



**CITY COUNCIL AGENDA**  
**May 3, 2021**

**Members**

Nikuyah Walker, Mayor  
Sena Magill, Vice Mayor  
Heather D. Hill  
Michael K. Payne  
J. Lloyd Snook, III  
Kyna Thomas, Clerk

**5:30 p.m. Closed session as provided by Sections 2.2-3711 and 2.2-3712 of the Virginia Code  
(Boards and commissions; Personnel employment)**

Virtual/electronic meeting

**6:30 p.m. Regular Meeting**

Register at [www.charlottesville.gov/zoom](http://www.charlottesville.gov/zoom). Virtual/electronic meeting in accordance with local ordinances to ensure continuity of government and prevent the spread of disease during a declared state of emergency. NOTE: Individuals with disabilities who require assistance or special arrangements to participate in the public meeting may call the ADA Coordinator at (434) 970-3182 or submit a request via email to [ada@charlottesville.gov](mailto:ada@charlottesville.gov). The City of Charlottesville requests that you provide a 48 hour notice so that proper arrangements may be made.

**CALL TO ORDER**

**MOMENT OF SILENCE**

**ROLL CALL**

**AGENDA APPROVAL**

**ANNOUNCEMENTS**

**RECOGNITIONS/PROCLAMATIONS**

- Proclamation: Bike Month 2021
- Proclamation: Community Action Month
- Proclamation: Professional Municipal Clerk Week, May 2-8, 2021
- Proclamation: National Emergency Medical Services Week, May 16-22, 2021
- Proclamation: Joy Johnson Day - May 3, 2021

**CONSENT AGENDA\***

1. Minutes: March 15 Work Session, March 17 Community Budget Forum, March 23 Special Meeting, March 23 Work Session
2. Appropriation: Virginia Department of Criminal Justice Services (DCJS) Coronavirus Emergency Supplement Funding (CESF) Fiscal Year 2021 - \$50,000 (2nd reading)
3. Appropriation: Firehouse Subs Public Safety Grant \$26,971.10 (2nd reading)
4. Appropriation: House Bill 5005, Item 408 #1c: Public Safety and Homeland Security, Department of Criminal Justice Services – Local Police Department Funding - \$67,913 (2nd reading)
5. Appropriation: Supplemental Appropriation of State Operational Funding for Charlottesville Area Transit - \$265,025 (1st of 2 readings)
6. Appropriation: Virginia Department of Education Special Nutrition Program Child and Adult Care Food Program - \$25,000 (1st of 2 readings)
7. Appropriation: CARES Act Round 2 Funding for Utility Customer Bill Arrearage Assistance – \$15,766.58 (1st of 2 readings)

- 8. Resolution: Budget Amendment for FY2021-2022 Community Development Block Grant and HOME program allocations (1 reading)
- 9. Resolution: Safe Routes to Schools non-infrastructure grant application (1 reading)
- 10. Resolution: Authorizing publication of notice of City Council's intention to remove, relocate, contextualize or cover statues of Confederate Generals Lee and Jackson currently located within City parks, and to hold a Public Hearing thereon (1 reading)
- 11. Ordinance: Approving CitySpace as Central Absentee Precinct for June 8, 2021 Primary Election (1 reading)
- 12. Ordinance: Amending the Charlottesville City Code to allow the Police Civilian Review Board to obtain General Legal Counsel Services (1 reading)

**CITY MANAGER RESPONSE TO COMMUNITY MATTERS and to COUNCILORS**

**COMMUNITY MATTERS** Public comment for up to 16 speakers (limit 3 minutes per speaker). Preregistration available for first 8 spaces; speakers announced by Noon on meeting day (9:00 a.m. sign-up deadline). Additional public comment at end of meeting. Public comment will be conducted through electronic participation while City Hall is closed to the public. Participants can register in advance at [www.charlottesville.gov/zoom](http://www.charlottesville.gov/zoom).

**ACTION ITEMS**

- 13. Public Hearing/Res.: \$18,000,000 Bond Issue (maximum amount) and New Debt \$8,000,000 Refunding Bond Issue (maximum amount) - \$26,000,000 Total (1 reading)
- 14. Public Hearing/Res.: Approval of Community Development Block Grant Annual Action Plan FY 21-22 (1 reading)
- 15. Resolution\*: Special Use Permit for Lyndhall Apartments, 64 University Way – Landowner Neighborhood Investments, LLC (1 reading)
- 16. Resolution\*: Critical Slope Waiver for 915 6th Street SE (1 reading)
- 17. Resolution\*: Consent to Appointment of City Attorney (1 reading)

**GENERAL BUSINESS**

**OTHER BUSINESS**

**MATTERS BY THE PUBLIC**

\*Action Needed

# CITY OF CHARLOTTESVILLE



## PROCLAMATION

### BIKE MONTH MAY 2021

**WHEREAS**, bicycling is a healthy, clean, efficient and affordable mode of transportation and recreation used by thousands of citizens and residents of all ages throughout our great Commonwealth and City; and

**WHEREAS**, commuting by bicycle helps alleviate traffic congestion and reduce pollution associated with vehicular travel, and offers significant mental and physical health benefits to bicyclists themselves; and

**WHEREAS**, our Commonwealth is the host to many bicycling events including competitive races, sightseeing tours, charitable fundraisers and recreational rides which, in total, create a very real economic impact; and

**WHEREAS**, Charlottesville has been named a Silver Level Bicycle Friendly Community by the League of American Bicyclists, and in the effort to improve upon this designation will continue to recognize the importance of bicycling in urban and community planning and development; and

**WHEREAS**, Bike Month allows bicyclists to increase awareness of their mode, emphasizing proper safety precautions for bicyclists and motorists while sharing our roadways, and to promote the benefits of bicycling through organized activities such as Bike-to-School Day and Bike-to-Work-Day;

**NOW, THEREFORE, BE IT RESOLVED that I**, Nikuyah Walker, Mayor of the City of Charlottesville, on behalf of City Council, do hereby recognize the month of May 2021 as National Bike Month, encourage all who support bicycling to participate in the events planned, and urge all road users to share the road safely.

**Signed and sealed this 3rd day of May 2021.**

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**Nikuyah Walker, Mayor**

# CITY OF CHARLOTTESVILLE



## PROCLAMATION

### COMMUNITY ACTION MONTH MAY 2021

**WHEREAS,** Community Action connects individuals and families to approaches that help them succeed and promotes community-wide solutions to challenges throughout our cities, suburbs, and rural areas; and

**WHEREAS,** Community Action builds and promotes economic stability as an essential aspect of enabling and enhancing stronger communities, which in turn promotes self-sufficiency, ensuring that all Americans can live in dignity; and

**WHEREAS,** Community Action connects millions of children and families to greater opportunity, transforming their lives and making our communities and our nation stronger; and

**WHEREAS,** Community Action serves 99% of America's counties in rural, suburban, and urban communities, offering life-changing services that create pathways to prosperity by connecting families to job training, affordable housing, utility assistance for seniors, promoting community-wide solutions and sharing expertise; and

**WHEREAS,** Community Action will continue to implement innovative programs that create a greater chance at success for everyone, will continue to focus on a broader range of community challenges to ignite economic growth and ensure all families can benefit, and will continue to be a voice for the disenfranchised.

**NOW, THEREFORE BE IT RESOLVED** that I, Nikuyah Walker, Mayor of the City of Charlottesville, on behalf of City Council, do hereby proclaim COMMUNITY ACTION MONTH in recognition of the hard work and dedication of all Charlottesville Community Action agencies.

**Signed and sealed this 3rd day of May 2021.**

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**Nikuyah Walker, Mayor**

# CITY OF CHARLOTTESVILLE



## PROCLAMATION

### 52nd ANNUAL PROFESSIONAL MUNICIPAL CLERKS WEEK May 2 - May 8, 2021

**WHEREAS**, The Office of the Professional Municipal Clerk, a time honored and vital part of local government exists throughout the world, and

**WHEREAS**, The Office of the Professional Municipal Clerk is the oldest among public servants, and

**WHEREAS**, The Office of the Professional Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

**WHEREAS**, Professional Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all.

**WHEREAS**, The Professional Municipal Clerk serves as the information center on functions of local government and community.

**WHEREAS**, Professional Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Professional Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations.

**WHEREAS**, It is most appropriate that we recognize the accomplishments of the Office of the Professional Municipal Clerk.

**WHEREAS**, Clerk Kyna Thomas served as President of the Virginia Municipal Clerks Association from April 23, 2020 through April 22, 2021 and currently serves as Immediate Past President,

**NOW, THEREFORE, I**, Nikuyah Walker, Mayor of the City of Charlottesville, on behalf of City Council do hereby recognize the week of May 2 through May 8, 2021, as Professional Municipal Clerks Week, and further extend appreciation to our Professional Municipal Clerk, **Kyna Thomas**, her staff, and to all Professional Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Dated this 3<sup>rd</sup> day of May 2021

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**Nikuyah Walker, Mayor**

# CITY OF CHARLOTTESVILLE



## PROCLAMATION

### NATIONAL EMERGENCY MEDICAL SERVICES WEEK MAY 16 – 22, 2021

**WHEREAS**, May has been designated as Emergency Medical Services (EMS) Week. Emergency medical services is a vital public service; and the health, safety, and well-being of the citizens in the City of Charlottesville is essential to the happiness and well-being of our City; and

**WHEREAS**, the members of the Charlottesville Fire Department are ready to provide professional lifesaving care and compassion to those in need 24 hours a day, seven days a week; and

**WHEREAS**, EMS providers are prepared to respond to any crisis with pre-hospital assessment, trauma, and medical care. They do this with their specialized knowledge, experience, and leadership to reduce the severity of injuries and save lives; and

**WHEREAS**, EMS providers respond faithfully to all types of crisis under incredible pressure that can take an emotional and physical toll, they put the needs of their fellow citizens and community first; and

**WHEREAS**, EMS providers, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

**WHEREAS**, it is appropriate to recognize the value and accomplishments of emergency medical services providers by designating Emergency Medical Services Week, now

**NOW, THEREFORE BE IT RESOLVED** that I, Nikuyah Walker, Mayor of the City of Charlottesville, on behalf of the Council of the City of Charlottesville in recognition of this event, do hereby proclaim the week of May 16 - 22, 2021, as **EMERGENCY MEDICAL SERVICES (EMS) WEEK**, in Charlottesville, Virginia, thereby encouraging the community to observe this week with appropriate programs, ceremonies, and activities.

**Signed and sealed this 3rd day of May 2021.**

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**Nikuyah Walker, Mayor**

# CITY OF CHARLOTTESVILLE



## PROCLAMATION

### HONORING JOY JOHNSON UPON RECEIVING THE 2021 CUSHING DOLBEARE LIFETIME SERVICE AWARD BY THE NATIONAL LOW INCOME HOUSING COALITION

**WHEREAS**, Joy Amaryllis Johnson is a longtime resident of Charlottesville and a dedicated advocate for public and low-income housing residents; and,

**WHEREAS**, Joy co-founded the Public Housing Association of Residents (PHAR) in 1998 and currently serves as Chair of the PHAR Board of Directors; and,

**WHEREAS**, under Joy's leadership, PHAR has become a nationally recognized model for resident advocacy and engagement, with a significant track record of accomplishment in influencing policy outcomes by educating residents about their rights and involving residents in the decisions that affect their lives; and,

**WHEREAS**, PHAR's successful effort to engage residents in the revitalization of public housing communities in Charlottesville through the "Resident-Directed Positive Vision for Redevelopment" has resulted in an unprecedented level of resident participation and influence in the transformation of South First Street, Crescent Halls, and conversation about future redevelopment projects; and,

**WHEREAS**, Joy also served for many years in a critical community outreach role with the Westhaven Nursing Clinic, ensuring access to essential health care services for low-income households and organizing the annual Westhaven Community Day and other neighborhood programs and activities; and,

**WHEREAS**, Joy has served on numerous local and national boards and commissions, consistently bringing an unparalleled vision and passion for social justice and racial equity to her work; and,

**WHEREAS**, Joy is a proud mother, grandmother, and a beloved friend to many; and,

**WHEREAS**, Joy is an inspiration to many community members who are embarking on their journey of activism to improve the lives of others; and,

**WHEREAS**, Joy through her unwavering perseverance to housing justice over the past twenty years is an example of the value that self-sacrifice brings to the lives of others; and,

**WHEREAS**, for all her tremendous achievements as a community leader and housing advocate, Joy was honored with the prestigious Cushing Dolbeare Lifetime Service Award by the National Low Income Housing Coalition on April 28, 2021,

**NOW, THEREFORE BE IT RESOLVED** that I, Nikuyah Walker, Mayor of the City of Charlottesville, on behalf of the Charlottesville City Council, hereby commend Joy Johnson upon receiving the well-deserved Cushing Dolbeare Lifetime Service Award and thank Joy for her many years of leadership and advocacy;

**BE IT FURTHER RESOLVED THAT**, in honor of her many contributions and accomplishments, the Charlottesville City Council hereby declares May 3, 2021, to be "Joy Johnson Day" in the City of Charlottesville.

Signed and sealed this 3<sup>rd</sup> day of May 2021.

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**Nikuyah Walker, Mayor**

**CHARLOTTESVILLE CITY COUNCIL**  
**WORK SESSION**  
**March 15, 2021**  
**Virtual/electronic meeting via Zoom**

**4:00 PM WORK SESSION**

Pursuant to Virginia Code Section 2.2-3712, the Charlottesville City Council met in work session on Monday, March 15, 2021, to hear reports. The meeting was held electronically pursuant to local ordinances to ensure the continuity of government and prevent the spread of disease during the coronavirus pandemic.

Mayor Walker called to order at 4:04 p.m. and Clerk of Council Kyna Thomas called the roll, noting the following members present: Mayor Nikuyah Walker, Vice Mayor Sena Magill, and Councilors Heather Hill, Michael Payne, and Lloyd Snook.

**REPORTS**

**1. Report: Monthly Financial Report**

Ryan Davidson, Senior Budget and Management Analyst, presented the monthly financial report. Council questions about taxes were answered by Ryan Davidson and Commissioner of the Revenue Todd Divers.

**2. Report: Community Risk Reduction Report**

Fire Chief Hezedeane Smith shared an introduction to Community Risk Reduction and department operation structure. He turned the presentation over to Deputy Chief Joe Powers who gave background information about fire prevention and its evolution to Community Risk Reduction, of which the purpose which is to prevent incidents from occurring and having the resources in place to minimize damage in incidents. He thanked community partners. He also emphasized the importance of inter-departmental working relationships to effectively impact community risk reduction - finding the right connections and fostering relationships.

Chief Smith advised that data would continue to be a driver for the Fire Department's service model and delivery on the Charlottesville Fire Department Strategic Plan.

**3. Open Society Foundation Emma Lazarus Campaign on Cities Grant Final Report**

Kaki Dimock, Director of Human Services, shared an update on the Open Society Foundation Emma Lazarus Campaign fund distribution. Per the report, on July 20, 2020, City Council appropriated \$300,000 to use as emergency relief for community members ineligible for the Federal CARES stimulus checks. \$250,000 was appropriated from a grant to the Department of Human Services, in coordination with Albemarle County Office of Equity and Inclusion, from the Emma Lazarus Campaign on Cities, a project of the Open Society Foundation. An additional



\$50,000 was previously appropriated from the Department of Human Services fund balance in support of grant activities. With assistance from the city's Finance Department and Treasurer's Office, 600 prepaid VISA cards in the amount of \$500 were purchased for distribution to individuals who were ineligible for the Federal stimulus checks due to their status as migrant, immigrant, undocumented or domestic workers. Individuals were prioritized for relief based on three additional criteria:

- Severe economic need
- Presence of children under 18 years of age in the household
- Medical vulnerability

Community providers with existing relationships with individuals likely to meet eligibility requirements were recruited to distribute cards. These agencies included Sin Barreras, Cville Cares, Piedmont Virginia Community College, International Neighbors, International Rescue Committee, Child Health Partnership, Charlottesville Department of Human Services and Habitat for Humanity. Community members receiving this financial assistance reported compounded need and medical vulnerabilities. They self-identified as:

72.4% immigrant

37.6% domestic worker

15.9% migrant worker

3.8% undocumented worker

93% of recipient households included children under 18 years of age

74% of recipient households reported severe economic risk

20% of recipient households included someone with medical vulnerability

79% Hispanic/Latinx

7.4% Asian

5.5% Black

3.8% White

3.1% Multiple ethnicities/races

1.2% Native American/Indigenous

City and county staff met regularly with service providers focused on improving the well-being of undocumented, immigrant, migrant and domestic workers to ensure that implementation could be achieved in partnership. Decisions around data collection, screening criteria, and government engagement were informed by community service providers with direct knowledge of the needs, conditions, and fears of the targeted population.

