



CITY COUNCIL AGENDA August 2, 2021

Members

Nikayah 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 (legal consultation) CANCELED~~
Virtual/electronic meeting

6:30 p.m. Regular Meeting

Register at www.charlottesville.gov/zoom. Virtual/electronic meeting in accordance with a local ordinance amended and re-enacted April 19, 2021, to ensure continuity of government and prevent the spread of disease during a declared State of Emergency. Individuals with disabilities who require assistance or special arrangements to participate in the public meeting may call (434) 970-3182 or submit a request via email to 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

CONSENT AGENDA*

1. Resolution: Appropriating funds for the Virginia Department of Education Special Nutrition Program Summer Food Service Program - \$200,000 (2nd reading)
2. Resolution: Appropriating funds for Virginia Housing Solutions Program Grant Award - \$539,333 (2nd reading)
3. Resolution: Appropriating previously approved funds to the Albemarle Charlottesville Historical Society for the purpose of identifying the individuals interred in the unmarked graves at Pen Park and their descendants - \$2,500 (2nd reading)
4. Resolution: Appropriating previously approved funds for a match of a Virginia Department of Historic Resources 2021-2022 State Survey and Planning Cost Share Program grant for Phase 1 of the Charlottesville Downtown Mall Historic Landscape Study and Management Plan - \$10,000 (2nd reading)
5. Resolution: Appropriating funds for Family First Prevention Services Act for the Department of Social Services Family Services staffing - \$164,607 (1st of 2 readings)

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.

ACTION ITEMS

6. Ordinance: Approving a rezoning application at 1206 Carlton Avenue, per recommendation of the Planning Commission (1st of 2 readings)

7. Resolution*: Approving a Special Use Permit at 1206 Carlton Avenue, per recommendation of the Planning Commission (1 reading)
8. Resolution*: Approving Critical Slopes Waiver for Charlottesville Redevelopment and Housing Authority (CRHA) South First Street (1 reading)
9. Resolution*: Providing for the issuance and sale of general obligation refunding bonds in an aggregate principal amount not to exceed \$40,000,000, providing for the form, details and payment of such bonds, and for the refunding of certain outstanding general obligation bonds of the City (1 reading)

GENERAL BUSINESS

10. Report: Update on reconstitution of services for City government operations

OTHER BUSINESS and QUESTIONS FOR CITY MANAGER FOLLOW-UP

MATTERS BY THE PUBLIC

*Action Needed

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	July 19, 2021
Action Required:	Approval and Appropriation
Presenter:	Riaan Anthony, Parks and Recreation Management Specialist
Staff Contacts:	Riaan Anthony, Parks and Recreation Management Specialist Vic Garber, Parks and Recreation, Deputy Director
Title:	Resolution Appropriating Funds for the Virginia Department of Education Special Nutrition Program Summer Food Service Program - \$200,000

Background:

The City of Charlottesville, through the Parks and Recreation Department, has received approval for reimbursement of up to \$200,000 from the Virginia Department of Education Special Nutrition Program to provide free breakfast and lunch to children attending summer camp programs, and dinner to our community housing centers.

Discussion:

Charlottesville Parks and Recreation will operate five Summer Camp programs and four community housing centers (Westhaven, Friendship Court, South First, and Greenstone) throughout the City of Charlottesville. These sites serve children in Pre K-9th grades, for six weeks during the summer, June 21- July 30. Various activities are planned from 9:00am-4:00pm, Monday through Friday. This summer we will be sponsoring the Girls and Boys Club and the YMCA. The reimbursement will cover the costs of a nutritious meals at these locations, which also have an educational/enrichment component. The Virginia Department of Education Special Nutrition Program provides a free, nutritious breakfast and lunch for these children, and the community housing centers will provide a free, nutritious dinner. Most of the children served receive free or reduced meals during the school year. Over 1000 children were enrolled in Summer Camps two years ago.

The \$200,000 appropriation covers the cost of the food and administration of the summer food service program. The breakfast and lunches are purchased through the City of Charlottesville School Food Service and the dinners will be purchased through Pearl Island Foods, LLC. The Parks and Recreation Department pays the bills to the City of Charlottesville Food Service and Pearl Island Food, LLC, and is then reimbursed by the Virginia Department of Education Special Nutrition Programs.

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 to be a safe, equitable, thriving, and beautiful community. Children will receive nutritious breakfast, lunch and/or dinner, hopefully replacing a meal that did not exist or providing a healthier balanced option for them.

Community Engagement:

N/A

Budgetary Impact:

This has no impact on the General Fund as there is no local match required. The funds will be expensed and reimbursed to a Grants Fund.

Recommendation:

Staff recommends approval and appropriation of funds.

