

FREDERICKSBURG
**ECONOMIC
DEVELOPMENT
AUTHORITY**

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ECONOMIC DEVELOPMENT AUTHORITY MINUTES (EDA)

April 13, 2020

8:30 a.m. • EDA Special E-Meeting
City Hall, City Council Chambers
715 Princess Anne St.
Fredericksburg, VA

The Economic Development Authority of the City of Fredericksburg, Virginia met in regular session on Monday, April 13, 2020 beginning at 8:30 a.m. in City Council Chambers at City Hall.

Chair Black read the following statement, this meeting is being held electronically by telephone, pursuant to City Council Ordinance 20-05, an Ordinance to Address Continuity of City Government during the pendency of a Pandemic Disaster.

The members participating are: Bill Beck, Mitzi Brown, Lee Murray, Suzy Stone, Chris Waller, and Will Macintosh.

Members of the public have been invited to access this meeting by: public access television and on Facebook Live at [facebook.com/FXBGgov](https://www.facebook.com/FXBGgov).

Public Comment may be made in writing by email to Ms. Peregoy.

EDA MEMBERS PRESENT. Beth Black Chair, presiding. Will Mackintosh, Lee Murray, Suzy Stone, Mitzi Brown, Bill Beck and Chris Waller.

ABSENT. None.

ALSO PRESENT. EDA Counsel: Blanton Massey; Department of Economic Development and Tourism: Bill Freehling, Director; Angela Freeman, Business Development Manager; Amy Peregoy, Economic Development Specialist.

DETERMINATION OF QUORUM. Mitzi Brown.

ADOPTING PROCEDURES FOR ELECTRONIC PUBLIC MEETING TO ENSURE THE CONTINUITY OF GOVERNMENT DURING THE COVID-19 PANDEMIC DIASTER. Chair Black called upon Ms. Peregoy to present the Resolution. Ms. Peregoy stated the following: the City of Fredericksburg Economic Development Authority (“EDA”) is a Public Entity included within the scope of Ordinance 20-05. The EDA finds that it will be necessary and beneficial to meet from time to time to conduct essential business and assure continuity in government during the pandemic. Therefore, the EDA hereby resolves that:

- The EDA adopts the procedures for electronic public meetings set forth in Ordinance 20-05, a copy of which is attached to this resolution and incorporated herein by reference.
- EDA officers and staff are authorized to take all steps reasonably necessary or appropriate to implement these procedures and to develop any specific procedures as appropriate for the EDA, provided that those

specific procedures are consistent with Ordinance 20-05.

- Votes for this meeting and any future electronic meeting shall be conducted by name in roll-call fashion and included in the minutes.

This Resolution shall be effective immediately and shall remain in full force and effect for the effective duration of Fredericksburg City Ordinance 20-05.

MOTION by Bill Beck, seconded by Lee Murray, Resolution 20-03 was approved by roll-call vote: Ayes (7); Nays (0).

AGENDA. Chair Black struck Item 7 from the agenda and to move Item 9 before Item 8.

MOTION by Bill Beck, seconded by Chris Waller, the agenda was approved by roll-call vote: Ayes (7); Nays (0).

PUBLIC COMMENTS. Chair Black asked Ms. Peregoy if there were any public comments submitted prior to today's meeting via the instructions on the published agenda. Ms. Peregoy stated, no public comments were received.

OLD BUSINESS. EDA Grant Taskforce Update – Mr. Mackintosh reported a call for applications was placed via online application form, 224 applications were received from city businesses and non-profits requesting emergency grants to relieve financial stress from COVID-19. Total funding requested was \$813,981. All applications were reviewed by the Commissioner of the Revenue's office for being compliant with City licensing and taxes. The Grant Taskforce only considered compliant applications. After a rigorous review process the Grant Taskforce funded 83 businesses and non-profits. The Grant Taskforce arrived at a total of \$199,633 grants. Ms. Brown conferred with Mr. Mackintosh's report. Chair Black requested discussion from the board members. Mr. Murray thanked the Grant Taskforce, Mr. Freehling and Ms. Peregoy for their work. Mr. Beck requested information regarding individual grant funding. Mr. Mackintosh stated the funding were at different levels based on a scoring rubric. Ms. Beck asked if the grant amounts will help the businesses. Mr. Mackintosh stated they would be meaningful based on the businesses budget and need. He also viewed them as a bridge for the businesses as other resources evolve. Mr. Murray asked about the process in getting the funds to the applicants. Mr. Mackintosh stated a check would be written to the business. Mr. Mackintosh requested Ms. Peregoy to speak to the timing. Ms. Peregoy stated the funding would be mailed within the week after verification of reporting. Ms. Stone thanked the Grant Taskforce and staff.

