

CITY COUNCIL REGULAR MEETING

September 8, 2020

Virtual/electronic meeting

5:00 PM CLOSED MEETING

The Charlottesville City Council met on Tuesday, September 8, 2020, at 5:00 p.m. Mayor Nikuyah Walker called the meeting to order at 5:04 p.m. with the following members present: Mayor Nikuyah Walker, Vice Mayor Sena Magill, Ms. Heather Hill, Mr. Michael Payne and Mr. Lloyd Snook.

On motion by Ms. Hill, seconded by Mr. Snook, Council voted 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none) to meet in closed session as authorized by Virginia Code Sections 2.2-3711 and 2.2- 3712, specifically:

- as authorized by authorized by Virginia Code Section 2.2-3711(A)(7) for consultation with legal counsel from the Charlottesville City Attorney's Office regarding legal advice about litigation, settlement, and negotiating strategies concerning probable litigation against the City of Charlottesville, Virginia pertaining to an alleged tort where such consultation in an open meeting would adversely affect the negotiating and litigating posture of the City of Charlottesville; and
- as authorized by Virginia Code Section 2.2-3711(A)(1) for the discussion and consideration of appointments to the Charlottesville Planning Commission and for the discussion of the performance of the Charlottesville City Manager.

On motion by Ms. Hill, seconded by Ms. Magill, Council certified by the following vote: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none.), that to the best of each Council member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the Motion convening the closed session were heard, discussed or considered in the closed session.

The meeting adjourned at 6:40 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

6:30 PM REGULAR MEETING

The Charlottesville City Council met in regular session on Tuesday, September 8, 2020, with the following members present: Mayor Nikuyah Walker, Vice Mayor Sena Magill, Ms. Heather Hill, Mr. Michael Payne, and Mr. Lloyd Snook.

Mayor Walker called the meeting to order at 6:40 p.m.

On motion by Ms. Magill, seconded by Ms. Hill, Council unanimously adopted the meeting agenda.

City Council observed a moment of silence.

ANNOUNCEMENTS

Dr. Denise Bonds, Director of the Thomas Jefferson Health District, provided an update on Covid-19 data.

Ms. Hill announced the deadline for City-appointed board and commission applications. She also announced Mr. Alex-Zan's Annual CYM (Close Your Mouth) Day on September 21.

Ms. Walker provided information about the public comment process for building the City's Strategic Plan, advising that input could be submitted at strategicplan@charlottesville.gov until September 18, 2020.

RECOGNITIONS/PROCLAMATIONS

Ms. Walker acknowledged the passing of a pillar of the community, Mr. Bill Byers, who was also a City of Charlottesville employee with the Parks and Recreation Department for many years.

BOARD/COMMISSION APPOINTMENTS

On motion by Ms. Hill, seconded by Ms. Magill, Council by the following vote APPOINTED Liz Russell to the Planning Commission: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none).

CONSENT AGENDA*

Clerk of Council Kyna Thomas read the following Consent Agenda items into the record:

2. MINUTES: July 20 Closed and Regular Meetings; July 27 Special Meeting, August 3 Closed and Regular Meetings, August 4 Listening Session on Policing

3. ORDINANCE: Ordinance granting permanent and temporary easements to the Rivanna Water and Sewer Authority for the installation of water line facilities in Ragged Mountain Natural Area (2nd reading)

AN ORDINANCE GRANTING PERMANENT AND TEMPORARY EASEMENTS TO THE RIVANNA WATER AND SEWER AUTHORITY FOR THE INSTALLATION OF WATER LINE FACILITIES IN RAGGED MOUNTAIN NATURAL AREA

4. ORDINANCE: Ordinance granting an underground utility easement to Dominion Energy for the installation of electric power lines in Ragged Mountain Natural Area (2nd reading)

AN ORDINANCE GRANTING AN UNDERGROUND UTILITY EASEMENT TO DOMINION ENERGY FOR THE INSTALLATION OF ELECTRIC POWER LINES IN RAGGED MOUNTAIN NATURAL AREA

5. ORDINANCE: Ordinance granting a drainage easement to the International School of Charlottesville, Inc. (2nd reading)

AN ORDINANCE GRANTING DRAINAGE EASEMENT TO THE INTERNATIONAL SCHOOL OF CHARLOTTESVILLE, INC.

6. APPROPRIATION: Appropriation of funds received for reimbursement for Crescent Halls driveway repair - \$18,483.73 (2nd reading)

APPROPRIATION
Reimbursement for Crescent Halls driveway repair
\$18,483.73

WHEREAS, in November 2019, the City entered into an Agreement with Charlottesville Redevelopment and Housing Authority (CRHA) to “set forth the terms and conditions under which the City will replace a driveway culvert on property owned by CRHA at the public housing project known as Crescent Hall...”.

WHEREAS, the City of Charlottesville has received a reimbursement from Charlottesville Redevelopment and Housing Authority (“CRHA”) for work performed; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia, that \$18,483.73 received as reimbursement be appropriated back to the City account from which the expenses were originally paid.

Expense

\$18,483.73 Fund: 426 WBS Element: P-01019 GL Code: 599999

7. APPROPRIATION: Charlottesville-Albemarle Adult Drug Treatment Court Grant Award - \$240,000 (1st of 2 readings)

8. APPROPRIATION: Virginia Housing Solutions Program Grant Award - \$539,333 (1st of 2 readings)

Ms. Walker opened the floor for speakers on the Consent Agenda:

- Mr. Jeff Fogel, City resident, spoke about challenges with drug court, related to Item #7.

Ms. Walker asked that minutes except July 20 be pulled for separate vote, as she was not in attendance for the other meetings.

On motion by Ms. Hill, seconded by Ms. Magill, Council by the following vote APPROVED the Consent Agenda, withholding Minutes except July 20 for a separate vote per the request of Ms. Walker: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none).

On motion by Ms. Hill, seconded by Ms. Magill, Council by the following vote APPROVED the Minutes from July 27, August 3 and August 4, 2020: 4-0-1 (Ayes: Hill, Magill, Payne, Snook; Noes: none; Abstention: Walker).