Alternatives:

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

Attachments:

Appropriation

**RESOLUTION APPROPRIATING FUNDS FOR
Virginia Department of Education Special Nutrition Program
Summer Food Service Program
\$200,000**

WHEREAS, the City of Charlottesville, through Parks and Recreation, has received approval for reimbursement up to \$200,000 from the Virginia Department of Education Special Nutrition Program to provide free breakfast and lunch to children attending summer camp programs; and

WHEREAS, the grant award covers the period from period June 21, 2021 through October 31, 2021.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, which the sum of \$200,000, received from the Virginia Department of Education Special Nutrition Program, is hereby appropriated in the following manner:

Revenue – \$200,000

Fund: 209 Internal Order: 1900417 G/L Account: 430120

Expenditures - \$200,000

Fund: 209 Internal Order: 1900417 G/L Account: 530670

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$200,000 from the Virginia Department of Education Special Nutrition Program.

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	July 19, 2021
Action Required:	Resolution to Appropriate
Presenter:	Kaki Dimock, Director, Human Services
Staff Contacts:	Kaki Dimock, Director, Human Services
Title:	Resolution to Appropriate Funds for Virginia Housing Solutions Program Grant Award (\$539,333)

Background:

The Department of Human Services in coordination with the Thomas Jefferson Area Coalition for the Homeless (T.J.A.C.H.) and the Service Provider Council (S.P.C.), applied for and received a grant from the Virginia Department of Housing and Community Development. The Virginia Housing Solutions Program award is \$539,333 and is a renewal contract for the program for July 1, 2021 – June 30, 2022.

Discussion:

The City of Charlottesville has staff from the departments of Human Services and Social Services taking leadership roles in the governance of T.J.A.C.H. V.H.S.P. is an important resource in our community's efforts to end homelessness. The grant provides services in several points along the local continuum of services:

1. **Coordinated Assessment:** The Haven serves as the physical front door to the homelessness system of care, using an evidence-based tool for determining priority access to available resources.
2. **Emergency Low Barrier Shelter** P.A.C.E.M. provides a low-barrier shelter for adults using rotating local churches for support.
3. **Rapid Re-Housing & Housing Navigation:** The Haven screens and administers rapid re-housing assistance and housing navigation to households experiencing homelessness.
4. **Case Management:** The Haven provides supportive services including crisis intervention, case management and service referrals.
5. **Homeless Management Information System(H.M.I.S.):** The City of Charlottesville as the award recipient will ensure that H.M.I.S. data is complete through an agreement with T.J.A.C.H. to have the Executive Director ensure data quality. Our Continuum of Care(C.O.C.) has a well-populated database for individuals experiencing homelessness. HMIS collaboration provides real-time monitoring of the needs and progress of individuals and households facing homelessness. Collaborative use of H.M.I.S. among T.J.A.C.H.

Continuum of Care Service Providers expedites communication and reduces the need to interface disparate documentation systems.

6. **Coalition Coordination:** The Thomas Jefferson Area Coalition for the Homeless provides leadership and coordination for the required local homelessness continuum of care.
7. **Administration:** The City of Charlottesville, as the award recipient, is eligible for an administrative fee. Staff proposes that we pass these dollars through to T.J.A.C.H. in recognition of staff time spent processing checks and managing this grant process.

Community Engagement:

This grant and plan are the product of extensive engagement of the service provider community for persons experiencing homelessness. This partnership is reflective of the new governance model for T.J.A.C.H. and the priority requests of the Interfaith Movement Promoting Action by Congregations Together (IMPACT).

Alignment with City Council's Vision and Strategic Plan:

This grant advances the City of Charlottesville's Strategic Plan Goal #1 of an inclusive community of self-sufficient residents. Specifically, it will facilitate the objective of increasing affordable housing options.

Budgetary Impact:

This grant will be entirely State, and Federal pass-through funds. No local match is required. There is no budget impact for the City of Charlottesville. All funds will be distributed to sub-recipients for service provision.

Recommendation:

Staff recommends approval and appropriation of grant funds.

Alternatives:

Council may elect to not accept the funds and the community will not have the capacity to administer the following services to persons experiencing a housing crisis: Emergency low-barrier shelter, coordinated assessment, rapid rehousing, H.M.I.S., coalition coordination and administration.

Attachments:

Resolution to Appropriate Funds
Sub Grant agreement amendment

**RESOLUTION TO APPROPRIATE FUNDS FOR
Virginia Housing Solutions Program Grant Award
\$539,333**

WHEREAS, The City of Charlottesville, through the Department of Human Services, has received the V.H.S.P. Grant from the Virginia Department of Housing and Community Development in the amount of \$539,333.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$539,333 is hereby appropriated in the following manner:

Revenues

\$463,566	Fund: 209	IO: 1900419	G/L: 430110 State Grant
\$75,767	Fund: 209	IO: 1900419	G/L: 430120 Federal Pass-Thru State

Expenditures

\$539,333	Fund: 209	IO: 1900419	G/L: 530550 Contracted Services
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BE IT FURTHER RESOLVED, that this appropriation is conditioned upon receipt of \$539,333 in funds from the Virginia Department of Housing and Community Development.