This grant advances the City of Charlottesville's Strategic Plan Goal #1 of an inclusive community of self-sufficient residents.

**PUBLIC COMMENT**

No speakers came forward to speak.

Mayor Walker adjourned the work session at 4:50 p.m. and Council convened in closed session.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

**City Council Community Budget Forum**  
**March 17, 2021**  
**6:00 p.m. – 8:00 p.m.**  
**Via ZOOM**

The Charlottesville City Council met in open forum to offer community members an opportunity apart from Council meetings or work sessions to comment on the FY 2021-2022 City Budget. The meeting was broadcast on the City’s online streaming platforms and on local Channel 10; however, meeting participants were required to register at [www.charlottesville.gov/zoom](http://www.charlottesville.gov/zoom). Per normal City Council meeting guidelines, speakers were given a three-minute window for comment.

Mayor Walker called the meeting to order at 6:01 p.m.

Clerk of Council Kyna Thomas called the roll and recorded all Councilors present: Mayor Nikuyah Walker, Vice Mayor Sena Magill, and Councilors Heather Hill, Michael Payne and Lloyd Snook.

Mayor Walker turned the meeting over to City Manager Chip Boyles who shared a summary of budget proposals, budget themes, Council priorities, and staff recommendations should revenues be more favorable than projected. He shared future budget discussion dates and turned the meeting back over to Mayor Walker.

Mayor Walker opened the floor for public comment, managed by Communications Director Brian Wheeler. The following members of the public spoke:

- Mary Bauer, Chair of the Human Rights Commission, spoke in support of the City providing attorney representation for tenants experiencing eviction.
- Jay James spoke in support of funding for the Bridge Ministries substance abuse and re-entry program.
- Jay Swett spoke in support of funding for the Bridge Ministries substance abuse and re-entry program.
- Nancy Carpenter spoke in support of funding to address affordable housing.
- Valerie Palamountain spoke in support of funding for the Bridge Ministries substance abuse and re-entry program.

While awaiting additional members of the public to join the meeting, Mayor Walker asked for Council feedback.

Councilor Snook expressed concern with the suggestion of having a city program or a city staff

position to represent tenants experiencing eviction. Councilors discussed funding a non-profit organization that already provides such services or addressing housing issues before they reach the level of going to court. Mr. Boyles advised that this may be an opportunity to pilot a program with American Recovery Plan funds.

- Matthew Gillikin spoke in support of funding alternatives to policing and identifying criteria needed to shift away from the current budget and model of policing. He asked that the Police Civilian Review Board be given access to review the police budget and asked for funding the Schools request.

Chief Brackney provided a response summarizing the Charlottesville Police Department budget based on provision of services.

- Elizabeth Stark shared information about evictions and housing justice initiatives. She spoke in support of the City providing attorney representation for tenants experiencing eviction.
- With no other speakers coming forward, Mary Bauer was given a second opportunity to speak. She shared additional information about local evictions.

Councilor Payne asked questions about the Vibrant Community Funds and the Marcus Alert System Bill as a local opportunity area for the upcoming year.

Vice Mayor Magill advised of a lack of bed space, often requiring police to remain with people in a mental health crisis for an extensive number of hours. She and Councilor Snook shared a brief update of the mental health initiative ad-hoc committee, advising of a desire to present to City Council during the first meeting in August.

Mayor Walker shared information about Imagining a Just Cville work group meetings. She also added that some of the community requests come at a high cost and would not be able to be implemented as quickly as some would hope, although Council would be more proactive in providing updates.

Councilor Snook shared ideas from the mental health work group about future efforts toward suicide prevention.

Chief Brackney added that although the Charlottesville community is resource-rich, there is limited capacity to deliver the necessary services. She also advised of state-level and federal mandates on police.

- Pertelle Gilmore spoke in support of funding for the violence interrupter initiative.
- Ang Conn spoke in support of reducing the police budget in order to fund community

programs to handle mental health crisis, substance use, and gun violence situations. She suggested imagining a community without police and without policing.

Mayor Walker and Councilor Hill shared thoughts on approaches to addressing the large number of issues so that community members can thrive.

In response to a question from Councilor Snook regarding certain ratings in the Vibrant Community funding matrix, Ryan Davidson, Senior Budget and Management Analyst, advised that he would review data holistically and provide information. Kaki Dimock, Director of Human Services, suggested that Council would be within its rights to make a decision other than the recommendations presented by the Vibrant Community Fund report.

Councilors continued discussion about where funding would come from for violence interrupter initiatives. Responding to Council inquiries, City Manager Boyles provided information about the potential timing of American Rescue Plan payment(s).

- Joy Johnson, Chair of the Public Housing Association of Residents, spoke about the Vibrant Community Fund process for working with agencies during the application process.
- Tim Wallace, Director of Development for the Legal Aid Justice Center, recommended changes to the Vibrant Community Funds process.
- Sherri Frantz spoke in support of funding for the Charlottesville-Albemarle Rescue Squad.

The meeting adjourned at 8:11 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

**CHARLOTTESVILLE CITY COUNCIL**

**March 23, 2021**

**Special Meeting and Closed Session**

**Virtual/electronic meeting via Zoom**

**2:30 PM SPECIAL/CLOSED MEETING**

The Charlottesville City Council met electronically on Tuesday, March 23, 2021, at 2:30 p.m. in accordance with local ordinances to ensure continuity of government and prevent the spread of disease during the coronavirus pandemic.

The open meeting was called to order at 2:33 p.m. with the following members present: Mayor Nikuyah Walker, Vice Mayor Sena Magill, and Councilors Heather Hill, Michael Payne and Lloyd Snook.

On motion by Councilor Hill, seconded Councilor 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:

- Section 2.2-3711(A)(1), for discussion or consideration of one or more prospective candidates for appointment to the governing board of the Charlottesville Redevelopment and Housing Authority.

On motion by Councilor Hill, seconded by Councilor Snook, 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 closed meeting adjourned at 2:58 p.m.

On motion by Councilor Hill, seconded by Vice Mayor Magill, Council by the following vote appointed Maddie Green to the Charlottesville Redevelopment and Housing Authority Board: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker. Noes: none).

The meeting adjourned at 2:59 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

**CHARLOTTESVILLE CITY COUNCIL**  
**WORK SESSION**  
**March 23, 2021**  
**Virtual/electronic meeting via Zoom**

**3:00 WORK SESSION**

The Charlottesville City Council met in an electronic meeting on Tuesday, March 23, 2021, in accordance with local ordinances to ensure continuity of government and prevent the spread of disease during the coronavirus pandemic. The purpose of the work session was to discuss the proposed amendments to Council Rules and Procedures to address expenditure of funds by City Council and related issues.

Mayor Walker called the meeting to order at 3:03 p.m. with the following members present: Mayor Nikuyah Walker, Vice Mayor Sena Magill, and Councilors Heather Hill, Michael Payne and Lloyd Snook.

Mayor Walker turned the meeting over to City Manager Chip Boyles, who provided a summary of the proposed procedures for a City Council spending policy. He provided Council an opportunity to guide the direction of the meeting. Council agreed for City Attorney Robertson to review proposed changes, and Council would interject with comments and questions.

Council discussed charitable donations versus contracts for service, compensation to individuals serving on a public body, purchases of goods or services, and payment for reimbursable expenditures.

Finance Director Chris Cullinan added information about audit considerations regarding stated business purposes for meal expenditures.

Ms. Robertson reminded Council to be aware of items that need to be disclosed in the Statements of Local Economic Interests regarding donations received. She then reviewed prohibited expenses, and the need for dispute resolution, and answered Council questions.

The Council-Manager relationship was also discussed, as well as the use of City resources, including personnel, for meetings other than that of public bodies.

Vice Mayor Magill requested gender-neutral wording for the forthcoming policies.

After further discussion of desired changes, Council agreed to bring the policy back to the April 5 meeting for approval with updates as discussed. Ms. Robertson advised that she would make the suggested updates and prepare the item for review at the April 5, 2021 Council meeting.

**PUBLIC COMMENT**

There were no speakers.

Mayor Walker adjourned the meeting at 6:25 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council



CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	April 19, 2021
Action Required:	Appropriation of Funding
Presenter:	Stephen Knick, Captain, Charlottesville Police Department
Staff Contacts:	RaShall Brackney, Chief, Charlottesville Police Department Stephen Knick, Captain, Charlottesville Police Department
Title:	<b>Virginia Department of Criminal Justice Services (DCJS) Coronavirus Emergency Supplement Funding (CESF) Fiscal Year 2021 - \$50,000</b>

**Background:**

The Virginia Department of Criminal Justice Services (DCJS) has made \$6.5 million of federal Coronavirus Emergency Supplemental Funding Grant (CESF) funds available to assist eligible applicants in preventing, preparing for, and responding to the coronavirus. The \$6.5 million is approximately 60% of the \$10,832,775 CESF grant awarded to the Commonwealth of Virginia.

The City of Charlottesville, through the Police Department, has received approval for reimbursement up to \$50,000 from the Virginia Department of Criminal Justice Services (DCJS) for the FY21 Coronavirus Emergency Supplemental Funding (CESF) program to purchase law enforcement equipment.

**Discussion:**

The Charlottesville Police Department applied for \$50,000 of funding for the purchase of up to three multi-purpose message boards with speed radar technology. The department requested this funding due to the continuing struggles with the physical, economic, and emotional impacts of the coronavirus.

Since March 2020, we have experienced an increase in vehicle related incidents, gunshot related incidents and firework related calls for service. All of which present threats to the health and safety of our residents. To proactively address this issue, funding was requested to implement multi-purpose message board technology with speed radar capabilities as needed throughout our community. These mobile communication devices provide law enforcement with an additional communication tool to provide our residents, community and motorists with localized alerts and hazard notices both safely and effectively.

Notification of award approval was received on September 8, 2020. The amount awarded is \$50,000 and requires no local match.

**Alignment with City Council’s Vision and Strategic Plan:**

The CESF award supports Goal 2 of the Strategic Plan, a healthy and safe city. With this funding, CPD will be able to enhance its ability to provide socially distanced localized communications both effectively and proactively.

The funding also aligns with Goal 2.4, to reduce the occurrence of crime, traffic violations and accidents in the community. By staging message boards in locations with high rates of incidents, our residents and motorists are made aware of a localized concern without a physical law enforcement presence, which may lead to a decrease in incidents in that area.

**Community Engagement:**

N/A

**Budgetary Impact:**

This has no impact on the General Fund. The funds will be expensed and reimbursed to a Grants Fund.

**Recommendation:**

Staff recommends approval and appropriation of grant funds.

**Alternatives:**

Should the City decline to approve the appropriation request, the department would be ineligible to participate in the grant program.

**Attachments:**

Appropriation

**APPROPRIATION**

**DCJS FY21 Coronavirus Emergency Supplemental Funding Program  
Grant # 20-A5055CE20  
\$50,000**

**WHEREAS**, the City of Charlottesville, through the Police Department, has received the Virginia Department of Criminal Justice Services FY 2021 Coronavirus Emergency Supplemental Funding grant in the amount of \$50,000 to be used to prevent, prepare for and respond to the Coronavirus.

**WHEREAS**, the grant award covers the period from January 20, 2020 to September 30, 2021.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$50,000, received from the Virginia Department of Criminal Justice Services, is hereby appropriated in the following manner:

**Revenue**

\$ 50,000      Fund: 209      I/O: 1900400      G/L: 431110 Federal Grants

**Expenditure**

\$ 50,000      Fund: 209      I/O: 1900400      G/L: 520900 Mach/Equip/Furn (NC)

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$50,000 from the U.S. Department of Justice, Office of Justice Programs' Bureau of Justice Assistance.



Agenda Date:	April 19, 2021
Action Required:	Appropriation
Presenter:	Mike Rogers, Deputy Chief – Business Services, Charlottesville Fire Dept.
Staff Contacts:	Mike Rogers, Deputy Chief – Business Services, Charlottesville Fire Dept.
<b>Title:</b>	<b>Firehouse Subs Public Safety Foundation Grant - \$26,971.10</b>

**Background:**

The mission of the Firehouse Subs Public Safety Foundation is to impact the lifesaving capabilities, and the lives of local heroes and their communities. This is accomplished by providing lifesaving equipment and prevention education tools to first responders and public safety organizations.

**Discussion:**

The Charlottesville Fire Department submitted a grant application to the Firehouse Subs Foundation requesting a grant for 10 sets of firefighter’s protective clothing at \$2697.11 each, totaling \$26,971.10. The 10 sets of gear awarded by the foundation will help to offset the costs of outfitting the 15 firefighters hired in through the federal SAFER grant program.

**Alignment with Council Vision Areas and Strategic Plan:**

The Firehouse Subs Foundation Grant award supports the City’s mission “We provide services that promote equity and an excellent quality of life in our community” by providing supplemental funding to assist with offsetting the costs to outfit 10 firefighters with firefighters protective clothing.

The monetary assistance from this grant also aligns with Goal 2.1, Reduce adverse impact from sudden injury and illness and the effects of chronic disease by helping to support the departments cancer risk reduction initiatives (issuing each firefighter two sets of protective clothing), as well as elements within Goal 5 - A Well-managed and Responsive Organization.

**Community Engagement:**

N/A

**Budgetary Impact:**

As no match is required, there is no direct impact.

**Recommendation:**

Staff recommends approval and appropriation of grant funds.

**Alternatives:**

If we are unable to accept the award, the department will have to utilize additional operating funds to order/issue these 10 sets of firefighter's protective clothing.

**Attachments:** Appropriation

**APPROPRIATION**

**Firehouse Subs Public Safety Foundation Grant - \$26,971.10**

**WHEREAS**, the Firehouse Subs Public Safety Foundation has awarded a grant to the Fire Department, through the City of Charlottesville, specifically for 10 sets of firefighter protective clothing;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that a total of \$26,971.10 be appropriated in the following manner:

**Revenues - \$26,971.10**

\$26,971.10    Fund: 105    Cost Center: 3201006000    G/L Account: 451022

**Expenditures - \$26,791.10**

\$26,791.10    Fund: 105    Cost Center: 3201006000    G/L Account: 520060

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the reimbursement of funds or goods as supplied from the Firehouse Subs Public Safety Foundation Grant.

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	April 19, 2021
Action Required:	Appropriation of Funding
Presenter:	RaShall Brackney, Police Chief Charlottesville Police Department
Staff Contacts:	RaShall Brackney, Police Chief Charlottesville Police Department
Title:	<b>House Bill 5005, Item 408 #1c: Public Safety and Homeland Security, Department of Criminal Justice Services – Local Police Department Funding - \$67,913</b>

**Background:**

The City of Charlottesville Police Department has received \$67,913 from the Department of Criminal Justice as designated by HB5005, Item 408 #1c: Public Safety and Homeland Security to be used for recruitment and retention. No local match is required.

**Discussion:**

During the 2020 Special Session of the General Assembly, Item 408 #1c was approved in conjunction with HB5005. The approval calls for funds appropriated to be distributed by the Department of Criminal Justice Services to local police departments statewide based on their respective percentage shares of the most recent headcount of sworn law enforcement officers employed by each local police department. These funds shall be used for the purpose of attracting and retaining the most qualified local police department sworn personnel and support costs associated with criminal justice reform. A \$500 allotment will be provided to each officer. The City of Charlottesville received this funding on January 11, 2021.