CITY MANAGER RESPONSE TO COMMUNITY MATTERS (FROM PREVIOUS MEETINGS)

City Manager Tarron Richardson addressed the following concerns from the August 21, 2020, City Council meeting:

1. Regarding crosswalk timing at 10th and West Main Streets, he advised that times are within normal standards for pedestrian crossings.
2. Regarding the crosswalk at Preston at Washington Park, he advised that it is a little more dangerous, but with a flashing light does provide ample time for pedestrians to cross.
3. Regarding speed limit concerns on Cherry Avenue, he advised that a traffic study will need to be conducted.

COMMUNITY MATTERS

The following members of the public spoke during Community Matters:

Mr. Brian Campbell, City resident and member of Charlottesville DSA, spoke in opposition to the issuance of citations for local demonstrations.

Mr. Don Gathers, City resident, spoke about his honorary street designation request for a portion of Market Street to be named in honor of Black Lives Matter. He also advised of a petition for renaming Market Street Square after the first black mayor of Charlottesville.

Ms. Sarah Hart, City resident, spoke in support of the gun safety ordinance in public spaces.

Mr. Michael Caplin, City resident, spoke in support of the honorary street designation of Gregory Swanson Way.

Mr. James Hingeley, working in the City of Charlottesville, spoke in support of the honorary street designation of Gregory Swanson Way, at 2nd Street NE. He also spoke in support of the honorary street designation presented by Mr. Don Gathers.

Ms. Lauren Boggs Meslar, resident of Albemarle County, spoke in support of the gun safety ordinance in public spaces.

Reverend Ralph Brown, City resident, spoke regarding his request to designate a street name in honor of his late father C. H. Brown.

Ms. Tanesha Hudson spoke about the use of recreation centers for tutoring and after school access. She spoke about a request that she submitted to recognize Vinegar Hill with an honorary street designation. She asked that Council consider honoring other local history as more requests come forward.

Mr. Harold Folley spoke about the effects of coronavirus on nursing homes, jails and prisons as related to community spread and asked City Council to follow up with the Dr. Denise Bonds and the Thomas Jefferson Health District for more information.

Mr. Brett Lansdell spoke in opposition to adoption of the proposed local gun control ordinance and asked Council to speak with concealed permit holders.

Mr. Reid Byam, City resident, spoke in opposition to adoption of the proposed local gun control ordinance on public property. He asked that concealed carry be exempted from the ordinance.

Mr. Scott Karas, City resident, spoke in opposition to adoption of the proposed local gun control ordinance as a legal concealed handgun permit holder and member of the military.

Mr. Tamon Smith, City resident, spoke in opposition to adoption of the proposed local gun control ordinance

Ms. Katrina Turner spoke about a march that was held on August 28, and asked why a statement made the day before the march could not wait.

Ms. Walker made a statement about public health concerns regarding Covid-19 and the ordinance in place. Dr. Richardson, Mr. Snook and Mr. Payne provided additional context about ordinance enforcement.

Ms. Robin Hoffman spoke about conducting an OSHA-like inspection of the schools and an inventory the items that need to be remedied, passing along costs to the Governor.

Ms. Cabell Marshall, City resident, spoke about a development on Stribling Avenue, asking that the developer hold another community meeting. She also requested that a new traffic study be conducted since university students have returned and there is more traffic.

Ms. Hill advised the public of the Planning Commission meeting on September 9, at which the Stribling Avenue project would be discussed.

The meeting recessed at 8:40 p.m. and reconvened at 8:55 p.m.

ACTION ITEMS

PUBLIC HEARING/RESOLUTION: Public hearing and resolution authorizing the issuance and sale of General Public Improvement Bonds not to exceed \$27,000,000 to finance the costs of certain public improvement projects (1 reading)

Ms. Khristina Hammill, Senior Budget Management Analyst, provided a summary of the request. She advised that the City this year was again awarded a AAA bond rating by S&P Global Ratings and Moody's rating agencies.

Council asked clarifying questions.

Mayor Walker opened the public hearing, and the following people spoke:

Mr. Brandon Collins, City resident and staff person for the Public Housing Association of Residents (PHAR), spoke in support of the bond issuance.

Mr. Brad Slocum, City resident, asked about ways for local citizens to invest of bonds, and spoke in support of the bond issuance. He also asked about future funding options being considered besides bonds.

Mr. Jake Gold spoke in support of funding for public housing.

Mr. Rory Stolzenberg asked about the expected bond interest rate.

With no additional speakers coming forward, Mayor Walker closed the public hearing.

On motion by Ms. Hill, seconded by Mr. Payne, Council by the following vote APPROVED the resolution: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none).

**RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF
GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS OF THE
CITY OF CHARLOTTESVILLE, VIRGINIA, IN AN AGGREGATE
PRINCIPAL AMOUNT NOT TO EXCEED \$27,000,000, TO FINANCE
THE COSTS OF CERTAIN PUBLIC IMPROVEMENT PROJECTS AND
PROVIDING FOR THE FORM, DETAILS AND PAYMENT THEREOF**

WHEREAS, the City Council of the City of Charlottesville, Virginia (the “City”), desires to issue general obligation public improvement bonds to finance costs of certain capital improvement projects for the City, including, without limitation, (a) transportation and access improvements, including but not limited to constructing, equipping and repairing sidewalks and roads and street reconstruction, (b) renovations and improvements to public facilities, (c) public school improvements, (d) improvements to public parks, (e) public safety improvements, including but not limited to the replacement of fire apparatus and portable radios, (f) improvements to the City’s water, wastewater and stormwater systems and equipment for such systems and (g) constructing, equipping and renovating affordable housing (collectively, the “Project”); and

WHEREAS, the City’s administration and a representative of PFM Financial Advisors LLC, the City’s financial advisor (the “Financial Advisor”), have recommended to the City Council that the City issue and sell one or more series of general obligation public improvement bonds through a competitive public offering;

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
CHARLOTTESVILLE, VIRGINIA:**

1. Authorization and Issuance of Bonds. The City Council finds and determines that it is in the best interest of the City to authorize the issuance and sale of general obligation public improvement bonds (collectively, the “Bonds”) in an aggregate principal amount not to exceed \$27,000,000 and to use the proceeds of the Bonds, together with other funds as may be

available, to finance costs of the Project and to pay costs incurred in connection with issuing such bonds (if not otherwise paid from other City funds).

