. She believes history would be better served by moving the artifact to FAM and more importantly charging the Memorial Advisory Committee to gather a committee to review the history and how it is told and to ensure the City does a better job at telling the whole story of the City. Mayor Greenlaw thanked the citizens for their participation and she thanked the Council for their leadership through this process.

Councilor Devine stated that the community involvement has enhanced her decision to vote to move the artifact. She said she does that with hesitation because as a history teacher she worry about losing pieces of history that may offer good lessons about life. Councilor Devine stated that today there was a strong tolerance for racism and cruelty and they tend to be daily staples in the news. She does not want anyone to sugar coat the horrors of slavery and she mentioned that when she taught eight grade geography slavery was referred to as forced migration in the state issued books and the word slavery was not in print. The ICSC reports spoke about how important a sense of place is and if the artifact was removed she would like to see a marker put in its place. Councilor Devine encourage citizens to stay involved and active.

Councilor Graham thanked Councilor Frye for the hours of effort and for his dedication to get to this point. He said it was interesting to see the reactions across the community and seeing people realizing their reaction was not the only one. He thanked all who came out and grew through this process. Councilor Graham said this was a difficult matter for a City that values its history as Fredericksburg does but he said we must address America's original sin, which was slavery and the treatment of African Americans. He said this was an opportunity to set an example for the Commonwealth, nation and the world.

Councilor Frye said to sit as the only minority on the Council this was huge and he felt the weight of the world on his shoulders. He said to be heard was great because he came from ancestors who were never heard.

Councilor Kelly said it was important to have all sides to the table and he said he does not dispute that the marker caused pain to some but it also evokes shame to others. He said this auction block sits at a very prominent corner today and it should be a jolting experience when you come upon it. He said slavery is still here as well as prejudice and he said people need daily reminders of what they are capable of doing. He again expressed his concern for moving forward with the vote before hearing the public out.

The motion to remove the auction block was approved by the following recorded votes. Ayes (6). Councilors Greenlaw, Withers, Devine, Duffy, Frye and Graham. Nays (1). Councilor Kelly.

July 5. Mayor Greenlaw reported that the July 4th was on a Thursday this year and the Governor has granted July 5 as a holiday and she asked the Council to give the same to the City employees. She also asked Assistant City Manager Whitley what the impact on the City would be and he said the estimated cost would be \$12,000-\$15,000.

Councilor Devine moved to give City employees who are not essential employees July 5 off; 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).

Braehead Stormwater Issues. Councilor Kelly asked staff if the City had attributed to the Stormwater issues in Braehead because of Morningside and if so the City has an obligation to do something to fix it.

City Manager Baroody said they have been working on this issue and they have another meeting scheduled for Thursday and it was his hope to put out something publically to address stormwater and zoning by the end of the week.

Councilor Duffy thanked staff for trying to track down all this information and he was looking forward to getting the report.

City Manager's Consent Agenda Accepted for Transmittal as Recommended (D19-261 thru D19-267). Councilor Kelly moved approval of the City Manager's consent agenda items; 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).

- Ordinance 19-24, Second Read, Amending the Old and Historic Fredericksburg Overlay District Standards and Architectural Review Board Procedures to Update Review Criteria, Extend the Period of Validity of a Certificate of Appropriateness, Require the Use of Infill Calculations for Front and Side Setbacks in the HFD, Update the Sign Review Criteria, Authorize Administrative Review of Certain Applications, Subject to ARB Approval; and Make Other Revisions of the HFD District Standards and ARB Procedures (D19-261).
- Transmittal of Board and Commission Minutes.
 - Public Transit Advisory Board – February 6, 2019 (D19-262).
 - Public Transit Advisory Board – April 3, 2019 (D19-263).
 - Recreation Commission – January 17, 2019 (D19-264).
 - Recreation Commission – February 27, 2019 (D19-265).
 - Recreation Commission – March 21, 2019 (D19-266).
 - Recreation Commission – April 18, 2019 (D19-267).

Adoption of Minutes. Councilor Duffy moved approval of the May 14 and May 28, 2019 public hearing and regular session minutes; motion was seconded by Councilor Graham and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Frye, Graham and Kelly. Nays (0).