**Alignment with City Council’s Vision and Strategic Plan:**

This funding will support Goal 2 of the Strategic Plan, to be a safe, equitable, thriving, and beautiful community. It specifically supports Goal 2.1, to provide an effective and equitable public safety system.

**Community Engagement:** N/A

**Budgetary Impact:**

This has no impact on the General Fund. These funds do not require a City match and have already been dispersed by the Department of Criminal Justice Services.

**Recommendation:** Staff recommends approval and appropriation of state funding.

**Alternatives:** Appropriation approval could be denied.

**Attachment(s):**

Appropriation: HB5005 (Conference Report) Bill Order – Item 408 #1c

**APPROPRIATION**

**House Bill 5005, Item 408 #1c: Public Safety and Homeland Security, Department of Criminal Justice Services – Local Police Department Funding  
\$67,913**

**WHEREAS**, the City of Charlottesville has received \$67,913 from the Department of Criminal Justice as designated by HB5005, Item 408 #1c: Public Safety and Homeland Security to be used for recruitment and retention.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$67,913 hereby be appropriated as follows:

**Revenues - \$67,913**

Fund: 105                      Cost Center: 3101004000                      G/L Account: 430030

**Expenditures - \$67,913**

Fund: 105                      Cost Center: 3101004000                      G/L Account: 510150





<b>Agenda Date:</b>	May 3, 2021
<b>Action Required:</b>	Approve Supplemental Appropriation
<b>Presenter:</b>	Garland Williams, Director, Charlottesville Area Transit
<b>Staff Contact:</b>	Garland Williams, Director, Charlottesville Area Transit Ryan Davidson, Senior Budget and Management Analyst
<b>Title:</b>	<b>Supplemental Appropriation of State Operational Funding for Charlottesville Area Transit - \$265,025</b>

**Background and Discussion:**

With a Resolution Authorizing the Application for State & Federal Aid to Public Transportation, City Council authorized the Transit Division to provide the local match necessary to apply for Federal and State grants to fund Transit Division expenses, including both Capital and non-Capital projects. Through discussions with the Virginia Department of Rail and Public Transportation (DRPT) during the 2021 Fiscal Year budget season, Transit was advised to project the same budget for Fiscal Year 2021 as was received in Fiscal Year 2020 (\$1,787,000). DRPT finalized their allocation for each agency in the fall of calendar 2020. The final amount of operating subsidy awarded by DRPT was 2,052,025, which represented \$265,025 more than the original adopted budget for Fiscal Year 2021.

These additional funds are to be used by Charlottesville Area Transit on non-Capital Projects and help off-set operational expenditures in Fiscal Year 2021. These funds will also be used to fund several integral transit-related studies to assist Charlottesville Area Transit provide the data and analysis for route coverages and frequencies that will better meet our community’s needs. No local match is necessary for this increase.

- The proposed budget for Fiscal Year 2021 is \$1,787,000, which comes from State Operating Assistance.
- The amount awarded for Fiscal Year 2021 is \$2,052,025.
- The total cost of appropriation is \$265,025.

**Community Engagement:**

Charlottesville Area Transit utilizes the Metropolitan Planning Organization’s Public Participation Plan to fulfill its public engagement requirements. The Metropolitan Planning Organization’s Public Participation Plan includes an opportunity for members of the public to request a public hearing on CAT’s Program of Projects. No public hearing was requested.

**Alignment with City Council's Vision and Priority Areas:**

Approval of this agenda item aligns directly with Council's vision for Charlottesville as a Connected Community, where the City is part of a comprehensive transportation system that enables citizens of all ages and incomes to easily navigate our community. It also aligns with Strategic Plan Goal 3: A Beautiful and Sustainable Natural and Built Environment, Objective 3.3 Provide a variety of transportation and mobility options.

**Budget Impact:**

There is no impact to the General Fund. The local match requirement for Operating Assistance will be covered through the City's contribution from the General Fund and Albemarle County's contribution and was previously appropriated as part of the Adopted budget for fiscal year 2021.

**Recommendation:**

Staff recommends approval and appropriation of funds.

**Alternatives:**

City Council may choose not to accept the additional funding from the State. Without this appropriation, CAT will not have funding to support its operations and the future growth within our community.

**Attachments:**

Appropriation

**APPROPRIATION**  
**Transit Division Project Funds**  
**\$265,025**

**WHEREAS**, The Fiscal Year 2021 State Operating Grant in the amount of \$2,052,025 has been awarded to the City of Charlottesville, which represents an increase of \$265,025 over the original operating funds previously budgeted;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the following is hereby appropriated in the following manner, contingent upon receipt of the grant funds:

**Revenue (Operating)**

- \$265,025
- Fund: 245
- Cost Center: 2801003000
- G/L: 430080 State Assistance

**Expenditures (Operating)**

- \$265,025
- Fund: 245
- Cost Center: 2801003000
- G/L: 530560 Consulting Services

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$2,052,025 from the Virginia Department of Rail and Public Transportation.

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	May 3, 2021
Action Required:	Appropriation
Presenter:	Riaan Anthony, Park and Recreation Management Specialist
Staff Contacts:	Riaan Anthony, Park and Recreation Management Specialist II Vic Garber, Deputy Director, Parks and Recreation
Title:	<b>Virginia Department of Education Special Nutrition Program Child and Adult Care Food Program - \$25,000</b>

**Background:**

In November 2020 City Council appropriated \$30,000 to provide free dinners to children 18 and under attending our drop-in afterschool programs through the Child and Adult Care Food Program. Due to increased demand, the expenditures incurred by the Charlottesville Parks and Recreation Department has reached the original appropriation amount of \$30,000. Parks and Recreation is requesting to increase the appropriation by an extra \$25,000 to cover the projected expenses for the four months remaining until the program ends. All expenses incurred for this program are reimbursed by the Virginia Department of Education Special Nutrition Program.

**Discussion:**

Charlottesville Parks and Recreation has been operating an afterschool meals program for the last 30 weeks during the regular school year. There are currently five locations, Friendship Court, Greenstone on 5th, South First Street, and Westhaven Community Centers, and the Boys and Girls Club. The reimbursement received from the State covers the cost of a nutritious dinner at these locations. Staff made an initial estimate of the expenses for this program of \$30,000, not knowing for certain the number of kids that would participate in the program during COVID -19. The City has seen the demand for this program exceed the levels from previous years. The staff is very pleased the program has reached so many children during this difficult time. As of March 2021, the Parks and Recreation department has served 8,553 meals, which is the most we have ever provided under the Child and Adult Care Food Program.

**Alignment with City Council's Vision and Strategic Plan:**

Approval of this agenda item aligns directly with Council's vision for Charlottesville to be America's Healthiest City and it contributes to Goal 2 of the Strategic Plan - Healthy and Safe

City. Children will receive a nutritious dinner, hopefully replacing a meal that did not exist or providing a healthier balanced option for them.

**Community Engagement:**

N/A

**Budgetary Impact:**

There is no impact to the General Fund. The funds will be appropriated, expensed and reimbursed to a Grants Fund. There is no required local match for this program.

**Recommendation:**

Staff recommends approval and appropriation of funds,

**Alternatives:**

If money is not appropriated, the free dinner program will not be offered to youth, most of whom receive free or reduced meals during the school year.

**Attachments:**

Appropriation

**APPROPRIATION**

**Virginia Department of Education Special Nutrition Program  
Child and Adult Care Food Program  
\$25,000**

**WHEREAS**, the City of Charlottesville, through Parks and Recreation, has received approval for reimbursement up to \$25,000 from the Virginia Department of Education Special Nutrition Program to provide free dinner to children attending select drop-in afterschool centers; and

**WHEREAS**, the grant award covers the period from period October 1, 2020 through September 30, 2021;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the sum of \$30,000, received from the Virginia Department of Education Special Nutrition Program is hereby appropriated in the following manner:

**Revenue – \$25,000**

Fund: 209                      Internal Order: 1900381                      G/L Account: 430120

**Expenditures - \$25,000**

Fund: 209                      Internal Order: 1900381                      G/L Account: 530670

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$25,000 from the Virginia Department of Education Special Nutrition Program.

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	May 3, 2021
Action Required:	Appropriation of CARES Act Funding
Presenter:	Chris Cullinan, Director of Finance
Staff Contacts:	Chris Cullinan, Director of Finance Lauren Hildebrand, Director of Utilities Richard Palumbo, Utility Billing Manager
Title:	<b>COVID-19 Municipal Utility Relief Program to Assist Customers – Round 2 - \$15,766.58</b>

**Background:**

In December 2020, the City received \$182,801.59 in CARES funds from the Commonwealth for municipal utility relief. The City allocated these funds to qualifying utility customers in January 2021.

The City received notice in March 2021 that additional CARES funds for municipal utility relief were available. The City applied for these funds and received an award letter on April 22, 2021 for \$15,766.58 (see attachment).

**Discussion:**

The second round guidance and requirements are similar to the first round. Any customer, residential or non-residential with the exception of a government entity, is eligible for utility bill arrearage assistance. Utility customers must apply and attest, via a Customer Intake Form returned to the City by a specified date, that the utility bill arrearages are due to the COVID-19 economic hardship and the application is for arrearages owed between March 1, 2020 and November 1, 2021 (note this is a longer time period than the first round of funding).

**Alignment with City Council's Vision and Strategic Plan:**

This funding supports and contributes to Goal 5 of the Strategic Plan, a well-managed and responsive organization; Objective 2.3, improve community health and safety outcomes by connecting residents with effective resources and Objective 3.2, to provide reliable and high quality infrastructure.

**Community Engagement:**

Similar to the first round of Municipal Utility Relief, City staff will notify eligible customers via phone and mail about this program. The mailing will include a letter notifying customers they are eligible to apply for the CARES funds, with a link to the fillable Customer Intake Form on the website. If a customer needs help with the form or requires a paper copy of the form, City staff will be available to assist the customer and/or mail the form to the customer. Additional outreach efforts will be considered based on the success of the initial notification efforts.

**Budgetary Impact:**

This has no impact on the General Fund or the Utilities Enterprise Funds. These funds will be appropriated to and expended from a designated fund. The funds will be distributed as credits towards a customer's utility bill.

**Recommendation:**

Staff recommends approval and appropriation of CARES Act (COVID-19) funding in the amount of \$15,766.58 be used to assist municipal utility customers experiencing economic hardship due to the COVID-19 pandemic.

**Alternatives:**

There is no alternative. Funds must be used for utility bill arrearage assistance or returned to the Commonwealth of Virginia Department of Accounts.

**Attachments:**

Appropriation  
Award Letter



**APPROPRIATION**

**CARES Act Funding for Utility Customer Bill Arrearage Assistance – Round 2**

**\$15,766.58**

**WHEREAS**, the City of Charlottesville has received award approval for \$15,766.58 from the CARES Act from the Commonwealth of Virginia Department Housing and Development to use to assist utility customer bill arrearages owed between March 1, 2020 and November 1, 2021;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$15,766.58 is hereby appropriated in the following manner:

**Revenue-\$15,766.58**

Fund 208	I/O: 1900403	G/L Account: 430127
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**Expenditures-\$15,766.58**

Fund 208	I/O: 1900403	G/L Account: 599999
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**BE IT FURTHER RESOLVED** by the Council of the City of Charlottesville, Virginia, that while these funds are being appropriated as a lump sum, the funds will be allocated to the gas, water and wastewater funds as deemed appropriate once specific accounts and assistance has been awarded.



Ralph S. Northam  
Governor

R. Brian Ball  
Secretary of  
Commerce and Trade

## COMMONWEALTH of VIRGINIA

Erik C. Johnston  
Director

### DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

April 22, 2021

#### VIA EMAIL

Chris Cullinan

City of Charlottesville Utilities

Re: Second Round Award Letter and Required Certification for COVID-19 Municipal Utility Relief Program

Dear Chris Cullinan:

On behalf of Governor Northam, it gives me great pleasure to inform you that City of Charlottesville Utilities has been awarded a second round of federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act) funds as part of the COVID-19 Municipal Utility Relief Program. Your award is \$15,766.58, which is based on your response to the Virginia Department of Housing and Community Development's Municipal Utility Relief Program: Status Survey and in accordance with the Appropriation Act. This funding is provided under CFDA 21.019 – Coronavirus Relief Funds (CRF).

Additional details concerning this program including guidance, requirements, and several model forms were provided in your first award letter, so please refer to those documents as a reference in addition to the supplemental correspondence that has been issued during the administration of this program.

Similar to the first round of funding distributions and based upon guidance provided by the Virginia Department of Accounts (DOA), you must return the attached certification and certification addendum in partnership with your partner fiscal agent, City of Charlottesville, to receive the funds from DOA. **Please email your signed certification and certification addendum to [utility@dhcd.virginia.gov](mailto:utility@dhcd.virginia.gov).** Once your partner fiscal agent receives the funds (usually 2 to 3 business days after approval of your certification), then they will forward funds to the municipal utility. Once the project is complete, DOA will follow up regarding project outcomes and compliance. I want to reiterate that it is incumbent on City of Charlottesville Utilities and your fiscal agent, City of Charlottesville, to ensure project expenses are properly documented and verified in case of audit.

For questions, please contact DHCD staff member David Conmy at [utility@dhcd.virginia.gov](mailto:utility@dhcd.virginia.gov).

Sincerely,

A handwritten signature in black ink that reads "Erik C. Johnston".

Erik Johnston

Director, Virginia Department of Housing and Community Development

CC: David Von Moll, Comptroller, Department of Accounts  
Chris Cullinan

Encl: Certification Form and Certification Addendum

## **Certification:**

**(Please review all the information below and in the Certification Addendum, provide any updates or corrections where appropriate, complete the signature page, and then email everything to [utility@dhcd.virginia.gov](mailto:utility@dhcd.virginia.gov))**

### **CERTIFICATION for RECEIPT of CORONAVIRUS RELIEF FUND PAYMENTS**

**by**

City of Charlottesville

on behalf of

City of Charlottesville Utilities

We, the undersigned, represent City of Charlottesville and are working in partnership with City of Charlottesville Utilities (the utility), and we certify that:

1. The intent is for this allocation to pass through the county or city directly to the municipal utility to serve all eligible Virginia municipal utility customers. The customer utility relief program operator should develop a subagreement with the county or city fiscal agent that ensures they will be responsible for compliance with state and federal law.
2. We have the authority to request direct payment, on behalf of the utility from the Commonwealth of Virginia, of revenues from the Coronavirus Relief Fund (CRF) pursuant to section 601(b) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136, div. A, Title V (Mar. 27, 2020).
3. We understand that the Commonwealth of Virginia will rely on this certification as a material representation in making a direct payment to the city or county.
4. The city or county and municipal utility's proposed uses of the funds received as direct payment from the Commonwealth of Virginia under section 601(b) of the Social Security Act will be used only to cover those costs that:
  - a. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
  - b. were not accounted for in the budget most recently approved as of March 27, 2020, for the utility; and
  - c. were incurred during the period that begins on March 1, 2020, and ends on November 1, 2021.
5. Any funds that are not expended or that will not be expended on necessary expenditures incurred before November 1, 2021, by the municipal utility or its grantee(s), must be returned to Commonwealth of Virginia no later than December 1, 2021, and that the Commonwealth of Virginia is entitled to invoke State Aid Intercept to recover any such unexpended funds.
6. We understand that customer attestations of the COVID-19 economic hardship must be obtained and saved by the utility relief program before forgiving arrearages.