**GRANT AGREEMENT
VIRGINIA HOMELESS SOLUTIONS PROGRAM
Program Year 2021-2022**

22-VHSP-008

This Grant Agreement is made by and between the **Virginia Department of Housing and Community Development (“DHCD”)**, and **City of Charlottesville (“Grantee”)** for the period **July 1, 2021 to June 30, 2022** in the amount of **\$539,333**. Included in the amount is **\$463,566** in state general funds to be expended for outreach, emergency shelter operations, targeted prevention activities, rapid re-housing activities, centralized/coordinated entry, CoC/LPG planning, HMIS, and/or administration as indicated in the DHCD approved budget. Also included is **\$75,767** in federal funds to be expended for rapid re-housing and/or administration expenses incurred July 1, 2021 – March 31, 2022. Rapid re-housing activities are to be divided according to the chart below.

Rapid Re-housing	Allocation
State Rapid Re-housing	\$138,002
Federal Rapid Re-housing	\$75,598

The Grantee was identified as part of the community's emergency response system to homelessness in the 2020-2022 Homeless and Special Needs Housing (HSNH) Virginia Homeless Solutions Program (VHSP) renewal application submitted by the lead agency (or designee) of the continuum of care (CoC) or balance of state local planning group (LPG). Activities funded through this grant will be provided at the Grantee location(s) identified in DHCD's Centralized Application Management System (CAMS).

DHCD administers the Commonwealth of Virginia's homeless services resources through the VHSP. The Grant, which is the subject of this Agreement, is comprised of state funds through State General Fund appropriations and an allocation from the United States Department of Housing and Urban Development (HUD) authorized under the Emergency Solutions Grant for federal fiscal year 2021; the federal grant number is E21DC510001 and the Catalog of Federal Domestic Assistance (CFDA) number is 14.231. The Grant is subject to the terms, guidelines and regulations set forth in the 2020-2022 Homeless and Special Needs Housing Guidelines document, any subsequent amendments, the CoC/LPG proposal as amended through negotiations with DHCD, the DHCD approved Grantee budget, HUD regulations 24 CFR Part 576, as amended, which are incorporated by reference as part of this Agreement, the laws of the Commonwealth of Virginia and federal law.

I. Scope of Services

The VHSP goals are to assist households experiencing homelessness to quickly regain stability in permanent housing and to prevent households from becoming homeless. This funding will support coordinated community-based activities that are designed to reduce the overall length of homelessness in the community, the

number of households becoming homeless, and the overall rate of formerly homeless households returning to homelessness.

VHSP funds may be used for one or more of the following activities as detailed in the HSNH guidelines and must coincide with the year one request submitted by the CoC/LPG lead agency and approved by DHCD:

- Outreach
- Centralized or Coordinated Assessment/Entry System
- Targeted Prevention
- Emergency Shelter Operations
- Rapid Re-housing
- CoC Planning
- HMIS
- Administration

II. Conditions

A. Service Provision

The Grantee is responsible for coordination of VHSP activities with other CoC/LPG VHSP Grantees and mainstream resources. The Grantee must assure non-duplication of services with other VHSP Grantees.

B. Reimbursement

Funds are disbursed on a reimbursement based on payment dates. Grantees must submit remittances in DHCD's Centralized Application and Management System (CAMS) and be able to provide documentation that the work and services occurred within the grant period and the expenses were paid appropriately by the Grantee. Grantees may elect to submit remittances on a monthly or bi-monthly basis, the chart below reflects monthly submission dates. The option selected should be adhered to throughout the year. Supporting documentation must clearly indicate the period for which the reimbursement is requested.

Payment Period	Remittance Submission Timeframe
July 1-31, 2021	August 1-31, 2021
August 1-31, 2021	September 1-30, 2021
September 1-30, 2021	October 1-31, 2021
October 1-31, 2021	November 1-30, 2021
November 1-30, 2021	December 1-31, 2021
December 1-31, 2021	January 1-31, 2022
January 1-31, 2022	February 1-28, 2022
February 1-28, 2022	March 1-31, 2022
March 1-31, 2022	April 1-30, 2022
April 1-30, 2022	May 1-31, 2022
May 1-31, 2022	By June 5, 2022

A. Reporting

Grantees must submit reports as required by DHCD. Such reports may include, but are not limited to, outcomes and performance reports. Any required reports and their due dates will be announced by DHCD along with any relevant instruction. Submission of reports implies approval from the executive director and is considered final. DHCD reserves the right to withhold reimbursement payments if the Grantee fails to submit the reports.

Year-End Report

The Grantee must submit a year-end report no later than the fifth day of July 2022.

B. Continuum of Care Participation

Grantees must actively participate in the Homeless Management Information System (HMIS) and regional continuum of care or balance of state local planning groups. In addition, Grantees must assure full participation in annual point-in-time and housing inventory counts.