TREASURER'S REPORT. Mr. Murray stated there was not much activity in the last month other than the \$500,000 was transferred from the City for the Gateway Boulevard project. The budget and financials have been reviewed to allocate additional funding for the COVID-19 emergency grant fund. A series of budget cuts were identified to assist. The Marine Corps Marathon \$25,000 will be extended to 2022. Germanna Community College's \$50,000 for the Allied Health Center will be deferred to fiscal year 2021. A few other budget line items were reduced. The EDA now can allocate an additional \$96,000. The EDA originally allocated \$50,000, the City allocated \$54,000 and with the additional \$96,000 there is a total of \$200,000 for the program. The EDA's reserves were not used and no financial constraints have been placed upon the EDA. There was no discussion by the board.

MOTION by Suzy Stone, seconded by Bill Beck the allocation of the additional \$96,000 to the COVID-19 emergency grant fund was approved by roll-call vote: Ayes (7); Nays (0).

NEW BUSINESS. None.

COMMITTEE REPORTS.

- Parking Improvement Committee* – No update.
- Branding Committee* – No update.

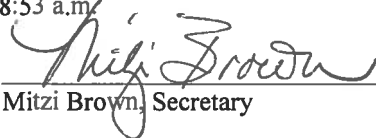
- c. *Strategic Acquisitions Committee* – No update.
- d. *Workforce Development Committee* – Ms. Stone noted participation with Young Reality. Mr. Curry Roberts from FRA is scheduling a virtual meeting for late April or early May.
- e. *Loan Committee* – Mr. Waller reported one loan application is in process of underwriting and one loan application is headed to underwriting.
- f. *Chatham Bridge Rehab Committee* – Ms. Brown stated they are shoring up the contract. Mr. Beck asked if COVID-19 would be included. Ms. Brown stated it would be included to some extent. The contract will be executed by the Chair.

STAFF REPORT. Mr. Freehling thanked Ms. Brown and Mr. Mackintosh board in regards to the grant program. Mr. Freehling thanked Ms. Black and Mr. Murray for their time adjusting the budget and standing up the grant program. Mr. Freehling thanked Ms. Peregoy for her work organizing the program and the work ahead. A press release will be drafted and sent to the media. He stated the Marine Corps Marathon is cancelled and the EDA's supportive funding would begin again in 2021 ending 2022. SlideFXBG is also cancelled but is scheduled for 2021 using the 2020 deposit.

CHAIR'S REPORT. Chair Black stated to the members of the board her thank you not just as the Chair but as a citizen of Fredericksburg and a proud owner of a small business. She sees firsthand the commitment and personal sacrifice to the people of this City. This is a diverse and talented board and we are exactly the right group to assist city staff through this unprecedented challenge. To City staff particularly the staffers the EDA works so close with including the EDT, the City Manager's office, City Council, and the City Attorney's office, thank you, your work is appreciated and your opinions greatly valued. Your unwavering commitment to Fredericksburg. The greatest city of the commonwealth and because of you we will get through and while there are sure to be new challenges we will be better once on the other side.

BOARD MEMBERS COMMENTS. Ms. Brown thanked everyone. Mr. Murray echoed Chair Black's statement. Mr. Beck thanked the Chair for her comments. He stated he felt better about this board now at the end of his term with many useful things being accomplished. He stated during the beginning of his term a funded building grant for \$40,000 remained vacant but what has been accomplished has helped many struggling people. The EDA has moved tremendously in the right direction in the last few years. He thanked Chair Black for her leadership. He congratulated everyone who worked on the grant program. The EDA has huge potential to be helpful to the City.

ADJOURNMENT. There being no further business to come before the Economic Development Authority at this time, Chair Black declared the meeting officially adjourned at 8:53 a.m.