7. We understand that the municipal utility will not receive continued funding beyond November 1, 2021, from any source to continue paying expenses or providing services that were initiated or previously supported from CRF funds prior to November 1, 2021.
8. Funds received as a direct payment from the Commonwealth of Virginia pursuant to this certification must adhere to official federal guidance issued or to be issued regarding what constitutes a necessary expenditure.
9. Up to five percent of funds allocated to individual localities may be used for direct administrative costs to support management of the utility relief programs.
10. Any CRF funds expended by the municipal utility or its grantee(s) in any manner that does not adhere to official federal guidance or COVID-19 Municipal Utility Relief Program guidance shall be returned to the Commonwealth of Virginia within 30 days of a finding that the expenditure is disallowed, and that the Commonwealth of Virginia is entitled to invoke State Aid Intercept on the city or county serving as fiscal agent to the partner municipal utility system to recover any and all such funds that are not repaid within 30 days of a finding that the expenditure is disallowed.
11. As a condition of receiving the CRF funds pursuant to this certification, the city or county on behalf of the municipal utility system shall retain documentation of all uses of the funds, including but not limited to payroll time records, invoices, direct administrative costs, and/or sales receipts. Such documentation shall be produced to the Commonwealth of Virginia upon request.
12. The city or county on behalf of the municipal utility system must maintain proper accounting records to segregate these expenditures from those supported by other fund sources and that all such records will be subject to audit.
13. Any funds provided pursuant to this certification cannot be used as a revenue replacement for lower than expected revenue collections from taxes, fees, or any other revenue source.
14. Fund payments may not be used for government revenue replacement, including the replacement of unpaid municipal utility fees.
15. Any CRF funds received pursuant to this certification will not be used for expenditures for which the municipal utility and its subrecipients have received funds from any other emergency COVID-19 supplemental funding (whether state, federal, or private in nature) for that same expense nor may CRF funds be used for purposes of matching other federal funds unless specifically authorized by federal statute, regulation, or guideline.

We certify that we have read the above certification and our statements contained herein are true and correct to the best of our knowledge.

(Electronic or typed signatures are allowed if all parties are copied in the email submission)

*By typing your name in the Signature field, you agree your electronic signature is the equivalent of your manual/handwritten signature on this form.*

<b>City or County Chief Administrative Officer (CAO)</b>	<b>Authorized Official Representing Municipal Utility Allocated Funds by SCC</b>
Name of City or County:	Name of Municipal Utility:
Printed Name of CAO:	Printed Name of Municipal Utility Official:
Signature:	Signature:
Title:	Title:
Date:	Date:

**Please provide city/county DUNS number:** \_\_\_\_\_

**Please provide municipal utility DUNS number:** \_\_\_\_\_

## Certification Addendum

(Please review all the information below and provide any updates or corrections where appropriate)

### Federal Requirements for information to be included in agreement between county/city and municipal utility

#### **§200.332 Requirements for pass-through entities.**

All pass-through entities must:

(a) Ensure that every subaward is clearly identified to the subrecipient as a subaward and includes the following information at the time of the subaward and if any of these data elements change, include the changes in subsequent subaward modification. When some of this information is not available, the pass-through entity must provide the best information available to describe the Federal award and subaward. Required information includes:

(1) Federal award identification. (Federal Coronavirus Aid, Relief and Economic Security Act (CARES ACT, Coronavirus Relief Fund))

(i) Subrecipient name (which must match the name associated with its unique entity identifier);  
City of Charlottesville Utilities

(ii) Subrecipient's unique entity identifier; 74745829000

(iii) Subaward Period of Performance Start and End Date; March 1, 2020, to November 1, 2021

(iv) Subaward Budget Period Start and End Date; March 1, 2020, to November 1, 2021

(v) Amount of Federal Funds Obligated by this action by the pass-through entity to the subrecipient; \$15,766.58

(vi) Total Amount of Federal Funds Obligated to the subrecipient by the pass-through entity including the current financial obligation; (**second award:** \$15,766.58; **first award:** \$182,801.59)

(vii) Total Amount of the Federal Award committed to the subrecipient by the pass-through entity; (**second award:** \$15,766.58; **first award:** \$182,801.59)

(viii) Federal award project description, as required to be responsive to the Federal Funding Accountability and Transparency Act (FFATA); (Coronavirus Relief Fund: Municipal Utility Relief Program to Assist Customers)

(ix) Name of Federal awarding agency, pass-through entity, and contact information for awarding official of the Pass-through entity;(U.S. Treasury Department / City of Charlottesville / Chris Cullinan, cullinan@charlottesville.gov, (434) 970-3300)

(x) Assistance Listings number and Title; the pass-through entity must identify the dollar amount made available under each Federal award and the Assistance Listings Number at time of disbursement; (CFDA Number and Title are 21.09, Coronavirus Relief Funds)

(xi) Identification of whether the award is R&D; and (This is not R&D award)

(xii) Indirect cost rate for the Federal award (including if the de minimis rate is charged) per §200.414. (No indirect costs can be charged by county/city or municipal utility)



CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	May 3, 2021
Action Required:	Resolution
Presenter:	Erin Atak, Grants Coordinator
Staff Contacts:	Erin Atak, Grants Coordinator
<b>Title:</b>	<b>Budget Amendment for FY2021-2022 CDBG &amp; HOME Allocations</b>

**Background:**

Each year, the City advertises a Request for proposals (RFP) based on the previous year's entitlement award for federal CDBG and HOME allocations issued by the U.S. Department of Housing and Urban Development (HUD). In Fall 2020 the City of Charlottesville advertised a request for proposals (RFP) for an estimated \$419,367 Community Development Block Grant (CDBG) dollars and estimated \$80,594 HOME Investment partnerships Program (HOME) dollars based on priorities set by City Council on September 21, 2020. The City received three applications totaling \$161,594 for HOME housing projects; one application totaling \$57,000 for CDBG housing projects, three applications totaling \$59,000 for public service projects; and two applications totaling \$44,238 for economic development projects.

All applications were reviewed by the CDBG/HOME Taskforce and the Strategic Action Team in November 2020. A recommended budget was brought forward to Planning Commission for approval in December 2020. Following Planning Commission, the CDBG and HOME budget items were approved by City Council on January 19, 2021.

On February 25, 2021, the U.S. Department of Housing and Urban Development (HUD) issued the City of Charlottesville an official CDBG and HOME entitlement award under Public Law 116-260. The City's CDBG award is \$427,176 and the HOME award is \$84,576.88. This agenda item includes a minor budgetary change for the CDBG and HOME funds to be received by the City of Charlottesville from HUD.

**Discussion:**

During fall 2020 RFP application period, the entitlement amount was not confirmed by HUD and it was recommended to City Council that all CDBG and HOME project recommendations get increased/reduced at the same pro-rated percentage of the actual entitlement award. If the total actual award amount received by HUD differed from the appropriated amount, all appropriated amounts may be administratively increased/decreased at the same pro-rated percentage of change between the estimated entitlement award and the actual entitlement award. The total appropriated amount will not exceed 2.5% total change, nor will any agency or program increase more than

their initial funding request without further action from City Council.

HUD awarded the City of Charlottesville an entitlement amount of \$427,176 CDBG dollars, and \$84,576.88 HOME funds on February 25, 2021. A minor correction is needed for the FY2021-2022 CDBG and HOME budget requiring City Council approval.

It is important to note that no additional funds will be awarded to subrecipients who have received full funding request for both CDBG and HOME. Likewise, note that no additional funding will be awarded to subrecipients with open account balances in the FY2020-2021 CDBG and HOME program due to the City's second timeliness sanction issued January 2021.

The difference in funding between the estimated entitlement award and the actual entitlement award is \$7,808.70 CDBG dollars, and \$3,982.88 HOME dollars, totaling \$11,791.58. Staff recommends the following programs receive minor budgetary allocations. The Ridge Street Priority neighborhood funding will receive an additional \$6,247.20 CDBG dollars for sidewalk improvement projects, \$1,561.50 CDBG dollars will be allocated to the Administrative and Planning budget to satisfy the 20% funding requirement to pay for citizen participation, staffing, and grant administrative costs. \$3,982.88 HOME dollars will be allocated to the LEAP assisted home performance program to provide energy efficient upgrades for low-to-moderate income homeowners.

On January 14, 2021, the City of Charlottesville was found to be noncompliant for the second consecutive year with the CDBG and HOME timely expenditure requirements. HUD has noted that the City's lack of timely performance as a deficiency. Current program subrecipients for fiscal year 2020-2021 are urged to complete all CDBG and HOME spending prior to re-applying/receiving additional funding as a written HUD best practice, [\*Ensuring CDBG Timeliness\*](#).

**Community Engagement:**

A request for proposals was held for housing, economic development, public facilities, and public service programs between October 1, 2020 and October 16, 2020. Applications received were reviewed by the CDBG Task Force or Strategic Action Team. Priority Neighborhood recommendations will be made by members who serve on the Priority Neighborhood Task Force.

Planning Commission reviewed the recommended budget on December 8, 2020, and City Council reviewed the Taskforce recommendations on January 19, 2021 for final approval.

**Alignment with City Council's Vision and Strategic Plan:**

Approval of this agenda item aligns directly with Council's vision for Charlottesville to have **Economic Sustainability, A Center for Lifelong Learning, Quality Housing Opportunities for All, and A Connected Community**. It contributes to variety of Strategic Plan Goals and Objectives including: Goal 1: Inclusive, Self-sufficient Community; Goal 3: Beautiful Environment; Goal 4: Strong, Diversified Economy; and Goal 5: Responsive Organization.

**Budgetary Impact:**

Proposed CDBG projects will be carried out using only the funds to be received by the City of Charlottesville from the U.S. Department of Housing and Urban Development (HUD) for the City's CDBG program. The HOME program requires the City to provide a 25% match (HOME

match equals  $\frac{1}{4}$  of the EN amount). The sum necessary to meet the FY 2020-2021 match is \$21,144.22, which will be appropriated out of the Charlottesville Affordable Housing Fund (CP-0084).

**Recommendation:**

Staff recommends approval of the CDBG and HOME projects. Funds included in this budget will not be spent until after July 1, 2021.

**Alternatives:**

No alternatives are proposed.

**Attachments:**

Resolution for CDBG funds

Resolution for HOME funds

2021-2022 Revised CDBG and HOME Budget Overview

**RESOLUTION**  
**AMENDMENT TO COMMUNITY DEVELOPMENT BLOCK GRANT ACCOUNT**  
**Reprogramming of Funds for FY 2021-2022**

**WHEREAS**, Council has previously approved the appropriation of certain sums of federal grant receipts to specific accounts in the Community Development Block Grant (CDBG) funds on January 19, 2021; and

**BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that appropriations made to the following expenditure accounts in the CDBG fund are hereby reduced or increased by the respective amounts shown, and the balance accumulated in the Fund as a result of these adjustments is hereby appropriated to the respective accounts shown as follows:

<b>Fund</b>	<b>Account Code</b>	<b>Purpose</b>	<b>Proposed Revised Reduction</b>	<b>Proposed Revised Addition</b>	<b>Proposed Revised Appropriation</b>
218		Ridge Street Priority Neighborhood		\$6,247.20	\$156,247.20
218		Administrative and Planning (20% EN)		\$1,561.50	\$85,435.20
		<b>TOTALS:</b>			

Approved by Council  
 May 3, 2021

\_\_\_\_\_  
 Kyna Thomas, CMC  
 Clerk of Council

**RESOLUTION**  
**AMENDMENT TO HOME INVESTMENT PARTNERSHIPS PROGRAM ACCOUNTS**  
**FY 2021-2022**

**WHEREAS**, Council has previously approved the appropriation of certain sums of federal grant receipts to specific accounts in the HOME Investment Partnerships Program (HOME) funds on January 19, 2021; and

**BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that appropriations made to the following expenditure accounts in the HOME fund are hereby reduced or increased by the respective amounts shown, and the balance accumulated in the Fund as a result of these adjustments is hereby appropriated to the respective accounts shown as follows:

<b>Fund</b>	<b>Account Code</b>	<b>Purpose</b>	<b>Proposed Revised Reduction</b>	<b>Proposed Revised Addition</b>	<b>Proposed Revised Appropriation</b>
210		HOME Match		\$995.72	\$21,144.22
210		LEAP Assisted Home Performance		\$3,982.88	\$23,224.88
		<b>TOTALS:</b>			

Approved by Council  
 May 3, 2021

\_\_\_\_\_  
 Kyna Thomas, CMC  
 Clerk of Council

**2021-2022 CDBG and HOME BUDGET ALLOCATIONS**  
**RECOMMENDED BY CDBG/HOME TASK FORCE and SAT: 11/12/2020**  
**RECOMMENDED BY PLANNING COMMISSION: 12/8/2020**  
**APPROVED BY CITY COUNCIL: 1/19/2021**  
**REVISED BUDGET:**

<b>A. PRIORITY NEIGHBORHOOD</b>	
A. Ridge Street Priority Neighborhood	<b>\$156,247.20*</b>
<b>B. ECONOMIC DEVELOPMENT PROJECTS</b>	
A. Community Investment Collaborative – Financial Management Program	\$32,056.28
B. Local Energy Alliance Program – Workforce Development	\$29,238.00
<b>ECONOMIC DEVELOPMENT TOTAL:</b>	<b>\$61,294.28</b>
<b>C. PUBLIC SERVICE PROJECTS</b>	
A. Public Housing Association of Residents – Resident Involved Redevelopment	\$34,000.00
B. Literacy Volunteers – Workforce Development Tutoring	\$25,000.00
<b>SOCIAL PROGRAMS TOTAL:</b>	<b>\$59,000.00 (15% EN)</b>
<b>D. HOUSING PROJECTS</b>	
A. Local Energy Alliance Program – Assisted Home Performance	\$65,199.32
<b>HOUSING PROGRAMS TOTAL:</b>	<b>\$65,199.32</b>
<b>E. ADMINISTRATION AND PLANNING:</b>	
A. Admin and Planning	<b>\$85,435.20 (20% EN)</b>
	<b>GRAND TOTAL: \$427,176</b>
	<b>ESTIMATED NEW ENTITLEMENT AMOUNT: \$427,176</b>

\* Funding includes reprogrammed funds

**2021-2022 HOME BUDGET ALLOCATIONS**

A. AHIP – Homeowner Rehab	\$37,352.00*
B. Habitat for Humanity – Down Payment Assistance	\$24,000.00*
C. LEAP – Assisted Home Performance	\$23,224.88*
	<b>TOTAL: \$84,576.88</b>
	<b>ENTITLEMENT AMOUNT: \$84,576.88</b>
	<b>ESTIMATED EN AVAILABLE AFTER PI APPLIED: \$0.00</b>
	<b>LOCAL MATCH: \$21,144.22</b>

\* Includes estimated EN available after program income applied

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	May 3, 2021
Action Required:	Approve resolution supporting the Safe Routes to School Non-Infrastructure Grant Application
Presenter:	Amanda Poncy, Bicycle and Pedestrian Coordinator
Staff Contacts:	Kyle Rodland, Safe Routes to School Coordinator
<b>Title:</b>	<b>Safe Routes to School Non-Infrastructure Grant Application</b>

**Background:**

In the winter of 2021, the Virginia Department of Transportation (VDOT) announced another year of Safe Routes to School Non-Infrastructure (Activities and Programs) Grants. These grants, for amounts between \$5,000 and \$100,000, can be used to fund **education, encouragement, evaluation** and **enforcement** programs related to Safe Routes to School (SRTS). The Non-Infrastructure Grant can also be used to fund a SRTS coordinator position. A SRTS Coordinator is a part- or full-time SRTS advocate who works within a school division to promote and facilitate Safe Routes to School activities at a minimum of three schools in the division.

Last year, the city received a non-infrastructure grant in the amount of \$76,000 to fund a full-time coordinator and associated program budget to manage, train, and expand Safe Routes to School programming city-wide. The grant provides a dedicated champion to working within schools to provide education, encouragement and evaluation activities needed to support active transportation for K-8 students.

**Discussion:**

As part of the grant application, the City was required to update the Safe Routes to School (SRTS) Program Plan, a written document that outlines a community's intentions for enabling and encouraging students to engage in active transportation (i.e. walking or bicycling) as they travel to and from school. The plan details the number of students living within ¼ to 2 miles of their school and demonstrates the potential benefits that can be accrued from a coordinated SRTS program (nearly 30% of students live within ½ mile of school and nearly 70% live within 1 mile of school). The SRTS Program Plan was originally created through a team-based approach that involved key community stakeholders and members of the public in both identifying key behavior-related to barriers to active transportation and, using the four non-infrastructure related E's (education, encouragement, enforcement and evaluation) to address them.