C. Accounting

The Grantee must adhere to Generally Accepted Accounting Principles (GAAP). The Grantee shall establish and maintain separate accounts within its existing accounting system or set up accounts independently. The Grantee shall record in its accounting system all grant payments received pursuant to the grant and all other match funds provided for, accruing to, or otherwise received on account of the grant.

All costs charged to the grant shall be supported by properly executed payrolls, timesheets, contracts, or vouchers evidencing in proper detail the nature and propriety of the charges. All checks, payrolls, contracts, vouchers, or other accounting documents pertaining in whole or in part to the grant shall be clearly identified, readily accessible, and separate and distinct from all other such documents. Such documents shall reside at the offices of the grantee.

D. DHCD Notification

Grantee must notify DHCD of any potentially illegal act, such as misuse of grant funds or fair housing violations, immediately upon knowledge of such act. In addition, Grantee must notify DHCD should any other local, federal or state agency uncover evidence of any potentially illegal act.

Grantee must notify DHCD if there is a change in agency management and/or fiscal personnel. Failure to do so will constitute a finding and may result in repayment of funds by the Grantee, the de-obligation of current funding and the preclusion of future funding.

A. Audit

All grantees, sub-grantees, CHDOs, and sub-recipients, localities, developers, or any other organizations that receive funding during a specific program year are required to submit one of the following financial documents: Financial Statement**, Reviewed Financial Statement prepared by an independent Certified Public Accountant (CPA), Audited Financial Statement prepared by an independent CPA or an 2 CFR 200 Subpart F Audit (Single Audit) prepared by an independent CPA. Please see the table below to determine which document your organization is required to submit.

The threshold requirements outlined below are the minimal standards required by DHCD. We strongly encourage all organizations receiving funds from DHCD to undertake the highest level of financial management review to ensure practices and procedures are fully examined and evaluated.

Threshold Requirement	Document
Total annual expenditures ≤\$100,000 – regardless of source	Financial Statement prepared by organizations**
Total annual expenditure between \$100,001 and \$300,000 – regardless of source	Reviewed Financial Statement prepared by an Independent Certified Public Accountant (CPA)
Total annual expenditures > \$300,000 – regardless of source	Audited Financial Statement prepared by an Independent CPA
Federal expenditures ≥\$750,000	2 CFR 200 Subpart F Audit - prepared by an Independent CPA

**Does not require preparation by a CPA

Entities shall file the required financial document in the Centralized Application and Management System (CAMS) within nine (9) months after the end of their fiscal year or 30 (thirty) days after it has been accepted (Reviewed Financial Statement, Audited Financial Statement, and 2 CFR 200 Subpart F Audit only) -whichever comes first.

The full DHCD Audit Policy, including an explanation of the specific document requirements, can be found online at:
http://www.dhcd.virginia.gov/images/DHCD/DHCD_Audit_Policy.pdf.

A. Compliance

Grantees with outstanding audit findings, IRS findings, DHCD monitoring findings or other compliance issues are not eligible to receive allocations. DHCD will work with all interested parties toward the resolution of unresolved matters, where appropriate.

B. Maintenance of Records

Records shall be readily accessible to DHCD, appropriate state and federal agencies, and the general public during the course of the grant agreement and shall remain intact and accessible for five years thereafter. The exception is in the event that any litigation claim or audit is started before expiration of the five year period, the records shall be retained until such action is resolved.

C. Costs Incurred Prior To Grant Agreement Execution

No costs incurred prior to the start of the contract period shall be eligible for reimbursement with grant funds, unless incurred costs are authorized in writing by DHCD.

D. Expenditure Review

DHCD will monitor expenditure rates to ensure state resources are maximized. Failure to expend funds proportionately throughout the contract period may result in the de-obligation of funds. DHCD reserves the right to de-obligate funds at any time during the contract period and reallocate as deemed appropriate within the CoC/LPG or statewide based on compliance, performance, need, and available funding.

E. Termination, Suspension, Conditions

If through any cause, the Grantee fails to comply with the terms, conditions or requirements of the contract documents, DHCD may terminate or suspend this Agreement by giving written notice of the same and specifying the effective date of termination or suspension at least five (5) days prior to such action.

In the case of contract violation by the Grantee, DHCD may request that all or some of the grant funds be returned, even if the Grantee has already expended the funds. The Grantee agrees to return such funds as requested by DHCD within 30 days of the written request.

A. Subsequent Contracts

The Grantee shall remain fully obligated under the provisions of the Grant Agreement notwithstanding its designation of any subsequent or third parties for the undertaking of all or part of the activities for which the Grant assistance is being provided to the Grantee.

The Grantee agrees to ensure that any contractor or subcontractor who is not the Grantee shall comply with all the lawful requirements of the Grantee necessary to ensure that the project for which this assistance is being provided under this Agreement are carried out in accordance with the Grantee's Assurances and Certifications.