2. Election to Proceed under the Public Finance Act. In accordance with the authority contained in Section 15.2-2601 of the Code of Virginia of 1950, as amended (the “Virginia Code”), the City Council elects to issue the Bonds pursuant to the provisions of the Public Finance Act of 1991, Chapter 26 of Title 15.2 of the Virginia Code (the “Public Finance Act”).

3. Bond Details. (a) The Bonds may be sold in one or more series: one series may be issued on a tax-exempt basis (the “Series 2020A Bonds”) and one series may be issued on a federally taxable basis (the “Series 2020B Bonds”). The City Manager (which term shall include any Deputy City Manager and the Director of Finance) is authorized to determine the total principal amount of Bonds to be issued as the Series 2020A Bonds and the total principal amount of Bonds to be issued as the Series 2020B Bonds, provided that the aggregate principal amount of all Bonds to be issued, regardless of series designation, shall not exceed \$27,000,000.

(b) The Series 2020A Bonds shall be designated “General Obligation Public Improvement Bonds, Series 2020A,” or such other designation as may be determined by the City Manager. Subject to Section 9, the issuance and sale of any Series 2020A Bonds are authorized on terms as shall be satisfactory to the City Manager; provided, however, that the Series 2020A Bonds (i) shall have a “true” or “Canadian” interest cost not to exceed 4.0% (taking into account any original issue discount or premium), (ii) shall be sold to the purchaser thereof at a price not less than 99.5% of the principal amount thereof (excluding any original issue discount) and (iii) shall mature in years, or be subject to mandatory sinking fund redemption in annual installments, ending no later than December 31, 2040.

(c) The Series 2020B Bonds shall be designated “General Obligation Public Improvement Bonds, Series 2020B (Federally Taxable)” or such other designation as may be determined by the City Manager. Subject to Section 9, the issuance and sale of any Series 2020B Bonds are authorized on terms as shall be satisfactory to the City Manager; provided, however, that the Series 2020B Bonds (i) shall have a “true” or “Canadian” interest cost not to exceed 5.0%, (ii) shall be sold to the purchaser thereof at a price equal to 100.0% of the principal amount thereof and (iii) shall mature in years, or be subject to mandatory sinking fund redemption in annual installments, ending no later than December 31, 2040.

(d) The Bonds shall be in registered form, shall be dated such date as may be determined by the City Manager, shall be in denominations of \$5,000 and integral multiples thereof and shall be numbered R-1 upward, or such other designation as appropriate. Principal of the Bonds shall be payable, or be subject to mandatory sinking fund installments, annually on dates determined by the City Manager. Each Bond shall bear interest from its date at such rate as shall be determined at the time of sale, calculated on the basis of a 360-day year of twelve 30-day months, and payable semiannually on dates determined by the City Manager. Principal and premium, if any, shall be payable to the registered owners upon surrender of Bonds as they become due at the office of the Registrar (as hereinafter defined). Interest shall be payable by check or draft mailed to the registered owners at their addresses as they appear on the registration

books kept by the Registrar on a date prior to each interest payment date that shall be determined by the City Manager (the "Record Date"); provided, however, that at the request of the registered owner of the Bonds, payment may be made by wire transfer pursuant to the most recent wire instructions received by the Registrar from such registered owner. Principal, premium, if any, and interest shall be payable in lawful money of the United States of America.

(e) Initially, one Bond certificate for each maturity of each series of the Bonds shall be issued to and registered in the name of The Depository Trust Company, New York, New York ("DTC"), or its nominee. The City has heretofore entered into a Letter of Representations relating to a book-entry system to be maintained by DTC with respect to the Bonds. "Securities Depository" shall mean DTC or any other securities depository for the Bonds appointed pursuant to this Section.

(f) In the event that (i) the Securities Depository determines not to continue to act as the securities depository for the Bonds by giving notice to the Registrar, and the City discharges the Securities Depository of its responsibilities with respect to the Bonds, or (ii) the City in its sole discretion determines (A) that beneficial owners of Bonds shall be able to obtain certificated Bonds or (B) to select a new Securities Depository, then the Director of Finance shall, at the direction of the City, attempt to locate another qualified securities depository to serve as Securities Depository and authenticate and deliver certificated Bonds to the new Securities Depository or its nominee or to the beneficial owners or to the Securities Depository participants on behalf of beneficial owners substantially in the form provided for in Section 6; provided, however, that such form shall provide for interest on the Bonds to be payable (1) from the date of the Bonds if they are authenticated prior to the first interest payment date or (2) otherwise from the interest payment date that is or immediately precedes the date on which the Bonds are authenticated (unless payment of interest thereon is in default, in which case interest on such Bonds shall be payable from the date to which interest has been paid). In delivering certificated Bonds, the Director of Finance shall be entitled to rely on the records of the Securities Depository as to the beneficial owners or the records of the Securities Depository participants acting on behalf of beneficial owners. Such certificated Bonds will then be registrable, transferable and exchangeable as set forth in Section 8.

(g) So long as there is a Securities Depository for the Bonds, (i) it or its nominee shall be the registered owner of the Bonds; (ii) notwithstanding anything to the contrary in this Resolution, determinations of persons entitled to payment of principal, premium, if any, and interest, transfers of ownership and exchanges and receipt of notices shall be the responsibility of the Securities Depository and shall be effected pursuant to rules and procedures established by such Securities Depository; (iii) the Registrar and the City shall not be responsible or liable for maintaining, supervising or reviewing the records maintained by the Securities Depository, its participants or persons acting through such participants; (iv) references in this Resolution to registered owners of the Bonds shall mean such Securities Depository or its nominee and shall not mean the beneficial owners of the Bonds; and (v) in the event of any inconsistency between the provisions of this Resolution and the provisions of the above-referenced Letter of Representations such provisions of the Letter of Representations, except to the extent set forth in this paragraph and the next preceding paragraph, shall control.