The City of Charlottesville Safe Routes to School Initiative aims to:

1. Increase the number of students using active transportation to get to & from school, especially among those living within one mile of their school.
2. Reduce the number of injuries suffered by school-aged students walking & biking.
3. Raise awareness of the benefits of active transportation to students, parents, & the community at large.
4. Reduce traffic congestion & greenhouse gas emissions.
5. Promote lifelong healthy habits.

Since the program started in 2016, there has been an observed increase in walk/bike travel to/from school from an average of 7%, to an average of 14% (for K-8 students city wide). Data is based on travel tallies taken annually in schools. In addition, Bicycle and Pedestrian education is taught in every public school, grades K-8, there is an established free helmet program for city school students and there are fleets of 25 bikes at 6 city schools.

This year's Program Plan update reflects minimal changes from last year's plan, but emphasizes lessons learned since our Coordinator was hired in October 2016. The following will items will continue to be emphasized as part of the program:

- Institute bike riding, repair, and safety curriculum
- Develop a division-wide SRTS website social media presence
- Regularly host walk- and bike-to-school events
- Conduct Neighborhood Bike Repair Days
- Expand the bike helmet give-away program
- Administer student travel tallies
- Monitor school transportation data and keep records of participation in workshops, biking and walking trains, bike rodeos, afterschool clubs, and other events

The SRTS Activities and Programs Plan will continue to serve as a guiding document to assist in promoting, encouraging, and enabling walking and bicycling to school. The \$60,000 grant request will allow the City to continue to fund a full-time Safe Routes to School Coordinator and the supplies needed to implement the recommendations included in the Program Plan. As a reimbursable grant, costs will be incurred by Public Works and reimbursed by VDOT.

### **Alignment with City Council's Vision and Strategic Plan:**

This initiative supports Council's Vision to be a "Connected Community" ("the City of Charlottesville is part of a comprehensive, regional transportation system that enables citizens of all ages and incomes to easily navigate our community") and "America's Healthiest City" ("we have a community-wide commitment to personal fitness and wellness, and all residents enjoy our outstanding recreational facilities, walking trails, and safe routes to schools").

In addition, the project contributes to Goals 1 and 3 of the Strategic Plan, to be an inclusive, self sufficient community and a healthy and safe city.

The initiative further implements recommendations within the Comprehensive Plan (2013), Bicycle and Pedestrian Master Plan (2015) and supports the City's Healthy Eating Active Living (HEAL) Resolution.



### **Community Engagement:**

This grant application implements one of the programming recommendations included in the Bicycle and Pedestrian Master Plan (adopted 2015), which included significant public involvement. Further, city staff from Neighborhood Development Services worked with staff from the Thomas Jefferson Health District and Charlottesville City Schools (Physical Education and Pupil Transportation) to create a Safe Routes to School Task Force in 2016 that was responsible for outlining elements of a city-wide Safe Routes to School Activities and Programs Plan (APP). The task force included representatives from city schools, community organizations, multiple city departments (NDS, Public Works, Parks and Recreation), as well as health and enforcement disciplines. The APP was developed by the task force with input from parents (via Parent Survey) and further discussed/refined at public meeting in February 2016. The Bicycle and Pedestrian Advisory Committee provided feedback on the updates every year since. This year a public meeting was held on February 24, 2021, to gather community feedback.

### **Budgetary Impact:**

The grant application will provide funding for both a full-time Safe Routes to School Coordinator and the supporting activities included in the Activities and Programs plan. The grant will fund a position for 12 months. The grant requires a 20% match (cash or in-kind donations are acceptable). There is no budgetary impact at this time, as this resolution is just Council approval for the City to apply for this grant and continue this program. Should the grant be awarded a separate appropriation will come before Council with the full grant amount, match amounts and sources of the City match identified.

### **Recommendation:**

Staff recommends support for the Safe Routes to School Non-Infrastructure grant application.

### **Alternatives:**

If the full grant amount is not awarded, the position could be funded part-time. Alternately, Safe Routes to School programming could potentially continue in an ad-hoc fashion with assistance from local P.E. teachers, community partners and parent volunteers.

### **Attachments:**

Safe Routes to School Activities and Programs Plan

<http://www.charlottesville.org/departments-and-services/departments-h-z/neighborhood-development-services/transportation/bicycle-and-pedestrian/safe-routes-to-school>

A Resolution Supporting Safe Routes to School Projects

RESOLUTION  
Supporting Safe Routes to School (“SRTS”) Projects

WHEREAS, obesity is one of the most serious threats to American public health, ranking third among preventable causes of death in the United States;

WHEREAS, motor vehicle crashes are also a leading cause of death and injury to children;

WHEREAS, between 1969 and 2009 the percentage of children walking and biking to school dramatically declined from 48 percent to 13 percent;

WHEREAS, the Safe Routes to School program, created by Congress in 2005, aimed to increase the number of children engaged in active transportation when traveling to school by funding (1) infrastructure projects, located within two miles of a public school, that directly increase safety and convenience for public school children walking and/or biking to school, and (2) non-infrastructure projects designed to encourage public school children to walk and bicycle to school;

WHEREAS, Safe Routes to School projects are a proven, effective approach to increasing the number of children actively traveling to school by foot or bike;

WHEREAS, Safe Routes to School projects provide important health, safety, and environmental benefits for children, including reducing risk of obesity/chronic disease and pedestrian/bicycle injuries as well as improving air quality;

WHEREAS, the need for Safe Routes to School projects is especially strong in low-income areas, which suffer from a disproportionately high incidence of both childhood obesity/chronic disease and pedestrian and bicycle injuries and often have inferior pedestrian and bicycle infrastructure;

WHEREAS, Safe Routes to School projects make it safer and more convenient for all residents to walk and bike to destinations, further promoting public health;

WHEREAS, a goal of the City of Charlottesville’s current Comprehensive Plan, Bicycle and Pedestrian Master Plan, Complete Streets Resolution and Healthy Eating Active Living Resolution supports active transportation options, which can be met in part by implementation of Safe Routes to School projects;

NOW, THEREFORE, BE IT RESOLVED that the City of Charlottesville affirms its commitment to active transportation and supporting Safe Routes to School infrastructure and non-infrastructure projects.

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	May 3, 2021
Action Required:	Adoption of Resolution (1 reading)
Presenter:	Charles P. Boyles, II, City Manager
Staff Contacts:	Charles P. Boyles, II; Lisa Robertson
Title:	<b>Public Notice of Council’s Intentions Relating to Confederate Statues</b>

**Background:**

In 2016 the Charlottesville City Council adopted a resolution stating its intention to remove a statue depicting Confederate General Robert E. Lee from a City park. Shortly thereafter, a lawsuit was brought against the City, challenging the City’s authority to remove the statue. In 2017 City Council adopted a resolution stating its intention to remove a statue depicting Confederate General Stonewall Jackson from a City park, pending resolution of the lawsuit in the City’s favor. (Together, the Lee and Jackson figures are referred to in this memo as the “Statues”). Recently, the Supreme Court of Virginia decided the lawsuit in favor of the City. The City received the Supreme Court’s mandate (final decision) on April 21, 2021. The mandate releases the City from the prohibitions of the injunction entered by the Charlottesville Circuit Court in September 2019.

In 2020 the Virginia General Assembly amended the provisions of Va. Code §15.2-1812. The statute now offers a process by which a local governing body may announce its intentions, conduct a public hearing, and proceed to vote as to whether to remove, relocate, contextualize or cover a publicly-owned installation.

**Discussion:**

Due to the passage of time since Council’s first votes in 2016 and 2017, and to allow the current City Council an opportunity to make its own decision on this important issue, it is recommended that City Council take action to reaffirm its intentions. The amended provisions of Va. Code §15.2-1812 provide an orderly structure for such action.

Attached is a Resolution requesting the Clerk of Council to cause notice of City Council’s intention to remove, relocate, contextualize or cover the Statues to be published within a newspaper, along with notice of a date on which a public hearing will be held regarding Council’s stated intention. The proposed Resolution does not specify a particular date; however, based on the timeline set forth within Va. Code §15.2-1812, the earliest Council meeting date at which a public hearing could be placed on Council’s agenda would be June 7, 2021.

**Alignment with Council Vision Areas and Strategic Plan:** Yes.

**Community Engagement:**

There has been extensive community engagement on this topic, including a prior City Council's appointment and consideration of the recommendations of a Blue Ribbon Commission on Race Memorials and Public Spaces, which recommendations were developed over the course of many months of research, deliberations, and listening to public comment.

**Budgetary Impact:** None at this time.

**Recommendation:** It is recommended that City Council follow the process set out within Va. Code §15.2-1812. It is also recommended that City Council request the City's Board of Architectural Review to review this matter.

**Alternatives:** None recommended at this time.

**Attachment (1):** Proposed Resolution

**RESOLUTION**  
**AUTHORIZING PUBLICATION OF NOTICE OF CITY COUNCIL’S INTENTION TO REMOVE, RELOCATE, CONTEXTUALIZE OR COVER STATUES OF CONFEDERATE GENERALS LEE AND JACKSON CURRENTLY LOCATED WITHIN CITY PARKS, AND TO HOLD A PUBLIC HEARING THEREON**

WHEREAS, the Charlottesville City Council intends to remove, relocate, contextualize or cover the statues of Confederate General Robert E. Lee and Stonewall Jackson installed, respectively, within Market Street Park and Court Square Park (together, the “Statues”); now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLOTTESVILLE:

1. THAT the Clerk of Council shall cause notice of City Council’s intent to remove, relocate, contextualize or cover the Statues to be published within a newspaper having general circulation within the City. Such notice shall specify the time and place of a public hearing at which interested persons may present their views, not less than thirty (30) days after the date of publication of the notice, and

2. THAT the City’s Board of Architectural Review is hereby requested to consider City Council’s stated intent to remove, relocate, contextualize or cover the Statues prior to the public hearing date specified in the published newspaper notice.

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	May 3, 2021
Action Required:	Ordinance Enactment
Staff Contacts:	Taylor Yowell, Acting Director of Elections and General Registrar Lisa Robertson, Chief Deputy/ Acting City Attorney Katrina Callsen, Assistant City Attorney
Presenters:	Taylor Yowell, Acting Director of Elections and General Registrar
Title:	<b>Central Absentee Precinct Temporary Change (1<sup>st</sup> Reading)</b>

**Background:**

Virginia Code Section 2.2-712 permits each locality to establish a central absentee voter precinct.

The City of Charlottesville maintains one central absentee voter precinct at City Hall pursuant to Charlottesville City Code Section 9-31.

Last year, due to concerns about the spread of COVID-19, the Charlottesville Electoral Board and the Charlottesville General Registrar and Director of Elections recommended that the central absentee voter precinct be temporarily moved from City Hall to City Space for the November 2020 general election. City Council approved this recommendation and adopted a temporary ordinance that allowed for a location change. The ordinance expired on November 10<sup>th</sup>, 2020.

**Discussion:**

Due to continued concerns about the spread of COVID-19, the Charlottesville Electoral Board and the Charlottesville General Registrar and Director of Elections are recommending that the central absentee voter precinct again be moved from City Hall to City Space for the June 8<sup>th</sup>, 2021 primary election.

This ordinance is prepared as a temporary ordinance with an expiration date of June 9<sup>th</sup>, 2021.

**Attachments:**

Proposed Ordinance

**ORDINANCE  
APPROVING CITY SPACE  
AS CENTRAL ABSENTEE PRECINCT FOR  
JUNE 8, 2021 PRIMARY ELECTION**

**WHEREAS**, on March 12, 2020, Governor Ralph S. Northam issued Executive Order 51 declaring a state of emergency for the Commonwealth of Virginia due to the potential spread of COVID-19 and that state of emergency continues in effect, by virtue of Executive Order Seventy Two and Order of Public Health Emergency Nine (March 23, 2021, made effective April 1, 2021); and

**WHEREAS**, Governor Northam's March 12, 2020 declaration found that the anticipated effects of COVID-19 constitute a disaster pursuant to Virginia Code Section 44-146.16; and

**WHEREAS**, on March 12, 2020, pursuant to a Resolution adopted by the Charlottesville City Council the City Manager/ Director of Emergency Management declared the potential spread of COVID-19 to be an emergency and disaster within the City of Charlottesville, and this declared local emergency remains in effect; and

**WHEREAS**, provisions for the safe conduct of elections are necessary to assure continuity of government during a state of emergency; and

**WHEREAS**, Virginia Code Section 24.2-310 provides that if an emergency makes a polling place unusable, the Director of Elections and General Registrar shall provide an alternative polling place; and

**WHEREAS**, Charlottesville City Code Section 9-31 establishes City Hall as the polling place for the City of Charlottesville's Central Absentee Precinct; and

**WHEREAS**, the Charlottesville Electoral Board and the Charlottesville General Director of Elections and Registrar have determined that the use of City Space as the polling place for the City of Charlottesville's Central Absentee Precinct may assist the City's efforts to avoid the spread of COVID-19 and that City Hall is unusable as the Central Absentee Precinct polling place during the COVID-19 emergency, because the limited space available may contribute to the spread of COVID-19 due to the inability to maintain appropriate social distancing; and

**WHEREAS**, the potential spread of COVID-19 is a rare and unforeseen circumstance necessitating the movement of the Central Absentee Precinct Polling place.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia that for the June 8, 2021 primary election, the City of Charlottesville's Central Absentee Precinct shall be located at City Space located at 100 5<sup>th</sup> Street NE, Charlottesville, Virginia 22902.

**BE IT FURTHER ORDAINED** by the Council of the City of Charlottesville, Virginia that this ordinance is adopted pursuant to the provision of Virginia Code Section 24.2-310 to

assure the safe conduct of elections within the City of Charlottesville during the continuing declared state and local emergency declarations.-

**BE IT FURTHER ORDAINED** by the Council of the City of Charlottesville, Virginia that this ordinance shall be effective on May 5th, 2021 and shall expire on June 9th, 2021.

**BE IT FURTHER ORDAINED** by the Council of the City of Charlottesville, Virginia that this ordinance is passed with the votes of four-fifths of the City Council and that the second reading of this ordinance shall not be required.



CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	May 3, 2021
Action Required:	Adoption of an Ordinance to Amend City Code §2-457 (1 reading)
Presenter:	Charles P. Boyles, II, City Manager
Staff Contacts:	Charles P. Boyles, II; Lisa Robertson
Title:	<b>Amend City Code to Allow the Police Civilian Review Board To obtain General Legal Counsel Services</b>

**Background:**

In 2019 the Charlottesville City Council enacted the current provisions within City Code Chapter 2, Article XVI (Police Civilian Review Board (“PCRB”)). The General Assembly had not yet enacted legislation expressly authorizing civilian oversight boards, so the initial PCRB was authorized to exercise a limited set of functions and duties to allow review of Police Department activities, in four specific categories: complaints [City Code 2-460], reviews of internal affairs investigations [City Code 2-461], policy recommendations [2-458] and community forums [City Code 2-459]. Within the current ordinance, City Council allows outside legal counsel to be engaged for the PCRB but restricts the categories of services that the outside counsel may provide to those same four categories: “*The board's legal counsel shall advise the board on all legal questions the board may have concerning complaints, reviews of internal affairs investigations, policy recommendations, and community forums.*” If the PCRB would like legal advice concerning questions on topics other than those four categories, they may consult the City Attorney’s Office.