B. Default

A default is any unapproved use of grant funds. Upon due notice to the Grantee of the occurrence of any such default and the provision of a reasonable opportunity to respond, DHCD may take one or more of the following actions:

- (1) direct the Grantee to submit progress schedules for completing approved activities;
- (2) issue a letter of warning advising the Grantee of the default, establishing a date by which corrective actions must be completed and putting the Grantee on notice that more serious actions will be taken if the default is not corrected or is repeated;
- (3) direct the Grantee to suspend, discontinue or not incur costs for the affected activity;
- (4) require the Grantee to reimburse DHCD for costs inappropriately charged to the program;
- (5) other appropriate action including , but not limited to, any remedial action legally available, such as affirmative litigation seeking declaratory judgment, specific performance, damages, temporary or permanent injunctions and any other available remedies.

No delay or omissions by DHCD in exercising any right or remedy available to it under the Agreement shall impair any such right to remedy or constitute a waiver or acquiescence in any Grantee default.

C. Conflict of Interest

Grantees shall ensure that the provision of any type or amount of assistance may not be conditional on an individual's or family's acceptance or occupancy of housing owned by the grantee, the sub-grantee, a parent organization, or subsidiary. Grantees/sub-grantees, parent organizations, or subsidiaries may not administer rapid re-housing or prevention assistance and use the assistance for households residing in units owned by the grantee/sub-grantee, parent organization, or subsidiary.

Individuals (employees, agents, consultants, officers, or elected or appointed officials of the grantee or sub-grantee) may not both participate in decision-making related to determining eligibility and receive any financial benefit. This financial benefit may not be received by the specific individual, any member of his/her immediate family or a business interest. The restriction applies throughout tenure in the position and for a one-year period following tenure.

A. Religious Influence

The Grantee may not engage in inherently religious activities, such as worship, religious instruction, or proselytization as part of the programs or services funded under VHSP. If an organization conducts these activities, then they must be offered separately, in time or location, from the programs or services funded under VHSP and participation must be voluntary for program participants.

I. Additional Assurances

A. Grantee will give the DHCD, the Comptroller, HUD and any other authorized state or federal representatives access to and the right to examine all records, books, papers, or documents related to the Grant.

B. In accordance with federal law, grantee will provide that no person shall be discriminated against on the basis of race, color, religion, sex, or national origin, in any phases of employment or in any phase of service delivery.

II. Additional Certifications:

The Grantee certifies that it will comply with the following:

(a) Freedom of Information Act (5 U.S.C 552) and Virginia Freedom of Information Act;

(b) Virginia Fair Employment Contracting Act;

(c) Fair Housing Act (42 U.S.C. 3601-20), and implementing measures under:

- 24 CFR 100 (discriminatory conduct under Fair Housing Act);
- Executive Order 11063 and regulations at 24 CFR 107 (preventing discrimination on basis of race, color, creed, or national origin);
- 24 CFR Part 8 (prohibiting discrimination against handicapped individuals);
- Title VIII of Civil Rights Act of 1968 as amended (prohibiting discrimination based on race, color, national origin, religion, sex, familial status [including children under the age of 18 living with

parents or legal custodians, pregnant women, and people securing custody of children under the age of 18], and disability)

(e) Age Discrimination Act of 1975 (42 U.S.C. 6101-07) and implementing regulations at:

- 24 CFR 146 (nondiscrimination on basis of age in HUD programs);
- Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794);

(f) 24 CFR 574.320 (Federal rent standards for rental assistance, requiring rents to be charged no greater than appropriate Fair Market Rent levels);

(g) 24 CFR Part 35 (Federal lead-based paint provisions, requiring visual inspections and stabilization of paint before commencement of occupancy);

(h) Adhere to Executive Orders 11625, 12432, and 12138, that Grantee must make efforts to encourage participation of minority and women-owned business enterprises in connection with funded activities;

- Encourage participation of locally-owned enterprises in connection with funded activities;

(i) McKinney-Vento Homeless Assistance Program Regulations;

(j) Anti-lobbying Certification;

(k) Drug Free Workplace.

If requested by DHCD:

1. A Grantee that is a unit of local government agrees to assume the status of a responsible Federal official under the National Environmental Policy Act (NEPA) of 1969 and other provisions of Federal law as specified at 24 CFR 58 and 58.5 and agrees to comply with these NEPA regulations.
1. All Grantees that are not units of local government agree to assist DHCD in carrying out 24 CFR 58 and 58.5.