4. Redemption Provisions. (a) The Bonds may be subject to redemption prior to maturity at the option of the City on or after dates, if any, determined by the City Manager, in whole or in part at any time, at a redemption price equal to the principal amount of the Bonds, together with any interest accrued to the date fixed for redemption, plus a redemption premium not to exceed 1.0% of the principal amount of the Bonds, such redemption premium to be determined by the City Manager.

(b) Any Bonds sold as term bonds may be subject to mandatory sinking fund redemption upon terms determined by the City Manager.

(c) If less than all of the Bonds of a series are called for redemption, the maturities of the series of Bonds to be redeemed shall be selected by the Director of Finance in such manner as such officer may determine to be in the best interest of the City. If less than all the Bonds of any maturity of a series are called for redemption, the Bonds within such maturity of such series to be redeemed shall be selected by the Securities Depository pursuant to its rules and procedures or, if the book-entry system is discontinued, shall be selected by the Registrar by lot in such manner as the Registrar in its discretion may determine. In either case, (i) the portion of any Bond to be redeemed shall be in the principal amount of \$5,000 or some integral multiple thereof, and (ii) in selecting Bonds for redemption, each Bond shall be considered as representing that number of Bonds that is obtained by dividing the principal amount of such Bond by \$5,000. The City shall cause notice of the call for redemption identifying the Bonds or portions thereof to be redeemed to be sent by facsimile or electronic transmission, registered or certified mail or overnight express delivery, not less than 30 nor more than 60 days prior to the redemption date, to the registered owner of the Bonds. The City shall not be responsible for giving notice of redemption to anyone other than DTC or another qualified securities depository then serving or its nominee unless no qualified securities depository is the registered owner of the Bonds. If no qualified securities depository is the registered owner of the Bonds, notice of redemption shall be mailed to the registered owners of the Bonds. If a portion of a Bond is called for redemption, a new Bond in principal amount equal to the unredeemed portion thereof will be issued to the registered owner upon the surrender thereof.

(d) In the case of an optional redemption, the notice may state that (i) it is conditioned upon the deposit of moneys, in an amount equal to the amount necessary to effect the redemption, no later than the redemption date or (ii) the City retains the right to rescind such notice on or prior to the scheduled redemption date (in either case, a "Conditional Redemption"), and such notice and optional redemption shall be of no effect if such moneys are not so deposited or if the notice is rescinded as described herein. Any Conditional Redemption may be rescinded at any time. The City shall give prompt notice of such rescission to the affected Bondholders. Any Bonds subject to Conditional Redemption where redemption has been rescinded shall remain outstanding, and the rescission shall not constitute an event of default. Further, in the case of a Conditional Redemption, the failure of the City to make funds available on or before the redemption date shall not constitute an event of default, and the City shall give immediate notice to all organizations registered with the Securities and Exchange Commission ("SEC") as securities depositories or the affected Bondholders that the redemption did not occur and that the Bonds called for redemption and not so paid remain outstanding.

5. Execution and Authentication. The Bonds shall be signed by the manual or facsimile signature of the Mayor or Vice Mayor, the City's seal shall be affixed thereto or a facsimile thereof printed thereon and shall be attested by the manual or facsimile signature of the Clerk of the City Council (which term shall include any Acting, Interim or Deputy Clerk of the City Council); provided, however, that no Bond signed by facsimile signatures shall be valid until it has been authenticated by the manual signature of an authorized officer or employee of the Registrar and the date of authentication noted thereon.

6. Bond Form. The Bonds shall be in substantially the form of Exhibit A, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the officers signing the Bonds, whose approval shall be evidenced conclusively by the execution and delivery of the Bonds.

7. Pledge of Full Faith and Credit. The full faith and credit of the City are irrevocably pledged for the payment of principal of and premium, if any, and interest on the Bonds. Unless other funds are lawfully available and appropriated for timely payment of the Bonds, the City Council shall levy and collect an annual ad valorem tax, over and above all other taxes authorized or limited by law and without limitation as to rate or amount, on all locally taxable property in the City sufficient to pay when due the principal of and premium, if any, and interest on the Bonds.

8. Registration, Transfer and Owners of Bonds. The Director of Finance is hereby appointed paying agent and registrar for the Bonds (the "Registrar"). The City Manager is authorized, on behalf of the City, to appoint a qualified bank or trust company as successor paying agent and registrar of the Bonds if at any time the City Manager determines such appointment to be in the best interests of the City. The Registrar shall maintain registration books for the registration of the Bonds and transfers thereof. Upon presentation and surrender of any Bonds to the Registrar, or its corporate trust office if the Registrar is a bank or trust company, together with an assignment duly executed by the registered owner or the owner's duly authorized attorney or legal representative in such form as shall be satisfactory to the Registrar, the City shall execute, and the Registrar shall authenticate, if required by Section 5, and deliver in exchange, a new Bond or Bonds having an equal aggregate principal amount, in authorized denominations, of the same form and maturity, bearing interest at the same rate, and registered in the name(s) as requested by the then registered owner or the owner's duly authorized attorney or legal representative. Any such exchange shall be at the expense of the City, except that the Registrar may charge the person requesting such exchange the amount of any tax or other governmental charge required to be paid with respect thereto.

The Registrar shall treat the registered owner as the person exclusively entitled to payment of principal, premium, if any, and interest and the exercise of all other rights and powers of the owner, except that interest payments shall be made to the person shown as owner on the registration books on the Record Date.