**Discussion:**

Outside legal counsel is retained pursuant to a contractual agreement, and this contractual relationship is paid for by funds appropriated to the PCRB’s budget. Those public funds can only be expended for purposes authorized by City Council within Chapter 2, Article XVI of the City Code. On April 27, 2021 the PCRB made a presentation to City Council, asking for City Council’s consideration of an amended ordinance (and, in the near future, a related set of Operating Procedures), to establish the PCRB as an civilian oversight board having all of the powers and duties enabled by the General Assembly in 2020 (2020 Acts of Assembly, Chapter 29, effective July 1, 2021). During the April 27, 2021 joint meeting with the PCRB the discussion included the potential benefits of more broadly authorizing the PCRB’s outside legal counsel to assist the PCRB with the process of developing and drafting an Amended Ordinance and Operating Procedures for City Council’s consideration, so that legal conflicts can be avoided and City Council and the PCRB can have the benefit of legal advice from various perspectives.

**Alignment with Council Vision Areas and Strategic Plan:** Yes.

**Community Engagement:**

Community engagement was previously had on this and other PCRB-related topics, in 2019.

**Budgetary Impact:** None. (City Council has already appropriated funding to the PCRB's annual FY2021 and FY2022 budgets for outside legal counsel services).

**Recommendation:** It is recommended that City Council amend the provisions of City Code 2-457 to expressly authorize funding within the PCRB's operational budget to be expended for outside legal counsel assistance in developing an Amended Ordinance and Operating Procedures consistent with state enabling legislation.

**Alternatives:** None recommended at this time.

**Attachment (1):** Proposed Ordinance

**AN ORDINANCE  
TO AMEND AND RE-ENACT CHAPTER 2 (ADMINISTRATION), ARTICLE XVI  
(POLICE CIVILIAN REVIEW BOARD), SECTION 2-457 (POLICE CIVILIAN  
REVIEW BOARD LEGAL COUNSEL) OF THE CODE OF THE CITY OF  
CHARLOTTESVILLE (1990) AS AMENDED, TO EXPAND THE SCOPE OF  
MATTERS ON WHICH THE POLICE CIVILIAN REVIEW BOARD MAY CONSULT  
WITH LEGAL COUNSEL OTHER THAN THE CITY ATTORNEY'S OFFICE**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHARLOTTESVILLE** that the Code of the City of Charlottesville (1990), as amended, Chapter 2 (Administration), Article XVI (Police Civilian Review Board), Section 2-457 (Police Civilian Review Board Legal Counsel) is hereby amended and re-enacted as follows:

**Sec. 2-457. - Police civilian review board legal counsel.**

The police civilian review board ~~shall be empowered to employ its own~~ may retain legal counsel to advise the board in all cases, hearings, controversies or other matters involving the interests of the board. The board's chair shall have authority to execute a contract in the name of the board for legal services if the contract has first been approved by the board and been endorsed by the City's director of finance to verify that funding is available and has been appropriated to support performance of the board's payment obligations under such contract. ~~The police civilian review board's executive director, the city attorney, and the police civilian review board chair shall work collaboratively to select legal counsel for the board on an annual basis utilizing best practices for procuring legal services. The board's legal counsel shall advise the board on all legal questions the board may have concerning complaints, reviews of internal affairs investigations, policy recommendations, and community forums. The board and~~ the board's executive director may consult the office of the city attorney for legal advice concerning legal questions unrelated ~~not related to the four (4) aforementioned topics~~ cases, hearings, investigations, or controversies that are before the board, or any other matter in which the board's and the police department's interests may conflict.

**BE IT FURTHER ORDAINED** that, pursuant to City Code §2-97, the requirement for two readings of this Ordinance is hereby waived, and this Ordinance shall be effective on the same day of its introduction and approval by four-fifths vote of this Council.

**CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA**



<b>Agenda Date:</b>	May 3, 2021
<b>Action Required:</b>	Approve Resolution
<b>Presenter:</b>	Khristina S. Hammill, Sr. Budget and Management Analyst
<b>Staff Contacts:</b>	Khristina S. Hammill, Sr. Budget and Management Analyst Christopher V. Cullinan, Finance Director
<b>Title:</b>	<b>\$18,000,000 Million Bond Issue (maximum amount) – New Debt \$8,000,000 Million Refunding Bond Issue (maximum amount) \$26,000,000 Total</b>

**Background/Discussion:**

The City regularly issues bonds as part of its on-going Capital Improvements Program. Capital spending and the related financing is projected for a 5 year period and updated annually.

This bond issue represents part of the funding plan approved by Council for the City’s on-going Capital Improvements Plan. All projects to be funded by this bond issue have been previously approved and appropriated by City Council. The proceeds are proposed, but not limited, to be used to fund portions of the following projects:

<u>Projects</u>	<u>Amount*</u>
Transportation and Access	\$ 650,000
Public Facilities	529,803
Public Schools	4,449,115
Parks and Recreation	2,606,082
Public Safety	965,000
<b>General Government Projects</b>	<b>\$ 9,200,000</b>
Water System Improvements	\$ 5,000,000
Stormwater System Improvements	2,700,000
<b>Utility Projects</b>	<b>\$ 7,700,000</b>

\*Amounts are estimates and subject to change based on actual project expenses and completion. Funds can be reallocated between categories as needed.

These bonds will be repaid over the next 20 years with level annual principal payments. A more detailed discussion of the specific projects to be funded is attached.

Public Financial Management, Inc. (PFM), the City's financial advisor, along with City staff, continue to monitor the bond market and interest rate environment and we are anticipating a sale by mid-September. The bonds will be sold by a public offering through a competitive bid. The resolution authorizes the City Manager to accept the lowest interest rate bid on the bonds.

In addition, as with each new bond issue, City Staff along with its financial advisors, will take the opportunity to evaluate and refund bonds previously issued at a higher interest rate with new refunding bonds issued at a lower interest rate. The resolution approves the issuance of refunding bonds to refund certain outstanding debt of the City. Market conditions will continue to be monitored until the time of sale. If suitable savings opportunities do not materialize, then only the bonds for the new money will be issued.

City management has met with Moody's and Standard & Poor's to discuss the City's financial condition and to obtain ratings on these bonds. City staff anticipates that the City will retain its AAA bond rating, the highest rating given by both ratings agencies.

**Community Engagement:** As per the law, this public hearing has been advertised in the newspaper and the sale information will be advertised in other media outlets prior to the bond sale date.

**Alignment with City Council's Vision and Priority Areas:** Approval of this agenda item aligns directly with Council's vision for a **Smart Citizen Focused Government and Economic Sustainability.**

**Budgetary Impact:**

The City continues to manage its debt and to plan its bond issuance in a manner to:

- (1) Provide a stream of funding as it is needed,
- (2) Keep annual debt service costs on a fairly level amount, (i.e., to avoid large spikes in debt service) and
- (3) To maintain and finance its physical facilities and infrastructure in such a manner that future users/beneficiaries will help to pay for them.

This bond issue is part of the City's on-going capital financing plan. The debt service on this issue will be paid from annual transfers from the General Fund for debt service and/or previously appropriated funds in the City's Debt Service Fund. No new appropriation of funds is required at this time.

**Recommendation:**

Staff recommends that Council approve the resolution authorizing the City Manager to accept the low bid on the bond sale on behalf of the City for a competitive transaction.

**Alternatives:**

The alternatives to not issuing new debt would be to either use funds on hand (cash) to fund projects or not construct projects.

**Attachments:**

Descriptions of projects  
Resolution

## PLANNED BOND FUNDED PROJECTS

The following projects are all part of the City's on-going Capital Improvements Program. All of the projects included here have been previously appropriated.

1. Public Schools - \$4,449,115 – Funds will be used to fund priority improvements and to fund additional upgrades in various schools. Annually, City Council approves a lump sum appropriation for the Schools each year, and the Schools in turn decide upon the priority order and specific capital needs to be undertaken. The upgrades in various school buildings will be funded by the lump sum account.
2. Transportation and Access - \$650,000 – These funds will be used for street reconstruction, and sidewalk improvements and construction.
3. Public Facilities - \$529,803 – These funds will be used to continue to address ongoing repairs and maintenance of existing infrastructure.
4. Parks and Recreation - \$2,606,082 – Funds will be used to fund various park improvements including the renovations to improve the air quality in the Smith Aquatics Center.
5. Public Safety - \$965,000 – These funds will be used to fund several public safety projects including the Bypass Fire Station and General District Court.
6. Water System Improvements - \$5,000,000 – Water system improvements will be funded by this bond issue. The debt will be repaid using the fee revenue generated by the Water Utility.
7. Stormwater System Improvements - \$2,700,000 – Stormwater system improvements and related equipment will be funded by this bond issue. The debt will be repaid using the fee revenue generated by the Stormwater Utility.

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**RESOLUTION AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS OF THE CITY OF CHARLOTTESVILLE, VIRGINIA, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$18,000,000, TO FINANCE THE COSTS OF CERTAIN PUBLIC IMPROVEMENT PROJECTS, PROVIDING FOR THE ISSUANCE AND SALE OF GENERAL OBLIGATION REFUNDING BONDS OF THE CITY OF CHARLOTTESVILLE, VIRGINIA, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$8,000,000, PROVIDING FOR THE FORM, DETAILS AND PAYMENT OF SUCH BONDS, AND PROVIDING FOR THE REFUNDING OF CERTAIN OUTSTANDING GENERAL OBLIGATION BONDS OF THE CITY**

**WHEREAS**, the City Council of the City of Charlottesville, Virginia (the “City”), desires to issue general obligation public improvement bonds (the “New Money Bonds”) to finance the 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, and (f) improvements to the City’s water and stormwater systems and equipment for such systems (collectively, the “Project”);

**WHEREAS**, the City has previously issued its General Obligation Public Improvement Bonds, Series 2010B (Taxable – Build America Bonds), in the principal amount of \$11,130,000 (the “Series 2010B Bonds”);

**WHEREAS**, the City may effect debt service savings by issuing its general obligation public improvement refunding bonds (the “Refunding Bonds”) to refund all or a portion of the outstanding maturities of the Series 2010B Bonds (such refunded maturities or portions thereof shall be referred to herein as the “Refunded Bonds”); 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 and refunding bonds through one or more of the following methods: (a) a private placement with a banking or other financial institution (a “Private Sale”), (b) a public offering through a competitive sale (a “Competitive Sale”), or (c) a public offering through a negotiated underwriting (a “Negotiated Sale”) (in any of such funding options, the purchaser(s) of the bonds shall be referred to herein as the “Purchaser”);

**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 one or more series of New Money Bonds in an aggregate principal amount not to exceed \$18,000,000 and to use the proceeds thereof, 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). The City Council further finds and determines that it is in the best interest of the City to provide for the issuance and sale of one or more series of Refunding Bonds, heretofore authorized, in an aggregate principal amount not to exceed \$8,000,000 and to use the proceeds thereof, together with other funds as may be available, to refund all or a portion of the Refunded Bonds and to pay costs incurred in connection with issuing such bonds and refunding the Refunded 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 New Money Bonds and the Refunding 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.** The New Money Bonds shall be designated “General Obligation Public Improvement Bonds, Series 2021,” or such other designation as may be determined by the City Manager (which term shall include any Acting, Interim or Deputy City Manager and the Director of Finance). The Refunding Bonds shall be designated “General Obligation Public Improvement Refunding Bonds, Series 2021,” or such other designation as may be determined by the City Manager. The New Money Bonds and the Refunding Bonds may be issued and sold together as one series and designated “General Obligation Public Improvement and Refunding Bonds, Series 2021,” or such other designation as may be determined by the City Manager. Any bonds issued as part of a series of New Money Bonds or Refunding Bonds, or as a combined series, shall be referred to herein as a “Bond” or the “Bonds,” as the case may be.

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. Subject to Section 9, the issuance and sale of any series of Bonds are authorized on terms as shall be satisfactory to the City Manager; provided, however, that the Bonds of such series (a) shall have a “true” or “Canadian” interest cost not to exceed 4.0% (taking into account any original issue discount or premium), (b) shall be sold to the Purchaser thereof at a price not less than 100% of the principal amount thereof (excluding any original issue discount) and (c) shall mature in years, or be subject to mandatory sinking fund redemption in annual installments, ending no later than December 31, 2041; provided, however, that any series of Bonds (or portion thereof) issued to refund the Refunded Bonds shall produce an aggregate net present value debt service savings to the City of at least 3.0% of the principal amount of the particular Refunded Bonds.

Principal of the Bonds shall be payable annually on dates determined by the City Manager. Each Bond of a series 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.

Initially, one Bond certificate for each maturity of each series of 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.

In the event that (a) 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 (b) the City in its sole discretion determines (i) that beneficial owners of Bonds shall be able to obtain certificated Bonds or (ii) 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.

So long as there is a Securities Depository for the Bonds, (1) it or its nominee shall be the registered owner of the Bonds; (2) 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; (3) 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; (4) 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 (5) 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.** 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 3.0% of the principal amount of the Bonds, such redemption premium to be determined by the City Manager.

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

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, (a) the portion of any Bond to be redeemed shall be in the principal amount of \$5,000 or some integral multiple thereof, and (b) 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.

In the case of an optional redemption, the notice may state that (1) 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 (2) 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 in one or more series, whether through a Private Sale, a Competitive Sale, a Negotiated Sale or any combination thereof, as determined by the City Manager to be in the best interest of the City, 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.

(b) If the City Manager determines that the Bonds (or a portion thereof) shall be sold through a Private Sale, the City Manager is authorized, on behalf of the City and in collaboration

with the Financial Advisor, to solicit bids from banking institutions and other financial firms, to determine which bid (or bids) offers the best terms to the City, and, subject to the limitations set forth in Section 3, to arrange for the issuance and sale of the Bonds to the Purchaser. Following a Private Sale, 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 by Private Sale 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.

(c) If the City Manager determines that the Bonds (or a portion thereof) shall be sold through a Competitive Sale, 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 a Competitive Sale, 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 by Competitive Sale 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.

(d) If the City Manager determines that the Bonds (or a portion thereof) shall be sold through a Negotiated Sale, the City Manager is authorized, on behalf of the City and in collaboration with the Financial Advisor, to choose an investment banking firm to serve as underwriter for the Bonds and to execute and deliver to the underwriter, as Purchaser of the Bonds, a bond purchase agreement reflecting the final terms of the Bonds. The bond purchase agreement shall be in a form approved by the City Manager, in collaboration with the City Attorney, the Financial Advisor and the City’s bond counsel. The actions of the City Manager in selling the Bonds by Negotiated Sale 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.

(e) Following the determination of which method(s) of sale shall be used, the City Manager is hereby authorized to (i) determine the principal amount of the Bonds, subject to the limitations set forth in Section 1, (ii) determine the interest rates of the Bonds, the maturity schedules of the Bonds, and the price to be paid for the Bonds by the Purchaser, subject to the limitations set forth in Section 3, (iii) determine the redemption provisions of the Bonds, subject to the limitations set forth in Section 4, and (iv) 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.

**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 may be offered for sale to the public in a Competitive Sale or a Negotiated Sale; 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 in a Competitive Sale or a Negotiated Sale, 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.** In connection with the sale of Bonds in a Competitive Sale or a Negotiated Sale, 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. Redemption of Refunded Bonds.** The City Manager is authorized and directed to determine which maturities of the Series 2010B Bonds, if any, shall constitute the Refunded Bonds. The Escrow Agreement (as hereinafter defined) shall provide for notice of redemption to be given to the registered owners of the Refunded Bonds in accordance with the resolutions providing for the issuance of the Refunded Bonds.

**14. Escrow Deposit Agreement.** The City Manager is authorized and directed to execute an escrow deposit agreement (an “Escrow Agreement”) between the City and an escrow agent to be appointed by the City Manager (the “Escrow Agent”) with respect to the Refunded Bonds. The Escrow Agreement shall be in the form approved by the City Manager, in collaboration with the City Attorney and the City’s bond counsel, and shall provide for the deposit and investment of a portion of the Bond proceeds for the defeasance of the Refunded Bonds. The execution of the Escrow Agreement by the City Manager shall constitute conclusive evidence of such official’s approval of the Escrow Agreement. The Escrow Agreement shall provide for the irrevocable deposit of a portion of the Bond proceeds (the “Refunding Portion”) in an escrow fund that shall be sufficient, when invested in noncallable, direct obligations of the United States Government (the “Government Obligations”), to provide for payment of principal of and interest on the Refunded Bonds; provided, however, that such Refunding Portion shall be invested in such manner that none of the Bonds will be “arbitrage bonds” within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, and regulations issued pursuant thereto (the “Code”). The Escrow Agent is authorized and directed to execute initial and final subscription forms for the purchase of the Government Obligations and such other contracts and agreements necessary to provide for the defeasance of the Refunded Bonds as are approved by the City Manager, in collaboration with the City Attorney and the City’s bond counsel.