The Agreement is hereby executed by the parties on the date set forth below their respective signatures as follows:

Virginia Department of Housing and Community Development



Pamela G. Kestner, Acting Deputy Director

07/01/2021

Date

City of Charlottesville



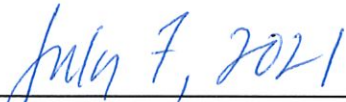
Signature



Name (printed or typed)



Title



Date

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



Agenda Date:	July 19, 2021
Action Required:	Approve Appropriation
Presenter:	Jeff Werner, Preservation and Design Planner
Staff Contacts:	Alex Ikefuna, NDS Director Jeff Werner, Preservation and Design Planner
Title:	Resolution Appropriating Previously Approved Funds to the Albemarle Charlottesville Historical Society for the purpose of identifying the individuals interred in the unmarked graves at Pen Park and their descendants - \$2,500

Background:

In December 2019, City Council approved funding for an archeological investigation to determine the presence of human graves outside the walls of a cemetery located at Pen Park. In November 2020, following completion of that work, staff reported to Council the likelihood of 43 unmarked and unrecorded graves outside the walls of the three, enclosed family plots, with the evidence suggesting the majority, if not all, of the graves are most likely those of individuals enslaved at Pen Park.

Council instructed staff that prior to marking or memorialize these graves, that an effort be made to identify possible descendants and consult with them. This matter was reported in the media and has been discussed openly by City Council and by the HRC; however, no possible descendants have yet come forward and staff lacks the resources to properly conduct the necessary research. Staff discussed this with the Albemarle Charlottesville Historical Society (ACHS) and subsequently established a collaborative effort to initiate that research, for which the City would make a \$2,5000 contribution to the ACHS.

Discussion:

An ACHS intern will be preparing an article about the cemetery for the ACHS magazine, with City staff providing information and input. Publication of the article will generate awareness of the site, with the hope that the story resonates with possible descendants, who then come forward. Additionally, the ACHS intern will collaborate on the informal research efforts by Dr. Shelley Murphy, Sam Towler, and other local historians regarding the identities of enslaved persons buried there and finding possible descendants. The intern will serve as a liaison with the researchers--coordinating regular updates; sharing germane information with others, others, helping them prioritize promising leads; and developing a repository for and organizer of the

information developed from that research.

It is acknowledged this initial effort will yield incomplete results, but it will generate a valuable data base and form the basis for future research. From that, future research can be better planned focused, and provide opportunities for grant funding towards that research. The goal this summer is to begin to fill in the blanks, to work with any identified descendants, and to begin the discussion on an appropriate way for the City to memorialize the individuals buried in the unmarked graves at Pen Park.

Alignment with City Council's Vision and Strategic Plan:

- Council's *Vision 2025*:
 - Charlottesville cherishes and builds programming around the evolving research and interpretation of our *historic heritage and resources*.
- City *Strategic Plan*:
 - Goal 3.5: Protect historic and cultural resources.
- Additionally, from the recommendations of the BRC on Race, Memorials, & Public Spaces:
 - Highlighting and Linking Historic Places: [...] council provide financial and planning support for historic resource surveys of African American, Native American and local labor neighborhoods and sites, seeking National Register listing and zoning and design guideline protection, where appropriate.

Community Engagement:

The goal of this effort is to begin that outreach into the community through the publication of an article and, we hope, to identify and contact possible descendants.

Budgetary Impact:

No new funding is necessary for this project. The \$2,500 will be allocated from previously appropriated funds already allocated for historic surveys and related research.

Recommendation:

Staff recommends that Council approve the resolution authorizing the \$2,500 contribution to the Albemarle Charlottesville Historical Society .

Alternatives:

Should the contribution not be appropriated, the City will lose an opportunity to collaborate with the Albemarle Charlottesville Historical Society in the effort to identify individuals interred in the unmarked graves at Pen Park and, subsequently, identify and contact possible descendants.

Attachments:

1. Draft resolution: Allocation of City funds to the Albemarle Charlottesville Historical Society for the purpose of identifying the individuals interred in the unmarked graves at Pen Park and their descendants.
2. November 2, 2020 staff update to City Council.

**RESOLUTION APPROPRIATING PREVIOUSLY APPROVED FUNDS TO
The Albemarle Charlottesville Historical Society for the purpose of identifying the
individuals interred in the unmarked graves at Pen Park and their descendants.
\$2,500**

WHEREAS, following the City-funded examination of possible unmarked graves at the Penn Park Cemetery, staff on November 2, 2020 reported to Council the likelihood of 43 unmarked and unrecorded graves outside the walls of the three, enclosed family plots, with the evidence suggesting the majority, if not all, of the graves are most likely those of individuals enslaved at Pen Park;

WHEREAS, Council directed staff that, prior to marking or memorialize these graves, an effort be made to identify and consult with possible descendants;

WHEREAS, staff has an opportunity to collaborate with the Albemarle Charlottesville Historical Society on research related to Council’s direction:

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia that the sum of \$2,500 from the New Historic Surveys fund be allocated to the Albemarle Charlottesville Historical Society for the purpose of researching the identities of individuals interred in the unmarked graves at Pen Park and, subsequently, identifying and contacting possible descendants.