Mitzi Brown, Secretary

FREDERICKSBURG
ECONOMIC
DEVELOPMENT
AUTHORITY

MOTION: Beck

April 13, 2020
Regular Meeting
Resolution 20-03

SECOND: Murray

RE: Adopting Procedures for Electronic Public Meetings to Ensure the Continuity of Government during the COVID-19 Pandemic Disaster

ACTION: APPROVED: Ayes: 7; Nays: 0

On March 12, 2020, Governor Ralph Northam declared a state of emergency in the Commonwealth of Virginia in response to the continued spread of novel coronavirus, or COVID-19. COVID-19 spreads from person-to-person, transmitted via respiratory droplets, and can be spread from an infected person who does not have symptoms to another person. No current vaccine or known treatment options exist at this time. The nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location.

Fredericksburg City Council adopted Ordinance 20-05 on April 7, 2020, authorizing Public Entities (as defined in the ordinance) to meet through real-time electronic means, including audio, telephonic, video, or other practical electronic medium, without a quorum physically present in one location.

Through this emergency ordinance, the Council also adopted procedures to ensure the continuity of government during the COVID-19 Pandemic disaster, temporarily suspended any deadlines applicable to Public Entities and their staff, and encouraged Public Entities to postpone non-emergency public hearings and action items during the disaster.

The City of Fredericksburg Economic Development Authority (“EDA”) is a Public Entity included within the scope of Ordinance 20-05. The EDA finds that it will be necessary and beneficial to meet from time to time to conduct essential business and assure continuity in government during the pandemic.

Therefore, the EDA hereby resolves that:

- The EDA adopts the procedures for electronic public meetings set forth in Ordinance 20-05, a copy of which is attached to this resolution and incorporated herein by reference.
- EDA officers and staff are authorized to take all steps reasonably necessary or appropriate to implement these procedures and to develop any specific procedures as appropriate for the EDA, provided that those specific procedures are consistent with Ordinance 20-05.
- Votes for this meeting and any future electronic meeting shall be conducted by name in roll-call fashion and included in the minutes.

April 13, 2020
Resolution No. 20-03
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This resolution shall be effective immediately and shall remain in full force and effect for the effective duration of Fredericksburg City Ordinance 20-05.

Votes:

Ayes: 7

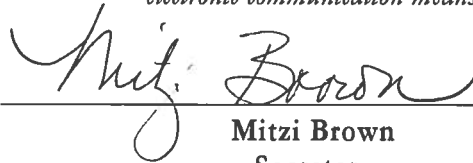
Nays: 0

Absent from Vote: 0

Absent from Meeting: 0

Secretary's Certificate

I certify that I am Mitzi Brown of the Economic Development Authority, and that the foregoing is a true copy of Resolution No. 20-03, adopted at a meeting of the Economic Development Authority held April 13, 2020, by electronic communication means.



A handwritten signature in cursive script, reading "Mitzi Brown", is written over a horizontal line.

**Mitzi Brown
Secretary**



MOTION: KELLY

SECOND: FRYE

RE: An Ordinance to Address Continuity of City Government During the Pendency of a Pandemic Disaster

ACTION: APPROVED: Ayes: 7; Nays: 0

FIRST READ: April 7, 2020

SECOND READ: April 7, 2020

April 7, 2020
Special Meeting
Ordinance No. 20-05

IT IS HEREBY ORDAINED by the Fredericksburg City Council:

Article I. Purpose.

On March 12, 2020, Governor Ralph S. Northam issued Executive Order 51 declaring a state of emergency for the Commonwealth of Virginia in response to the novel coronavirus (COVID-19) pandemic. The City Manager, as the City's Director of Emergency Management, pursuant to City Code §26-36 and Virginia Code §44-146.21, issued a Declaration of Local Emergency on March 16, 2020 in response to the imminent threat of disaster and danger to public health posed by the spread of the disease. This declaration was affirmed by City Council at a special meeting on Friday, March 20, 2020.