**15. Deposit of Refunding Bond Proceeds.** The Director of Finance, in collaboration with the City Treasurer, is authorized and directed (a) to provide for the delivery of the Refunding Portion to the Escrow Agent for deposit in the escrow fund established by the Escrow Agreement, in an amount that shall be sufficient, together with any other funds deposited with the Escrow Agent and the interest thereon when invested as provided in the Escrow Agreement, (i) to pay when due the interest on the Refunded Bonds to the first respective dates on which they may be redeemed at the option of the City and (ii) to pay upon the earlier of maturity or redemption the principal of the Refunded Bonds and (b) to provide for the deposit of the remaining proceeds of the Bonds in a special account to be used to pay the costs incurred in refunding the Refunded Bonds and the costs of issuing the Bonds. The Director of Finance is further authorized and directed to take all such further action as may be necessary or desirable in connection with the payment and refunding of the Refunded Bonds.

**16. 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 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 Bonds to be “arbitrage bonds” within the meaning of Section 148 of the Code or otherwise cause interest on the 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 Bonds, unless the City receives an opinion of nationally recognized bond counsel that such compliance is not required to prevent interest on the 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.

**17. 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 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.

**18. Limitation on Private Use.** The City covenants that it shall not permit the proceeds of the Bonds or the facilities financed or refinanced with the proceeds of the 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 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.

**19. 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 portion of the proceeds of the Bonds used to finance the Project. 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.

**20. Continuing Disclosure Agreement.** In connection with the sale of Bonds in a Competitive Sale or a Negotiated Sale, 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.

**21. 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.

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

**23. 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.

**24. Effective Date.** This Resolution shall take effect immediately.

[FORM OF BOND]

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation (“DTC”), to the issuer or its agent for registration of transfer, exchange or payment, and any certificate is registered in the name of Cede & Co., or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

REGISTERED

REGISTERED

No. R-\_\_\_\_\_

\$\_\_\_\_\_

UNITED STATES OF AMERICA

COMMONWEALTH OF VIRGINIA

CITY OF CHARLOTTESVILLE

General Obligation Public Improvement [and Refunding] Bond

Series 2021

INTEREST RATE	MATURITY DATE	DATED DATE	CUSIP
_____ %	_____, ____	_____, 2021	_____

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT: \_\_\_\_\_ DOLLARS

The City of Charlottesville, Virginia (the “City”), for value received, promises to pay, upon surrender hereof to the registered owner hereof, or registered assigns or legal representative, the principal sum stated above on the maturity date stated above, subject to prior redemption as hereinafter provided, and to pay interest hereon from its date semiannually on each \_\_\_\_\_ and \_\_\_\_\_, beginning \_\_\_\_\_, at the annual rate stated above, calculated on the basis of a 360-day year of twelve 30-day months. Principal, premium, if any, and interest are payable in lawful money of the United States of America by the City’s Director of Finance, who has been appointed paying agent and registrar for the bonds, or at such bank or trust company as may be appointed as successor paying agent and registrar by the City Manager (the “Registrar”).

Notwithstanding any other provision hereof, this bond is subject to a book-entry system maintained by The Depository Trust Company (“DTC”), and the payment of principal, premium,



if any, and interest, the providing of notices and other matters shall be made as described in the City's Letter of Representations to DTC.

This bond is one of an issue of \$\_\_\_\_\_ General Obligation Public Improvement [and Refunding] Bonds, Series 2021, of like date and tenor, except as to number, denomination, rate of interest, privilege of redemption and maturity, and is issued pursuant to the Constitution and statutes of the Commonwealth of Virginia, including the Public Finance Act of 1991. The bonds are being issued pursuant to a resolution adopted by the City Council of the City (the "City Council") on \_\_\_\_\_, 2021, [to finance certain capital improvement projects for the City] [to refund certain of the City's outstanding general obligation bonds], and to pay costs incurred in connection with issuing such bonds (if not otherwise paid from other City funds).

Bonds maturing on or before \_\_\_\_\_, 20\_\_, are not subject to redemption prior to maturity. Bonds maturing on or after \_\_\_\_\_, 20\_\_, are subject to redemption prior to maturity at the option of the City on or after \_\_\_\_\_, 20\_\_, in whole or in part (in any multiple of \$5,000) at any time, upon payment of the following redemption prices (expressed as a percentage of principal amount of bonds to be redeemed) plus interest accrued and unpaid to the date fixed for redemption:

<b>Period During Which Redeemed (Both Dates Inclusive)</b>	<b>Redemption Price</b>
----------------------------------------------------------------	-----------------------------

[Bonds maturing on \_\_\_\_\_, 20\_\_, are required to be redeemed in part before maturity by the City on \_\_\_\_\_ in the years and amounts set forth below, at a redemption price equal to the principal amount of the bonds to be redeemed, plus accrued interest to the date fixed for redemption:

<b><u>Year</u></b>	<b><u>Amount</u></b>	<b><u>Year</u></b>	<b><u>Amount</u></b>
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If less than all of the bonds are called for redemption, the bonds to be redeemed shall be selected by the Director of Finance of the City in such manner as such officer may determine to be in the best interest of the City. If less than all of the bonds of any maturity are called for redemption, the bonds within such maturity to be redeemed shall be selected by DTC or any successor 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, (a) the portion of any bond to be redeemed shall be in the principal amount of \$5,000 or some integral multiple thereof and (b) 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 hereof. If a portion of this bond is called for redemption, a new bond in the principal amount of the unredeemed portion hereof will be issued to the registered owner upon surrender hereof.

The City may give notice of redemption prior to a deposit of redemption moneys if such notice states that the redemption is to be funded with the proceeds of a refunding bond issue and is conditioned on the deposit of such proceeds. Provided that moneys are deposited on or before the redemption date, such notice shall be effective when given. If such proceeds are not available on the redemption date, such bonds will continue to bear interest until paid at the same rate they would have borne had they not been called for redemption. On presentation and surrender of the bonds called for redemption at the place or places of payment, such bonds shall be paid and redeemed.

The full faith and credit of the City are irrevocably pledged for the payment of principal of and premium, if any, and interest on this bond. Unless other funds are lawfully available and appropriated for timely payment of this bond, 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 taxable property within the City sufficient to pay when due the principal of and premium, if any, and interest on this bond.

The Registrar shall treat the registered owner of this bond as the person exclusively entitled to payment of principal of and premium, if any, and interest on this bond and the exercise of all others rights and powers of the owner, except that interest payments shall be made to the person shown as the owner on the registration books on the \_\_\_ day of the month [preceding] [in which] each interest payment [is due].

All acts, conditions and things required by the Constitution and statutes of the Commonwealth of Virginia to happen, exist or be performed precedent to and in the issuance of this bond have happened, exist and have been performed, and the issue of bonds of which this bond is one, together with all other indebtedness of the City, is within every debt and other limit prescribed by the Constitution and statutes of the Commonwealth of Virginia.

[Remainder of page intentionally left blank.]

**IN WITNESS WHEREOF**, the City of Charlottesville, Virginia, has caused this bond to be to be signed by the Mayor or Vice Mayor, its seal to be affixed hereto and attested by the Clerk of the City Council, and this bond to be dated the date first above written.

(SEAL)

\_\_\_\_\_  
[Vice] Mayor, City of Charlottesville, Virginia

(ATTEST)

\_\_\_\_\_  
Clerk of Council,  
City of Charlottesville, Virginia

**ASSIGNMENT**

FOR VALUE RECEIVED the undersigned sell(s), assign(s) and transfer(s) unto

\_\_\_\_\_  
(Please print or type name and address, including postal zip code, of Transferee)

PLEASE INSERT SOCIAL SECURITY OR OTHER  
IDENTIFYING NUMBER OF TRANSFEREE:

\_\_\_\_\_  
: :  
: :  
: :  
\_\_\_\_\_

the within bond and all rights thereunder, hereby irrevocably constituting and appointing  
\_\_\_\_\_,  
Attorney, to transfer said bond on the books kept for the registration thereof, with full power of  
substitution in the premises.

Dated: \_\_\_\_\_

Signature Guaranteed

\_\_\_\_\_  
NOTICE: Signature(s) must be guaranteed  
by an Eligible Guarantor Institution such  
as a Commercial Bank, Trust Company,  
Securities Broker/Dealer, Credit Union  
or Savings Association who is a member  
of a medallion program approved by The  
Securities Transfer Association, Inc.

\_\_\_\_\_  
(Signature of Registered Owner)

NOTICE: The signature above must  
correspond with the name of the  
registered owner as it appears on the  
front of this bond in every particular,  
without alteration or enlargement or any  
change whatsoever.



## CITY OF CHARLOTTESVILLE, VIRGINIA CITY COUNCIL AGENDA

Agenda Date:	May 3, 2020
Action Required:	Public Hearing, Resolution
Presenter:	Erin Atak, Grants Coordinator
Staff Contacts:	Erin Atak, Grants Coordinator
<b>Title:</b>	<b>Approval of FY 2021-2022 Annual Action Plan</b>

### **Background:**

The Community Development Block Grant Consolidated Plan sets forth goals to support our community development needs over a five-year period (2018 – 2022) for low- and moderate-income individuals in the City and counties that make up the Planning District. The current five-year Consolidated Plan was adopted at the May 7, 2018 City Council Meeting.

### **Discussion:**

Each year localities are required to complete an Action Plan that details goals and objectives to be carried out in the upcoming program year. This is the fourth Action Plan of the 2018-2022 Consolidated Plan. This document also serves as the City's application for Community Development Block Grant (CDBG) funds and the Thomas Jefferson Planning District's application for HOME funds. It is due, in its final form, to HUD on May 15, 2021.

### **Community Engagement:**

On November 12, 2020, the proposed FY 21-22 CDBG and HOME budget came before the CDBG/HOME Taskforce and Strategic Action Team for discussion. The CDBG/HOME Taskforce recommended housing and public service projects virtually for funding and the SAT reviewed and recommended economic development projects virtually for funding. On December 12, 2020, the Planning Commission reviewed the CDBG/HOME Taskforce recommended FY21-22 budget; and City Council approved the budget on January 19, 2021.

The CDBG and HOME Action Plan is set to have a virtual public hearing at the City of Charlottesville City Council meeting on May 3, 2021; and an additional virtual public hearing will be held by the Thomas Jefferson Planning District Commission on May 6, 2021. All comments received during the public hearings will be incorporated into the final version of the Action Plan.

The Action Plan has been advertised for a thirty-day comment period (March 30 – April 30, 2021) before being sent to HUD for approval. The Action Plan was sent to Charlottesville Neighborhood community members for comment. No comments were received. The Housing Directors Council had an opportunity to make comments on the Action Plan virtually during the thirty-day comment period. Comments received from Housing Directors were incorporated into the Action Plan. The

plan is in draft form pending approval from Council at the May 3, 2021 meeting. Following approval of the Action Plan, data will be entered in the HUD database (IDIS) which will then create a final formatted version of the Action Plan.

The Participation section of the Action Plan summarizes all community engagement efforts, as well as all comment received and incorporated into the plan.

**Alignment with City Council Vision and Strategic Areas:**

Approval of this agenda item aligns directly with Council’s vision for Charlottesville to have **Economic Sustainability, A Center for Lifelong Learning, Quality Housing Opportunities for All, and A Connected Community**. It contributes to variety of Strategic Plan Goals and Objectives including: Goal 1: Inclusive, Self-sufficient Community; Goal 3: Beautiful Environment; Goal 4: Strong, Diversified Economy; and Goal 5: Responsive Organization.

**Budgetary Impact:**

The HOME program requires the City to provide a 25% match. The sum necessary to meet the FY 2021-2022 match is \$21,144.22, which is appropriated out of the Charlottesville Housing Fund (CP-0084). The Action Plan will have no additional budgetary impacts.

**Recommendation:**

Staff recommends approval of the 2021-2022 Action Plan of the 2018-2022 Consolidated Plan. Funds will not be available or eligible to be spent until HUD approval of the 2021-2022 Action Plan.

**Alternatives:**

No alternatives are proposed.

**Attachments:**

2021-2022 Annual Action Plan – Draft ([link](#))  
Action Plan Resolution

**RESOLUTION**  
**Approval of FY 2021-2022 Annual Action Plan**

**BE IT RESOLVED**, that the Charlottesville City Council hereby approves the FY 2021 - 2022 Action Plan of the 2018-2022 Consolidated Plan as presented at the May 3, 2021, City Council meeting. No funds by agencies will be spent until HUD issues final approval of the Annual Action Plan.

Approved by Council  
May 3, 2021

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Kyna Thomas, CMC  
Clerk of Council

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	May 3, 2021
Action Required:	Consideration of an application for a Special Use Permit
Presenter:	Carrie Rainey, Senior Planner, Neighborhood Development Services
Staff Contacts:	Carrie Rainey, Senior Planner, Neighborhood Development Services
Title:	<b>SP21-00003 – Lyndhall Apartments, request for a Special Use Permit to increase residential density and modify setback requirements and parking standards</b>

**Background:**

Chris Henningsen of Henningsen Kestner Architects, Inc, acting as agent for Richard Spurzem of Neighborhood Investments, LLC, owners of Tax Map 5 Parcel 48 (“Subject Property”) has requested a special use permit on the Subject Property to increase residential density to 48 DUA and modify side setback requirements of Section 34-353(a) and parking standards of Section 34-972(b)(6) per Section 34-162. The Subject Property is currently zoned R-3 and is a contributing structure of District H (Rugby Road—University Circle—Venable Neighborhood) Architectural Design Control District. The applicant proposes 16 multi-family residential units with eight (8) one (1)- bedroom units and eight (8) two (2)- bedroom units totaling 24 bedrooms.

**Discussion:**

The Planning Commission considered this application at their meeting on April 13, 2021. The discussion centered on:

- Side yard setback requirements of Section 34-353(a). The existing historic structure is non-conforming due to the side yard setback requirement that at least one (1) foot for every four (4) feet in building height for developments with a density of 44- 87 DUA, with a 10 foot minimum setback, is provided. The applicant requested the setback standard be altered to 10 feet minimum per Section 34-162 to eliminate the non-conformity.
- Parking standards of Section 34-972(b)(6). The proposed off-street parking area does not meet the required three (3) foot offset from side and rear property lines. The applicant requested the setback be altered to no minimum per Section 34-162 to permit installation.
- Parking requirements of Section 34-984 and the reduction allowances of Section 34-985. The Planning Commission discussed minimizing parking on-site. The Planning Commission discussed a reduction in the required number of parking spaces for the proposed multi-family residential units as permitted by Section 34-162 due to the proximity of a University Transit Service (UTS) bus stop.
- Bicycle parking spaces. The applicant has proposed eight (8) indoor bicycle parking spaces located in the basement and eight (8) outdoor bicycle parking spaces provided on



bicycle racks in front of the building. The Planning Commission discussed the potential use of proposed spaces, potential reductions permitted by Section 34-985(b), lockable spaces, and appropriate locations for bicycle parking.

- Outdoor patio space. The applicant proposed a 500 square foot patio space south of the building. The Planning Commission discussed whether memorializing the patio space in the Special Use Permit conditions was necessary. Discussion included the location of the patio between two (2) residential buildings with student housing and the importance of providing on-site gathering space for residents.