9. Sale of Bonds. (a) The City Council authorizes the Bonds to be sold by competitive bid in one or more series, in a principal amount or principal amounts to be determined by the City Manager, in collaboration with the Financial Advisor, and subject to the limitations set forth

in Section 1. The City Manager is also authorized to (i) determine the interest rates of the Bonds, the maturity schedules of the Bonds, and the prices to be paid for the Bonds by the purchaser, subject to the limitations set forth in Section 3, (ii) determine the redemption provisions of the Bonds, subject to the limitations set forth in Section 4, and (iii) determine the dated date, the principal and interest payment dates and the Record Date of the Bonds, all as the City Manager determines to be in the best interest of the City.

(b) The City Manager is authorized, on behalf of the City and in collaboration with the Financial Advisor, to take all proper steps to advertise the Bonds for sale, to receive public bids and to award the Bonds to the bidder providing the lowest “true” or “Canadian” interest cost, subject to the limitations set forth in Section 3. Following the sale of the Bonds, the City Manager shall file with the records of the City Council a certificate setting forth the final terms of the Bonds. The actions of the City Manager in selling the Bonds shall be conclusive, and no further action with respect to the sale and issuance of the Bonds shall be necessary on the part of the City Council.

10. Official Statement. The draft Preliminary Official Statement describing the Bonds, copies of which have been made available to the City Council prior to this meeting, is hereby approved as the Preliminary Official Statement by which the Bonds will be offered for sale to the public; provided that the City Manager, in collaboration with the Financial Advisor, may make such completions, omissions, insertions and changes in the Preliminary Official Statement not inconsistent with this Resolution as the City Manager may consider to be in the best interest of the City. After the Bonds have been sold, the City Manager, in collaboration with the Financial Advisor, shall make such completions, omissions, insertions and changes in the Preliminary Official Statement not inconsistent with this Resolution as are necessary or desirable to complete it as a final Official Statement. In addition, the City shall arrange for the delivery to the purchaser of the Bonds of a reasonable number of printed copies of the final Official Statement, within seven business days after the Bonds have been sold, for delivery to each potential investor requesting a copy of the Official Statement and to each person to whom the purchaser initially sells Bonds.

11. Official Statement Deemed Final. The City Manager is authorized, on behalf of the City, to deem the Preliminary Official Statement and the Official Statement in final form, each to be final as of its date within the meaning of Rule 15c2-12 (the “Rule”) of the SEC, except for the omission in the Preliminary Official Statement of certain pricing and other information permitted to be omitted pursuant to the Rule. The distribution of the Preliminary Official Statement and the execution and delivery of the Official Statement in final form shall be conclusive evidence that each has been deemed final as of its date by the City, except for the omission in the Preliminary Official Statement of such pricing and other information permitted to be omitted pursuant to the Rule.

12. Preparation and Delivery of Bonds. After the Bonds have been awarded, the officers of the City are authorized and directed to take all proper steps to have the Bonds prepared and executed in accordance with their terms and to deliver the Bonds to the purchaser thereof upon payment therefor.

13. Arbitrage Covenants. (a) The City represents that there have not been issued, and covenants that there will not be issued, any obligations that will be treated as part of the same issue of obligations as the Series 2020A Bonds within the meaning of Treasury Regulations Section 1.150-1(c).

(b) The City covenants that it shall not take or omit to take any action the taking or omission of which will cause the Series 2020A Bonds to be “arbitrage bonds” within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the “Code”), and regulations issued pursuant thereto, or otherwise cause interest on the Series 2020A Bonds to be includable in the gross income for federal income tax purposes of the registered owners thereof under existing law. Without limiting the generality of the foregoing, the City shall comply with any provision of law that may require the City at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds of the Series 2020A Bonds, unless the City receives an opinion of nationally recognized bond counsel that such compliance is not required to prevent interest on the Series 2020A Bonds from being includable in the gross income for federal income tax purposes of the registered owners thereof under existing law. The City shall pay any such required rebate from its legally available funds.

14. Non-Arbitrage Certificate and Elections. Such officers of the City as may be requested by the City’s bond counsel are authorized and directed to execute an appropriate certificate setting forth (a) the expected use and investment of the proceeds of the Series 2020A Bonds in order to show that such expected use and investment will not violate the provisions of Section 148 of the Code and (b) any elections such officers deem desirable regarding rebate of earnings to the United States for purposes of complying with Section 148 of the Code. Such certificate shall be prepared in consultation with the City’s bond counsel, and such elections shall be made after consultation with bond counsel.

15. Limitation on Private Use. The City covenants that it shall not permit the proceeds of the Series 2020A Bonds or the facilities financed or refinanced with the proceeds of the Series 2020A Bonds to be used in any manner that would result in (a) 5% or more of such proceeds or facilities being used in a trade or business carried on by any person other than a governmental unit, as provided in Section 141(b) of the Code, (b) 5% or more of such proceeds or facilities being used with respect to any output facility (other than a facility for the furnishing of water), within the meaning of Section 141(b)(4) of the Code, or (c) 5% or more of such proceeds being used directly or indirectly to make or finance loans to any persons other than a governmental unit, as provided in Section 141(c) of the Code; provided, however, that if the City receives an opinion of nationally recognized bond counsel that any such covenants need not be complied with to prevent the interest on the Series 2020A Bonds from being includable in the gross income for federal income tax purposes of the registered owners thereof under existing law, the City need not comply with such covenants.

16. SNAP Investment Authorization. The City Council has previously received and reviewed the Information Statement (the “Information Statement”), describing the State Non-Arbitrage Program of the Commonwealth of Virginia (“SNAP”) and the Contract Creating the State Non-Arbitrage Program Pool I (the “Contract”), and the City Council hereby authorizes the

City Treasurer in his discretion to utilize SNAP in connection with the investment of the proceeds of the Bonds. The City Council acknowledges that the Treasury Board of the Commonwealth of Virginia is not, and shall not be, in any way liable to the City in connection with SNAP, except as otherwise provided in the Contract.