Expenditure

\$2,500 Fund: 426 WBS: P-00484 G/L Account: 540010

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	November 2, 2020
Action Required:	Report
Presenter:	Jeff Werner, Preservation & Design Planner, Department of Neighborhood Development Services (NDS) Ben Ford, Ph.D., Principal, Rivanna Archaeological Services
Staff Contacts:	Jeff Werner, Preservation & Design Planner, NDS Alex Ikefuna, Director, NDS
Title:	Update on unmarked burials near the Gilmer/Craven/Hotopp Cemetery at Pen Park

Background:

On December 2, 2019, City Council approved a resolution authorizing the use of \$9,319 from the Department of Neighborhood Development Services Small Area Plans CIP fund to study the archeological evaluation of possible unmarked graves outside the enclosed family plots at the Gilmer/Craven/Hotopp Cemetery at Pen Park. With that approval, Council requested an update on the findings, after which options for next steps would be explored.

The City acquired Pen Park in the 1970s. *Pen Park*, as it was named by Dr. George Gilmer who acquired the property in 1777* 1786, changed ownership several times, with the occupants being the Gilmer family (from 1777*1786 to 1812), the Craven family (from 1819 to 1845), and the Hotopp family (from 1866 to 1904). While others owned and occupied Pen Park for brief periods, the Gilmers, Cravens, and Hotopps are the only families to establish cemeteries there. (*Dates corrected after November 2020 presentation to Council.)

The City retained the services of Rivanna Archeological Services (RAS) who, on July 15, 2020, coordinated with NAEVA Geophysics Inc. to conduct an examination of the site using Ground Penetrating Radar (GPR). Evaluation of the GPR data suggests the likelihood of 43 unmarked and unrecorded graves outside the walls of the three family plots, roughly in three rows and primarily to the east, *behind* the family plots.¹ The majority lie outside the Gilmer and Craven sections. Both families enslaved individuals and the evidence suggests these graves are most likely those of individuals enslaved at Pen Park. There are at least four apparent graves directly

¹ See page 26 of the RAS report. The 43 anomalies detected by GPR are consistent with human burials; however, it is likely there are additional graves not detected by the GPR and it is likely that some of the detected anomalies are not graves. However, taken together, all of the evidence indicates, without doubt, the presence of multiple unmarked and unrecorded human graves in the area examined.

outside the Hotopp section, possibly representing the graves of enslaved individuals or other individuals who lived on the property and were employed by the family. Three apparent graves are not within the cluster immediately east of the family plots cluster and are therefore difficult to interpret—one at the northeast corner of the Gilmer plot and two located several yards south of the Hotopp plot.

The GPR evidence indicates patterns in the subsurface anomalies—sizes, depths, alignment in rows, and an east-west orientation—consistent with human burials. Despite the strength of the GPR data, the number of likely graves can only be estimated. A precise determination of the number and location of graves would require physical disturbance of the upper layer of soil; however, RAS recommends—and staff concurs—that the GPR findings are conclusive enough to establish the presence of human graves, without physical disturbance, and that the area examined should be delineated and protected.

Discussion:

With these findings, staff has initiated or will initiate the following steps:

- Coordinate with the Department of Parks and Recreation to keep golf carts off the areas with unmarked graves. (See area indicated in Figure #1 on page 1 of the RAS report.)
- Coordinate with the Department of Parks and Recreation to record on the Pen Park site plan the location of the area within which unmarked graves were located, such that this area is not disturbed by any future work or activity. (See area indicated in Figure #17 on page 26 of the RAS report.)
- Outreach: Issue a press release about the findings and include a request to the community for any information about the unmarked graves—from oral histories, family traditions, etc. Seek assistance in community outreach through local groups such as the Preservers of the Daughters of Zion Cemetery, Jefferson School African American Heritage Center, Central Virginia History Researchers, and the Burke Brown Steppe Chapter of the Afro-American Historical and Genealogical Society.

Moving forward, staff recommends that Council consider the following:

- Number and locate unmarked graves: The archeologist and staff recommend that the area east of the family plots not be disturbed; however, Council may request further examination to provide a precise determination. (See detailed discussion below.)
- Identities: The community will likely ask if these individuals can be identified (i.e. DNA testing). Any attempt to do so would require invasive disturbance of the graves and the results would be speculative, at best. Staff does not recommend such an effort; however, should Council want more information, there are experts who can provide it.
- Research: The goal of the examination was to determine the existence of unmarked graves. This goal has been achieved. The project did not include exhaustive archival and documentary research that could provide information about the identities of who these individuals might be. Council could request that research.
- Remembrance: Council should request the Historic Resources Committee (HRC) provide recommendations on how to memorialize and interpret this site. While disrupted by the public health emergency, in developing an appropriate narrative for Court Square, the HRC

was planning to engage descendants of enslaved persons. A similar approach would be appropriate.