Resolution 19-57, Authorizing the City Manager to Enter into a Letter of Intent with Hylton Venture LLC and the Fredericksburg Economic Development Authority to Facilitate the Development of Gateway Boulevard Extended (D19-268). Economic Development Director Freehling presented a PowerPoint presentation and in his presentation he discussed why the City should build Gateway Boulevard extended, details of the proposed road, how to fund the project, letter of intent structure, the pros and cons of the LOI, planning aspects, the path forward and recommendation authorizing the City Manager to enter into the LOI. (See D19-269 for more information).

Councilor Kelly said the City must think outside the box for funding of transportation because the money for Smartscale projects was not rising to the level it needs to. He also noted that this road was needed to move people around as well as give access to that valuable piece of land for projects. Councilor Kelly said this was an opportunity to have great community conversations on the type of project for this development.

Councilor Graham expressed his concern that the gateway extension has the possibility to impact more than half of the people who live in his Ward and he said there had never been a tax increment financing (TIF) for a road in the City before. He said he does not want to sacrifice City tax dollars on the hope of a Veterans Affairs Hospital or a Data Center.

He said this was an opportunity to be patient and he said this sprawl would hinder the growth of the City. Councilor Graham said he would like to see growth without the traffic impact.

Councilor Duffy said it is valuable to know the worst and best case scenarios. He said it would be great to get either project the VA Hospital or the data center because it would drive employment in that field.

Councilor Devine said traffic was a concern but it may be a price the City would have to pay to get employment centers. She said her concern was what will happen if neither project comes. Mr. Freehling explained that the road would be an asset if they structure the performance agreement in the right way the City would retain the base tax revenue and if tax revenue does not materialize quickly the risk would be on the developer. He said that is the importance of negotiating a good performance agreement to make sure the City's interest are protected.

Mayor Greenlaw said that was the benefit of having a performance agreement and a TIF because the City's obligation does not kick in until the revenue starts coming in. This part of 95 is one of the better assets for job creation and it was not likely not to be developed and it must have a road. She said the City would not want to lose an opportunity for commercial development that would be beneficial to the City. She said she give credit to Mr. Freehling and to the owners for taking the risk. Mayor Greenlaw said this road is key to the competitive position as far as the Veteran's Administration is concerned.

Vice- Mayor Withers had a concern that the project may take all the tax dollars and none of the tax dollars would be used for the City needs. He would like to see the taxes at least cover the debt service for the year.

Councilor Graham said his concern was with the worst case scenario and he said if the City does not get the VA clinic or the data center he worries that the developer would

come back with same basic sprawl development. He said the structure of the agreement is his reason for being against this project.

Councilor Kelly made a motion to approve Resolution 19-57, authorizing the City Manager to enter into a Letter of Intent with Hylton Venture LLC and the Fredericksburg Economic Development Authority to facilitate the development of Gateway Boulevard extended; motion was seconded by Councilor Frye and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Frye and Kelly. Nays (1). Councilor Graham.

City Manager's Report and Council Calendar (D19-270 thru D19-271). City Manager Baroody reviewed the Manager's report and Council Calendar. Activities highlighted on the report were as follows: Primary Elections, Dixon Park Inline Roller Hockey Rink, Dixon Park Parking Lot Expansion, Annual Paving Program, College Terrace Sanitary Sewer Rehabilitation, Summer Trolley Service Began May 31, Butts in the Bin, Staff Use of Bicycles, Badges for Baseball, and Great American Campout.

Closed Meeting Approved (D19-171.1). Upon a motion Councilor Devine, moved approval of a closed session under Code of Virginia 2.2-3711(A)(8) for consultation with the City Attorney for legal advice regarding the zoning of the Braehead Woods area of the City; seconded by Councilor Duffy and passed by the following recorded votes. Ayes (7) Councilors Greenlaw, Withers, Devine, Duffy, Frye, Graham and Kelly. Nays (0).

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

Resolution 19-58, Approved, Certifying Closed Meeting. Upon the motion Councilor Duffy approved Resolution 19-58 certifying the closed meeting; seconded by Councilor Kelly and passed by the following recorded votes. Ayes (7) Councilors Greenlaw, Withers, Devine, Duffy, Frye, Graham and Kelly. Nays (0).

Adjournment. There being no further business to come before the Council at this time, Mayor Greenlaw declared the meeting officially adjourned at 9:45 p.m.

Mary Katherine Greenlaw
Mary Katherine Greenlaw, Mayor

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

APPROVED
06-25-19

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