17. Continuing Disclosure Agreement. The Mayor and the City Manager, either of whom may act, are hereby authorized and directed to execute a continuing disclosure agreement (the “Continuing Disclosure Agreement”) setting forth the reports and notices to be filed by the City and containing such covenants as may be necessary to assist the purchaser of the Bonds in complying with the provisions of the Rule promulgated by the SEC. The Continuing Disclosure Agreement shall be substantially in the form of the City’s prior Continuing Disclosure Agreements, which is hereby approved for purposes of the Bonds; provided that the City Manager, in collaboration with the Financial Advisor, may make such changes in the Continuing Disclosure Agreement not inconsistent with this Resolution as the City Manager may consider to be in the best interest of the City. The execution thereof by such officers shall constitute conclusive evidence of their approval of any such completions, omissions, insertions and changes.

18. Other Actions. All other actions of officers of the City in conformity with the purposes and intent of this Resolution and in furtherance of the issuance and sale of the Bonds are hereby ratified, approved and confirmed. The officers of the City are authorized and directed to execute and deliver all certificates and instruments and to take all such further action as may be considered necessary or desirable in connection with the issuance, sale and delivery of the Bonds.

19. Repeal of Conflicting Resolutions. All resolutions or parts of resolutions in conflict herewith are repealed.

20. Filing With Circuit Court. The Clerk of the City Council, in collaboration with the City Attorney, is authorized and directed to see to the immediate filing of a certified copy of this resolution in the Circuit Court of the City.

21. Effective Date. This Resolution shall take effect immediately.

PUBLIC HEARING/ORDINANCE: Public hearing and ordinance for Rezoning property at 909 Landonia Circle from B-1 (Business / Commercial) to B-2 (Business / Commercial) (2nd reading)

City Planner Joey Winter, presented an updated report with an amended proffer from the first reading of this ordinance on August 3, 2020.

Mayor Walker opened the public hearing.

With no one coming forward to speak, Mayor Walker closed the public hearing.

After comments from Council, on motion by Ms. Hill, seconded by Mr. Snook, Council by the following vote APPROVED the rezoning ordinance: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none).

ORDINANCE REZONING PROPERTY AT 909 LANDONIA CIRCLE FROM B-1 (BUSINESS/COMMERCIAL) TO B-2 (BUSINESS/COMMERCIAL) SUBJECT TO A PROFFERED DEVELOPMENT CONDITION PROHIBITING CERTAIN USES OF THE PROPERTY

ORDINANCE: Renewal of Continuity in Government Ordinance (may be passed on 1 reading 4/5 vote)

City Attorney John Blair made a presentation of the proposed ordinance extension.

On motion by Heather Hill, seconded by Mr. Snook, Council by the following vote APPROVED the Renewal of Continuity in Government Ordinance: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none).

ORDINANCE TO MODIFY DEADLINES, MODIFY PUBLIC MEETING AND PUBLIC HEARING PRACTICES AND PROCEDURES TO ADDRESS CONTINUITY OF OPERATIONS ASSOCIATED WITH THE PANDEMIC DISASTER

ORDINANCE: Amending Chapter 33 (Weapons) of the Code of the City of Charlottesville to add Section 33-10. – Prohibition of firearms on city property (3rd reading)

City Attorney John Blair made a presentation of the proposed ordinance.

Mr. Snook advised of concerns discussed with the local Commonwealth's Attorney.

Ms. Hill provided clarification for comments made during Community Matters.

On motion by Mr. Snook, seconded by Ms. Magill, Council by the following vote APPROVED the ordinance: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none).

AN ORDINANCE ADDING SECTION 33-10 TO CHAPTER 33 (WEAPONS): Sec. 33-10. – Prohibition of firearms on city property.

RESOLUTION: Sale of City-owned Property Policy Amendment

City Attorney John Blair presented a summary of the resolution.

Ms. Hill shared additional context for the reason this issue came before Council.

On motion by Ms. Hill, seconded by Ms. Magill, Council by the following vote APPROVED the Sale of City-owned Property Policy Amendment: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none).

**RESOLUTION TO AMEND THE
POLICY FOR THE SALE OF CITY-OWNED PROPERTY
TO PROHIBIT CONSIDERATION OF THE SALE OF CITY PARK PROPERTY**

WHEREAS, the Charlottesville City Council adopted a Policy for the Sale of City-Owned Property (hereinafter “Property Policy”) on January 3, 2005; and

WHEREAS, the Property Policy requires City staff members to consider offers for the sale of all City-owned property; and

WHEREAS, the Charlottesville City Council desires to preserve all City-owned park property.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that it does not wish for its staff members to consider offers for the sale of City-owned park property.

BE IT FURTHER RESOLVED that the amendments of the Policy for the Sale of City-Owned Property attached to this Resolution are hereby adopted.

RESOLUTION: Resolution to support listing Jackson P. Burley High School on the Virginia Landmarks Register and the National Register of Historic Places

Mr. Jeff Werner, Historic Preservation and Design Planner, provided a summary of the resolution.

On motion by Ms. Hill, seconded by Mr. Payne, Council by the following vote APPROVED the resolution: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none).

**RESOLUTION
Support for listing the Jackson P. Burley High School
on the Virginia Landmarks Register and the National Register of Historic Places.**

WHEREAS, the City Council of the City of Charlottesville, through its Vision Statement, the City’s Comprehensive Plan and the City’s Strategic Plan has recognized the value of preserving and protecting historic and cultural resources; and

WHEREAS, the City Council wishes to encourage such efforts; and

WHEREAS, the Jackson P. Burley High School located in the City of Charlottesville is significant relative to both local and regional African-American history; and

WHEREAS, Jackson P. Burley was an African American, born in 1865 near Stony Point, attended the Hampton Institute, became a teacher at the Albemarle Training School, and acquired a home and property on Henry Avenue, including a 17-acre portion sold by his widow as the site for the Jackson P. Burley High School; and

WHEREAS, prior to its opening in 1951 and as a result of court decisions requiring educational facilities for both races, the City and the County of Albemarle worked cooperatively to construct and operate Burley High School; and

WHEREAS, despite being constructed during a period of segregation and racial inequality, the academic, athletic, and artistic accomplishments of Burley's students left a long and profound impact on this community; and

WHEREAS, despite being discriminated against and treated unfairly as professionals, Burley's educators, coaches, staff and administrators were unwavering in their commitment to providing inspiration and guidance to thousands of students; and

WHEREAS, the Virginia State Review Board for the Virginia Department of Historic Resources will on September 17, 2020 consider listing the Jackson P. Burley High School on the Virginia Landmarks Register and, with that, recommend that the U.S. Department of the Interior list the school on the National Register of Historic Places;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Charlottesville, Virginia endorses this effort to recognize the historical significance of the Jackson P. Burley High School and supports its listing on both the Virginia Landmarks Register and the National Register of Historic Places.