On March 23, 2020, Governor Ralph S. Northam issued Executive Order #53, which acknowledged the ongoing threat COVID-19 presents to our communities, prompting the need to significantly limit person-to-person contact to slow the spread of the virus. Consequently, this order limits in-person gatherings to no more than 10 people assembled in a single location. The Governor expanded on this directive by issuing Executive Order #55, a "stay-at-home order," on March 30, which will remain in effect until June 10, 2020.

City Council, in Resolution 20-21 confirming the Declaration of Local Emergency, acknowledged that COVID-19 is a communicable disease that presents a real and substantial threat to public health. The Council finds that the severity of this threat constitutes a "disaster" as defined by Virginia Code §44.1-146.16.

Virginia Code §15.2-1413 provides that a locality may, by ordinance, provide a method to assure continuity of government in the event of a disaster, notwithstanding any contrary provision of law, for a period not to exceed six months after any such disaster. The Attorney General of Virginia confirmed this authority in an opinion issued March 20, 2020. This emergency ordinance, which is enacted pursuant to Virginia Code § 15.2-1413, and which City Council deems necessary to ensure continuity of City government during the disaster caused by the COVID-19 pandemic, promotes public health, safety, and welfare and is consistent with the laws of the Commonwealth of Virginia, the Constitution of Virginia, and the Constitution of the United States of the America.

Article II. Rules and Procedures.

Section 1. Succession to Preside over Meetings. In the event that both the Mayor and Vice-Mayor are unavailable to participate in a meeting of City Council due to any reason, including illness, isolation, or quarantine, the participating members of Council shall elect a presiding officer *pro tem* to execute the duties of presiding at that meeting.

Section 2. Quorum. Notwithstanding any other provision of law, if a number of members of Council are unavailable to participate in a meeting due to reasons associated with COVID-19, including illness, isolation, or quarantine, and the absence of those members leaves fewer members than the number required by law to act, the remaining member or members shall constitute a quorum for the conduct of business and have authority to act by majority vote.

Section 3. Suspension of City Code Chapter 2, Article II Rules and Procedures. The following sections in Chapter 2 (Administration), Article II (City Council), of the Fredericksburg City Code are hereby suspended.

3-1. Section 2-39, Order of Business at Regular Meetings. Requirements that the format of Council agendas shall be set by resolution and shall include a consent agenda are hereby suspended to allow for modifications of the agenda format as needed by the City Clerk.

3-2. Section 2-44, Procedure for Adoption of Ordinances and Resolutions. Requirements for second readings of ordinances and certain resolutions are hereby suspended to allow the second readings of those ordinances and resolutions to be held on the same day and at the same meeting as their introductions.

3-3. Section 2-52 Members Leaving before Adjournment. Requirement that members entered as present shall not, without leave of the presiding officer leave a meeting until the meeting is

adjourned is hereby suspended to permit unannounced absences due to emergency, or, in the case of an electronic meeting, due to technical difficulty.

Section 4. Suspension of Deadlines. City personnel are encouraged to take action as is practical and appropriate to meet deadlines established under state law or city ordinance; however, notwithstanding any provision of law, regulation, or policy to the contrary, any deadlines requiring action by the City, its officers, including the Commissioner of Revenue and Treasurer, City employees, or any Public Entity as defined in Article III, below, are suspended. Time frames for review or expedited reviews are also suspended. Failure to meet any deadline or time frame will not constitute a default, violation, approval, ratification, or recommendation.

Section 5. Suspension of Inconsistent Policies. Any other rules, bylaws, or policies adopted by the City Council or any other Public Entity are hereby suspended to the extent they are inconsistent with this ordinance and its authorizations.

Article III. Remote Public Meetings.

Section 1. Purpose and Findings. Council finds that the COVID-19 pandemic makes it unsafe to physically assemble in one location a quorum for public bodies, including the Council, the School Board, the Planning Commission, Board of Zoning Appeals, Architectural Review Board, Economic Development Authority, the Rappahannock Regional Solid Waste Management Board, and all other local and regional boards, commissions, committees and authorities created by the Council or to which the Council appoints all or a portion of its members (collectively “Public Entities” and individually “Public Entity”), or for such Public Entities to conduct meetings in accordance with normal practices and procedures.

Section 2. Remote Meetings Authorized.