The staff report and supporting documentation presented to the Planning Commission can be found starting at page 5 at the following link:

<https://civicclerk.blob.core.windows.net/stream/CHARLOTTESVILLEVA/b45632d2-be8b-48ea-b93f-643028af41e7.pdf?sv=2015-12-11&sr=b&sig=KaJTyqsz8PLhuAU63TkGTae5L3Q%2BvyPNqCRuwefpEt8%3D&st=2021-04-15T11%3A31%3A54Z&se=2022-04-15T11%3A36%3A54Z&sp=r&rsc=cache&rsct=application%2Fpdf>

### **Alignment with City Council's Vision and Strategic Plan:**

The City Council Vision of *Quality Housing Opportunities for All* states that “Our neighborhoods retain a core historic fabric while offering housing that is affordable and attainable for people of all income levels, racial backgrounds, life stages, and abilities. Our neighborhoods feature a variety of housing types, including higher density, pedestrian and transit-oriented housing at employment and cultural centers. We have revitalized public housing neighborhoods that include a mixture of income and housing types with enhanced community amenities. Our housing stock is connected with recreation facilities, parks, trails, and services.” The applicant proposes retaining a historic contributing structure while providing increased residential density in close proximity to the University of Virginia and community amenities such as Washington Park and the Corner shopping district.

### **Community Engagement:**

Per Section 34-41(c)(2), the applicant held a community meeting on December 9, 2020. A City Planner was able to attend as a NDS representative. No neighborhood concerns were provided at the community meeting.

Several community members provided comments to staff via email. A common concern noted was the impact to neighborhood parking availability and traffic patterns as a result of the proposed increased residential density.

The Planning Commission held a joint public hearing with City Council on this matter on April 13, 2021. Two (2) members of the public spoke on the application. The members of the public raised concerns regarding:

- Changes to traffic on the circle due to increase of students living on the street. The community member noted students drive the wrong way down University Way (one-way street). The majority of students have cars, and the community member expressed concern that new residents would impact on-street parking availability.
- The property owner's focus on student housing, the lack of bicycle use by students, and the number of students that may reside on the subject property. The community member noted concerns regarding student behavior, and have previously engaged the University of Virginia on student behavior.

**Budgetary Impact:**

No direct budgetary impact is anticipated as a direct result of this Special Use Permit.

**Recommendation:**

Staff recommends the application be approved with conditions. The Planning Commission voted 5-0 to recommend the application be approved with conditions modified from the proposed staff conditions.

**Alternatives:**

City Council has several alternatives:

- (1) by motion, approve the requested Special Use Permit as recommended by the Planning Commission with the following suggested motion;

“I move the adoption of the Resolution included in our agenda materials, granting this Special Use Permit within SP21-00003.”

- (2) by motion, request changes to the attached resolution, and then approve the Special Use Permit;
- (3) by motion, take action to deny the Special Use Permit;

Or

- (4) by motion, defer action on the Special Use Permit.

**Attachment:**

- A. Proposed Resolution

**RESOLUTION  
APPROVING A SPECIAL USE PERMIT  
FOR PROPERTY LOCATED AT  
64 UNIVERSITY WAY (LYNDHALL APARTMENTS)**

**WHEREAS**, landowner Neighborhood Investments, LLC (“Landowner”) is the current owner of certain land identified within the City’s real estate records by Real Estate Parcel Identification No. 050048000, currently having a street address of 64 University Way, and having an area of approximately 0.34 acre (14,810 square feet) (the “Subject Property”); and

**WHEREAS**, Landowner proposes to renovate the existing multifamily dwelling (“Building”) located on the Subject Property, to increase the number of dwelling units within the Building, and seeks a special use permit to authorize an overall residential density of 48 dwelling units per acre (DUA) within the area of the Subject Property, together with certain changes to the parking and landscaping within the Subject Property (collectively, the “Project”); and

**WHEREAS**, the Subject Property is located within the R-3 (Residential, medium-density residential) zoning district, a district in which, according to the Use Matrix set forth within City Code 34-420, additional residential density may be authorized by City Council by means of a special use permit; and

**WHEREAS**, the Project is described in more detail within the Landowner’s application materials submitted in connection with SP21-00003, 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 April 13, 2021; and

**WHEREAS**, upon consideration of the comments received during the joint public hearing, the information provided by the Landowner within the 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 subject to suitable regulations and safeguards; and

**WHEREAS**, upon consideration of the Planning Commission’s recommendation, the Staff Report, comments received at the public hearing, 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 regulations and safeguards 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**, that a special use permit is hereby approved and granted to authorize residential density of up to 48 dwelling units per acre for a Project to be constructed within the Subject Property, subject to the following conditions:

1. Upon completion of the Project, the Building shall contain, in the aggregate, no more than 16 dwelling units, and not more than 24 bedrooms.
2. Pursuant to §34-162(a):
  - a. the side setbacks required by City Code §34-353(a) are hereby modified; all side setbacks shall be 10 feet, minimum;

- b. the off-street parking offset requirements required by City Code §34-972(b)(6) are hereby modified to require no minimum setback;
- c. the off-street parking requirements of City Code §34-984 are hereby modified to reduce required off-street parking spaces by two (2) spaces.

3. Outdoor lighting shall be provided only at building entrances. All outdoor lighting and light fixtures shall be full cut-off luminaires. Light spillover from luminaires onto public streets or abutting lots shall not exceed one-half (0.5) foot candle. A spillover shall be measured horizontally and vertically at the property line or edge of public right of way or public easement, whichever is closer to the luminaire.

4. A total of at least sixteen (16) bicycle parking spaces shall be provided within the area of the Subject Property, as follows:

- a. At least eight (8) bicycle lockers,
- b. At least eight (8) outdoor bicycle parking spaces on site.

5. The specific Project for which additional residential density is authorized by this special use permit is the Project described within the Application Materials, including, without limitation: the design, Building height, Building footprint, parking areas, landscaping and other characteristics described or depicted within the site plan exhibit dated January 15, 2021, included among the Application Materials. Except as may otherwise be required in order to comply with requirements of the zoning ordinance or the City's Standards and Design Manual, or with other conditions of this special use permit: any change in the material aspects of the Project that is inconsistent with the representations made within the Application Materials shall require a modification of this Special Use Permit. Without limiting the foregoing, the following are deemed material aspects of the Project for purposes of this special use permit approval:

- a. The number of dwelling units and bedrooms within the renovated Building, as authorized by the overall density approved within this special use permit,
- b. The height and footprint of the existing Building, and
- c. The size, location and configuration of the outdoor patio proposed to be established on the south side of the Building.

6. No construction or improvements shall be commenced prior to approval of a final site plan for the Project and approval of a permit authorizing land-disturbing activities pursuant to Section 10-9. For purposes of Chapter 10 of the City Code, demolition activities shall be planned and built into the erosion & sediment control plan and stormwater management plan (if required), as part of the overall plan for the development of the Subject Property, and no such demolition shall be undertaken as a stand-alone activity.

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	May 3, 2021
Action Required:	Consideration of an application for a Critical Slope Waiver
Presenter:	Carrie Rainey, Senior Planner, Neighborhood Development Services
Staff Contacts:	Carrie Rainey, Senior Planner, Neighborhood Development Services
Title:	<b>P21-0013 – 915 6<sup>th</sup> Street SE, request for a Critical Slope Waiver</b>

**Background:**

Justin Shimp of Shimp Engineering, acting as agent for Barry Schmidt of Rayonix, LLC, owners of Tax Map 27 Parcel 36 (“Subject Property”) has requested a Critical Slope Waiver for the Subject Property to permit construction of a development with 21 multi-family residential units in a three (3) story building and associated improvements. The Subject Property is currently zoned Downtown Extended Corridor (DE) Mixed Use Corridor District.

Existing critical slope areas located on this Property include 0.25 acres or 32.5% percent of the project site. The applicable definition of “critical slope” is as follows:

Any slope whose grade is 25% or greater, and (a) a portion of the slope has a horizontal run of greater than 20 feet, and its total area is 6,000 SF or greater, and (b) a portion of the slope is within 200 feet of a waterway. See Section 34-1120(b)(2).

**Discussion:**

The Planning Commission considered this application at their meeting on April 13, 2021. The discussion centered on:

- The differences in this application and the previous Critical Slope Waiver application denied by City Council in 2019. The current application proposes disturbance to 0.08 acres of the on-site critical slopes (32.5%) while the previous application proposed disturbance to 0.21 acres of the on-site critical slopes (84%). The previous application included a second building adjacent to frontage on 2<sup>nd</sup> Street SE, the majority of which includes critical slopes.
- Vehicular access to the subject property and required off-street parking. The Planning Commission discussed whether requiring the applicant to utilize allowable parking reductions of Section 34-985(b) would reduce impacts to the critical slopes. The Planning Commission discussed potential modifications to the proposed parking lot including removing the sidewalk connecting the parking lot to the building, removing the most northwestern parking space, removing buffers between the subject property and adjacent low density residential areas, and securing an agreement to utilize parking on the adjacent IX property (201-239 Elliott Avenue) to meet the off-street parking requirements. The Planning Commission discussed the potential to utilize the adjacent alley connecting 6<sup>th</sup>

Street SE to Rayon Street to provide vehicular access to the site or to minimize the required buffer of Section 34-579. Staff clarified the buffer must be contained within the subject property.

- The applicant's description of the western slope as the natural slope and the northern slope is a man-made slope. The Planning Commission asked staff for clarification on whether modifications to the northern slope (as requested) would impact the western slope. Staff clarified modifications to the northern slope would not impact the western slope, however drainage from the project area could impact both slopes. The conditions proposed by staff serve to provide additional protect for both slopes.
- The current application's lack of clarity regarding construction sequencing and erosion and sediment control measures. The Planning Commission discussed the conditions proposed by staff to minimize impacts of construction to the critical slopes.
- The potential to save mature trees within the limits of disturbance. The applicant discussed the difficulty in maintaining mature tree health when nearby land is disturbed by construction. The conditions proposed by staff require replanting of trees removed from the critical slope area at a ratio of three (3) to one (1) with locally native trees to provide habitat rehabilitation.

The staff report and supporting documentation presented to the Planning Commission can be found starting at page 47 at the following link:

<https://civicclerk.blob.core.windows.net/stream/CHARLOTTESVILLEVA/b45632d2-be8b-48ea-b93f-643028af41e7.pdf?sv=2015-12-11&sr=b&sig=KaJTyzsz8PLhuAU63TkGTae5L3Q%2BvyPNqCRuwefpEt8%3D&st=2021-04-15T11%3A31%3A54Z&se=2022-04-15T11%3A36%3A54Z&sp=r&rsc=cache&rsct=application%2Fpdf>

### **Alignment with City Council's Vision and Strategic Plan:**

The City Council Vision of *Quality Housing Opportunities for All* states that "Our neighborhoods retain a core historic fabric while offering housing that is affordable and attainable for people of all income levels, racial backgrounds, life stages, and abilities. Our neighborhoods feature a variety of housing types, including higher density, pedestrian and transit-oriented housing at employment and cultural centers. We have revitalized public housing neighborhoods that include a mixture of income and housing types with enhanced community amenities. Our housing stock is connected with recreation facilities, parks, trails, and services." The applicant proposes new residential units in close proximity to the Downtown Mall, downtown amenities, and Tonsler Park.

### **Community Engagement:**

In line with Section 34-1120(b)(6)(b), property owners and occupants within 500-feet of the subject property, as well as neighborhood association leaders, were notified of the Planning Commission's meeting. One (1) member of the public spoke on the application. The community member asked for clarification on the proposed on-site parking, which is proposed to be a surface parking lot (and not a parking garage). The community member asked for clarification that the existing single family home would be removed and a multi-family residential building would be constructed. The community member noted concern with the proposed parking's location on a hill and the difficulty of parking cars on a hill.

Two (2) community members provided comments to the Planning Commission and City Council via email. Noted concerns include the impact to neighborhood traffic and parking patterns, the

existing pedestrian network, affordability, proposed residential density, and potential alley use by residents of the proposed development.

**Budgetary Impact:**

No direct budgetary impact is anticipated as a direct result of this Critical Slope Waiver.

**Recommendation:**

Staff recommends the application be approved with conditions. The Planning Commission voted 5-0 to recommend the application be approved with conditions as proposed by staff.

**Alternatives:**

City Council has several alternatives:

- (1) by motion, approve the requested Critical Slope Waiver as recommended by the Planning Commission with the following suggested motion;

“I move the adoption of the Resolution included in our agenda materials, granting this Critical Slope Waiver within P21-0013, based on a finding that due to unusual physical conditions, or the existing development of the property, compliance with the City’s critical slopes regulations would prohibit or unreasonably restrict the use or development of the property, per Section 34-1120(b)(6)(d)(ii).”

- (2) by motion, request changes to the attached resolution, and then approve the Critical Slope Waiver;
- (3) by motion, take action to deny the Critical Slope Waiver;

Or

- (4) by motion, defer action on the Critical Slope Waiver.

**Attachment:**

- A. Proposed Resolution

**RESOLUTION APPROVING A REQUEST FOR  
WAIVER OF CRITICAL SLOPES PROVISIONS  
PURSUANT TO CITY CODE SECTION 34-1120(B)(6)  
FOR 915 6<sup>th</sup> STREET, S.E.**

**WHEREAS**, Rayonix, LLC is the owner (“Landowner”) of certain property having an address of 915 6<sup>th</sup> Street, S.E., further identified within City real estate records by Real Estate Parcel Identification No. 270036000 (the "Property"), and Landowner seeks a waiver of the critical slopes requirements of City Code Sec. 34-1120(b)(6) to allow for construction of a multi-family residential development containing one building with 21 one- and two-bedroom multi-family residential units and a surface parking lot on the Property (the “Project”); and

**WHEREAS**, the Planning Commission considered this request at their regular meeting on April 13, 2021, and recommended approval of the request for a waiver of the critical slopes requirements, pursuant to City Code Sec. 34-1120(b)(6); and

**WHEREAS**, upon consideration of the information and materials provided by the Landowner, and the recommendation of the Planning Commission, the City Council finds and determines pursuant to City Code Sec. 34-1120(b)(6)(d)(ii) that due to unusual physical conditions, or the existing development of the property, compliance with the City’s critical slopes regulations would prohibit or unreasonably restrict the use or development of the property; now, therefore,

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLOTTEVILLE** that the request by Rayonix, LLC for a waiver of the critical slopes requirements for the above-described Project, is hereby granted, conditioned upon the following:

1. The following erosion and sediment control measures shall be required, in excess of standard minimum requirements, in order to mitigate potential impacts to the undisturbed critical slope areas, tributary stream, and adjacent properties during land disturbance activities, per Section 34- 1120(b)(1)(a)-(c):
  - a. super silt fence (i.e., silt fence with chain-link backing) shall be installed wherever the erosion and sediment control plan specifies perimeter silt fencing;
  - b. at no time shall concentrated water be directed toward any area(s) of critical slope(s);
  - c. erosion and sediment control shall be provided in a minimum of four (4) stages. The first stage shall consist of initial/ preliminary controls and outfall construction. The second stage shall include establishment of a sediment trap and conveyances. The sequence shall dictate that no disturbance of any critical slope(s) area(s) (beyond what is necessary for establishment of perimeter



controls and conveyances) shall occur until after the sediment trap has been established and is functioning properly;

- d. Any and all land disturbing activity, in either sequence or space, planned or unforeseen, including, without limitation, activity necessary to establish the sediment trap, conveyances to the established sediment trap, or perimeter controls, shall be immediately stabilized with sod (for pervious areas, utilities within impervious areas should have other “same day stabilization” measures provided);
2. Trees removed from areas of critical slope(s) shall be replaced within those areas, at a three-to-one ratio (“Habitat Replacement Trees”). The Habitat Replacement Trees shall be locally native tree species appropriate for the site conditions. No tree(s) planted in any area(s) that contain buildings, parking lots, sidewalks, or other built improvements shall be counted as any Habitat Replacement Tree(s). The specific number and species of Habitat Replacement Trees will be determined by the applicant and the City based on available space and site conditions, and the size, location and species of all Habitat Replacement Trees shall be specified within the landscaping plan required by Sections §§34-861 et seq. of the Charlottesville City Code, as amended.



**AGENDA ITEM PLACEHOLDER**

Consent to Appointment of City Attorney