RESOLUTION: Resolution to support listing River View Farm and the Carr-Greer Farmhouse (Ivy Creek Natural Area) on the Virginia Landmarks Register and the National Register of Historic Places

Mr. Jeff Werner provided a summary of the resolution.

On motion by Ms. Hill, seconded by Mr. Payne, Council by the following vote
APPROVED the resolution: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none).

RESOLUTION

In Support of Nominating River View Farm and the Carr-Greer Farmhouse (Ivy Creek Natural Area) for Listing on the Virginia Landmarks Register and the National Register of Historic Places

WHEREAS, the City Council of the City of Charlottesville, through its Vision Statement, the City's Comprehensive Plan and the City's Strategic Plan has recognized the value of preserving and protecting historic and cultural resources; and

WHEREAS, the City Council wishes to encourage such efforts; and

WHEREAS, the River View Farm and the Carr-Greer Farmhouse located at the Ivy Creek Natural Area are significant relative to their connection to local African-American history; and

WHEREAS, Hugh Carr was an advocate for education of African American children and his descendants, including Mary Carr Greer, became prominent teachers and educators during a period of segregation and inequality; and

WHEREAS, the City is a co-owner of the Ivy Creek Natural Area and thus a steward in the preservation and protection of the River View Farm and the Carr-Greer Farmhouse; and

WHEREAS, on September 17, 2020, the Virginia State Review Board for the Virginia Department of Historic Resources will consider listing the River View Farm and the Carr-Greer Farmhouse on the Virginia Landmarks Register and, upon approval, recommend that the U.S. Department of the Interior list the school on the National Register of Historic Places;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Charlottesville, Virginia endorses this effort to recognize the historical significance of the River View Farm and the Carr-Greer Farmhouse and supports its listing on both the Virginia Landmarks Register and the National Register of Historic Places.

Ms. Walker recessed the meeting at 9:53 p.m. and reconvened at 10:03 p.m.

RESOLUTION: 218 West Market Street Special Use Permit

Mr. Brian Haluska, Principal Planner, provided an overview of the special use permit request.

The applicant, Jeff Levien, principal owner of Heirloom made a presentation along with Mr. Jeff Dreyfus, architect with Bushman Dreyfus Architects.

Ms. Walker shared concerns about the number of units and time limits for affordable housing, about symbolism, and about the quality of affordable units versus market rate units.

Ms. Magill asked additional questions about the affordable housing units and timelines.

Mr. Snook asked about other developments that include built-in affordable housing units.

Mr. Payne asked a question of staff about how many Affordable Dwelling Unit projects have been presented. He asked the developer about honoring existing leases and about by-right uses.

Ms. Hill made comments about exploring off-site options for affordable housing, and the efforts made to address Council concerns since the last time the project was presented.

On motion by Ms. Hill, seconded by Mr. Snook, Council by the following vote **APPROVED** the resolution: 4-1 (Ayes: Hill, Magill, Payne, Snook; Noes: Walker).

RESOLUTION
APPROVING A SPECIAL USE PERMIT FOR PROPERTY LOCATED AT
218 WEST MARKET STREET

WHEREAS, landowner Market Street Promenade, LLC is the current owner of a lot identified on 2019 City Tax Map 33 as Parcel 276 (City Parcel Identification No. 330276000), having an area of approximately 0.562 acre (24,480 square feet) (the “Subject Property”), and

WHEREAS, the landowner proposes to redevelop the Subject Property by constructing a mixed use building at a height of up to 101 feet on the Subject Property, with retail space on the ground floor facing West Market Street, residential dwelling units at a density of up to 240 dwelling units per acre, and underground parking (“Project”); and

WHEREAS, the Subject Property is located within the Downtown Architectural Design Control District established by City Code §34-272(1) and contains an existing building that is classified as a “contributing structure”, and the City’s board of architectural review (BAR) has been notified of this special use permit application and the BAR believes that any adverse impacts of the requested additional height, the loss of the existing contributing structure, and the massing of the proposed building to be constructed can be adequately addressed within the process of obtaining a certificate of appropriateness from the BAR;

WHEREAS, the Project is described in more detail within the Applicant’s application materials dated submitted in connection with SP19-00006 and a preliminary site plan dated August 13, 2019, as required by City Code §34-158 (collectively, the “Application Materials”); and

WHEREAS, the Planning Commission and City Council conducted a joint public hearing, after notice and advertisement as required by law, on November 12, 2019; and

WHEREAS, upon consideration of the comments received during the joint public hearing, the information provided by the landowner within its application materials, and the information provided within the Staff Report, the Planning Commission voted to recommend approval of the proposed special use permit for the Project; and

WHEREAS, upon consideration of the Planning Commission’s recommendation, and the Staff Reports discussing this application, public comments received, as well as the factors set forth within Sec. 34-157 of the City’s Zoning Ordinance, this Council finds and determines that granting the proposed Special Use subject to suitable conditions would serve the public necessity, convenience, general welfare or good zoning practice; now, therefore,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that, pursuant to City Code §§ 34-557 and 34-560, a special use permit is hereby approved and granted to authorize a building height of up to 101 feet, and residential density of up to 240 dwelling units per acre, for the Project, subject to the following conditions:

1. The specific development being approved by this special use permit (“Project”), as

described within the August 13, 2019 site plan exhibit submitted as part of the application materials, as required by City Code §34-158(a)(1), shall have the following minimum attributes/ characteristics:

- a. Not more than one building shall be constructed on the Subject Property (the “Building”). The Building shall be a Mixed Use Building, containing residential and commercial uses in the percentages required by the Ordinance adopted by City Council on July 16, 2018 amending Article VI (Mixed Use Corridor Districts) of Chapter 34 (Zoning Ordinance) (relating to bonus height or density within mixed use zoning districts).
 - b. The commercial floor area within the Building shall contain space to be occupied and used for retail uses, which shall be located on the ground floor of the Building. The square footage of this retail space shall be at least the minimum required by the City’s zoning ordinance or, if none, equivalent square footage in relation to the gross floor area of the Building as depicted in the August 13, 2019 site plan exhibit submitted as part of the application materials (subject to adjustment of the GFA, as necessary to comply with requirements of any COA approved by the BAR).
 - c. Underground parking shall be provided within a parking garage structure constructed underneath the Building.
2. The mass of the Building shall be broken up to provide compatibility with the character defining features of the Downtown Architectural Design Control District (City Code §34-272(1)), subject to approval by the City’s board of architectural review.
 3. There shall be pedestrian engagement with the street with an active, transparent, and permeable façade at street level.
 4. The Landowner (including, without limitation, any person who is an agent, assignee, transferee or successor in interest to the Landowner) shall prepare a Protective Plan for the building located on property adjacent to the Subject Property at 110 Old Preston Avenue (“Adjacent Property”). The Protective Plan shall provide for baseline documentation, ongoing monitoring, and specific safeguards to prevent damage to the building, and the Landowner shall implement the Protective Plan during all excavation, demolition and construction activities within the Subject Property (“Development Site”). At minimum, the Protective Plan shall include the following:
 - a. *Baseline Survey*—Landowner shall document the existing condition of the building at 110 Old Preston Avenue (“Baseline Survey”). The Baseline Survey shall take the form of written descriptions, and visual documentation which may include color photographs and video recordings. The Baseline Survey shall document the existing conditions observable on the interior and exterior of the Adjacent Property, with close-up images of cracks, staining, indications of existing settlement, and other fragile conditions that are observable.

The Landowner shall engage an independent third party structural engineering firm (one who has not participated in the design of the Landowner's Project or preparation of demolition or construction plans for the Landowner, and who has expertise in the impact of seismic activity on historic structures) and shall bear the cost of the Baseline Survey and preparation of a written report thereof. The Landowner and the Owner of the Adjacent Property ("Adjacent Landowner") may both have representatives present during the process of surveying and documenting the existing conditions. A copy of a completed written Baseline Survey Report shall be provided to the Adjacent Landowner, and the Adjacent Landowner shall be given fourteen (14) days to review the Baseline Survey Report and return any comments to the Landowner.

b. *Protective Plan*--The Landowner shall engage the engineer who performed the Baseline Survey to prepare a Protective Plan to be followed by all persons performing work within the Development Site, that shall include seismic monitoring or other specific monitoring measures of the Adjacent Property as recommended by the engineer preparing the Protective Plan. A copy of the Protective Plan shall be provided to the Adjacent Landowner. The Adjacent Landowner shall be given fourteen (14) days to review the Report and return any comments to the Landowner.

c. *Advance notice of commencement of activity*--The Adjacent Landowner shall be given 14 days' advance written notice of commencement of demolition at the Development Site, and of commencement of construction at the Development Site. This notice shall include the name, mobile phone number, and email address of the construction supervisor(s) who will be present on the Development Site and who may be contacted by the Adjacent Landowner regarding impacts of demolition or construction on the Adjacent Property.

The Landowner shall also offer the Adjacent Landowner an opportunity to have meetings: (i) prior to commencement of demolition at the Development Site, and (ii) at least fourteen (14) days prior to commencement of construction at the Development Site, on days/ times reasonably agreed to by both parties. During any such preconstruction meeting, the Adjacent Landowner will be provided information as to the nature and duration of the demolition or construction activity and the Landowner will review the Protective Plan as it will apply to the activities to be commenced.

Permits--No demolition or building permit, and no land disturbing permit, shall be approved or issued to the Landowner, until the Landowner provides to the department of neighborhood development services: (i) copies of the Baseline Survey Report and Protective Plan, and NDS verifies that these documents satisfy the requirements of these SUP Conditions, (ii) documentation that the Baseline Survey Report and Protective Plan were given to the Adjacent Landowner in accordance with these SUP Conditions.

GENERAL BUSINESS

DISCUSSION: Discussion of Honorary Street Designation requests

Mr. Snook thanked the public for submitting requests for honorary street designations and advised that Council would need to think through the process and the requests submitted, as well as various ways to recognize and honor people locally.

Ms. Walker made comments about taking action on requests. She advised of a revision to Mr. Alex-Zan's request, adding Wyatt Johnson Way (Black History Pathway), to comply with the policy.

Ms. Magill commented on logistics for honorary street signs.

On motion by Ms. Hill, seconded by Mr. Payne, Council by the following vote APPROVED the honorary street designation submitted by Mr. Don Gathers for Black Lives Matter Boulevard on Market Street: 4-1 (Ayes: Hill, Magill, Payne, Walker; Noes: Snook based on interpretation of policy).

On motion by Ms. Magill, seconded by Ms. Hill, Council by the following vote APPROVED the honorary street designation submitted by Reverend Ralph E. Brown, Sr., for his late father C H Brown: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none).

OTHER BUSINESS

There were no other business items.

MATTERS BY THE PUBLIC

Mr. Jim Hingeley shared additional information regarding universities as related to the honorary street designation request for Gregory Swanson Way.

Mr. Don Gathers requested a public comment period toward the beginning of meetings for discussion of policy matters such as the Honorary Street Designation Policy.

Reverend Ralph Brown, Sr., thanked Council for the honorary street designation for his father, the late C. H. Brown, and asked that Council consider ways to honor citizens in the long-term such as permanent street name changes.

Ms. Zyahna Bryant spoke about the need to shorten City Council meetings.

The meeting adjourned at 12:44 a.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council