2-1. Any regularly scheduled or regular meeting of any Public Entity may be canceled by the chair if there is no essential business that needs to occur or if conditions otherwise make it impractical to meet. Notice of the cancellation must be provided to the Public Entity’s members and the public as soon as practicable.

2-2. Any meeting or activities which require the physical presence of members of the Public Entities may be held through real-time electronic means, including audio, telephonic, video, or other practical electronic medium, without a quorum physically present in one location.

2-3. Prior to holding a remote meeting in accordance with this Article, the Public Entity shall provide public notice at least 3 days in advance of the remote meeting, or, in the case of a special or emergency meeting, in accordance with applicable special notice requirements. Such notice shall include a statement that the meeting is being held through electronic means, and identify how the public may access the meeting and, if applicable, offer comment.

2.4. Any such remote meeting shall be closed to in person public attendance and open to electronic public access. Public access for City Council meetings shall, when feasible, include live broadcast available on all City public access television channels, the City website, and the City Government Facebook page. Additional methods may be used. Other Public Entities shall require public access consistent with their capabilities.

2.5. Any remote meeting held pursuant to this Article shall state on its agenda and at the beginning of the meeting that it is being held pursuant to and in compliance with this Ordinance; identify the persons responsible for receiving public comment, if applicable; and identify notice of the opportunities for the public to access such electronic meeting.

2.6. Any Public Entity holding a meeting remotely pursuant to this Article, for which a public comment period would be provided if that meeting were held in person, may provide a method for soliciting public comment in advance of or during the meeting. All such public comments will be provided to members of the Public Entity at or before the electronic meeting and made part of the record for such meeting.

Section 3. Remote Public Hearings Authorized.

3-1. Non-emergency public hearings may be postponed to a future date, when a regular meeting can be held with a quorum of the Public Entity physically present. The Clerk of Council is authorized to reschedule public hearings and provide notice as appropriate.

3-2. Public hearings on essential business that needs to occur, may be held in accordance with the requirements of this section.

3-3. The Public Entity shall open the public hearing comment period, receive any comments that may have been submitted in advance, and continue the matter to its next meeting.

3-4. Public comments may be received in writing up to 1 hour prior to the next meeting, addressed to the Clerk of Council or other official designated by the Public Entity, by U.S. Mail, e-mail, or hand delivery to the drop box located by the front door of City Hall; and by additional methods identified by the Public Entity and included in the meeting notice in accordance with Section 2 of this Article.

3-5. Public Comments shall be compiled by the Clerk of Council, or other official designated by the Public Entity to receive comments, and delivered to each member of the Public Entity for review at or before the meeting at which the matter is scheduled to be concluded. All comments shall be made part of the meeting record.

Section 4. Minutes of Meetings.

4-1. Minutes of all remote meetings held pursuant to this Article shall (1) state that it is being held pursuant to and in compliance with this Ordinance, (2) identify the specific electronic means by which the meeting was conducted and which members participated, and (3) specify the methods by which the public was given the opportunity to access the meeting and provide comment.

4-2. Minutes shall otherwise conform to the requirements of law.

4-3. The Public Entities may approve minutes of an electronic meeting at a subsequent electronic meeting and shall later approve all such minutes at a regular or special meeting after the disaster has ended.

Article IV. Effective date; Expiration.

This ordinance is effective immediately and shall remain in full force and effect, unless amended, readopted, or repealed by City Council, for a period not exceeding 6 months after the end of the COVID-19 disaster.

Votes:

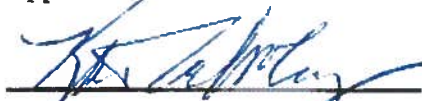
Ayes: Greenlaw, Withers, Devine, Duffy, Frye, Graham, Kelly

Nays: None

Absent from Vote: None

Absent from Meeting: None

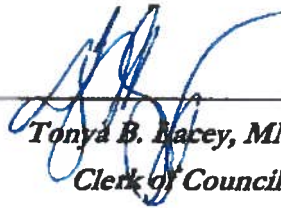
Approved as to form:



Kathleen Dooley, City Attorney

Clerk's Certificate

I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Ordinance No. 20-05 duly adopted at a meeting of the City Council meeting held April 7, 2020 at which a quorum was present and voted.



Tonya B. Hacey, MMC
Clerk of Council