Additional suggestions (from RAS report):

Parks and Rec Planning

- Treatment of the vegetation at the Pen Park cemetery: The area surrounding the Pen Park cemetery enclosure is currently planted in sod but also contains large shrubs and trees. The City should consider creating management practices that address this vegetation. For example, should new plantings in the area of the newly identified burials be allowed? When a tree dies or needs to be removed, the City should make sure that disturbances are minimal and that stump grinding does not occur.
- Use of golf carts: The City may want to consider how golf carts are used in the vicinity of the Pen Park cemetery. Because of the adjacent 14th tee, golf carts frequently stop east of and adjacent to the Pen Park cemetery. Should the area containing the newly discovered burials be a restricted area where temporary parking of golf carts is prohibited? Should a more formal parking area for golf carts be created next to the 14th tee?
- Maintenance of the asphalt cart path: An asphalt surfaced golf cart path passes approximately 50 feet to the east of the Pen Park cemetery. The City should consider developing a policy for future repair and new construction of the golf cart path in the vicinity of the Pen Park cemetery.
- Maintenance of adjacent utilities: A sprinkler control box is located approximately 40 feet east of the brick enclosed Gilmer section of the Pen Park cemetery. Other buried utility lines may be located nearby. The City should consider developing a policy for future repair and new construction associated with water and electrical lines in the vicinity of the Pen Park cemetery.
- Public access to/use of the Pen Park cemetery:
 - **Developing an Event Policy**: The discovery of additional previously unidentified burials, most likely interments of enslaved African Americans held by the Gilmer, Craven and other families, as well as the potential future memorialization of the site, may mean that future visitors wish to hold commemorative events at the Pen Park cemetery. The City should consider the development of an event policy for the Pen Park cemetery that will take into account reasonable access to the park as well as potential conflicts with the use of the golf course.
 - **Public Access to the Pen Park cemetery**: The discovery of additional previously unidentified burials, as well as the potential future development of an educational and interpretive program in this location, may mean that more people will come to visit the Pen Park cemetery. The City should ensure that there is adequate public access to the Pen Park cemetery in the future. Currently the only access is via a concrete-surfaced pedestrian path. The City should consider the construction of a limited handicap access parking area, located in an appropriate place, that will allow all visitors adequate access to the site and which will facilitate the hosting of future commemorative events.

It should be noted that the three family plots remain in use. Descendants of the Gilmer, Craven, and Hotopp families have a right to access and use their plots. 1916 was the last burial in the Craven section. In 1991, George Gilmer, Jr. was interred in his family's plot (his

wife's remains will also be placed there). In 2008, Dorothy Hotopp Wilber was interred in the Hotopp family plot.

Additional Archaeological Research

Should the City of Charlottesville want to determine the precise location and number of all of the graves outside of the Pen Park cemetery, additional archaeological investigations would be recommended. While the GPR survey has identified a total of 43 potential grave shafts adjacent to the Pen Park cemetery, additional archaeological investigations have the ability to 1) confirm that each potential grave shaft is in fact a human interment and to locate additional human interments not previously identified by the GPR survey; 2) to pin point the precise location of each human interment; and 3) to further define the full spatial extent of the newly identified burials. Confirming the identify of potential grave shafts and knowing the full extent of the burials adjacent to and outside of the Pen Park enclosure will be helpful in planning for any future memorialization of the site, as well as for developing guidelines for the future use and maintenance of the vicinity.

The recommended additional archaeological investigations *will not excavate individual grave shafts or knowingly disturb or relocate any human remains*. However because any excavation within or adjacent to the Pen Park cemetery has the potential to recover human remains, it is recommended that any future archaeological work east of the Pen Park cemetery occur with oversight from the Virginia Department of Historic Resources. It is recommended that the City secure a Permit for Archaeological Excavation of Human Remains from the Virginia Department of Historic Resources. Securing this permit in advance of any future archaeological fieldwork ensures that the cemetery delineation work plan receives an additional layer of review and oversight. Additionally, the permit enables the archaeological consultant to manage inadvertently encountered human remains in the unlikely event of their discovery.

The goal of additional archaeological excavation adjacent to the Pen Park cemetery should be the positive location and identification of each human interment, and the full definition of the extent of burials. The most accurate means of identifying all human interments and defining the extent of burials within a cemetery is to remove the topsoil from the project area. At the interface of the topsoil and the underlying naturally occurring subsoil, the tops of the grave shafts will be recognizable by their shape as well as the coloring and disturbed nature of the fill soils they contain, differentiating them from the surrounding naturally occurring red clay subsoil. Archaeological investigations should consist of shallow, controlled excavation that will extend only to a depth sufficient to visually identify each burial, generally less than 1-foot below grade. This work can be conducted with the assistance of a backhoe with a smooth edged bucket enabling the shallow excavation and removal of topsoil over a large area. Extant trees within the project area will be avoided leaving small 'islands' of turf where tree roots will be protected. Archaeological excavation and removal of topsoil should extend to a point approximately 25 feet beyond the last identified burial, or to a point where excavation is no longer possible, thereby defining a reasonable boundary for the previously unidentified burials. Once all human interments are positively located and identified, a surveyor should be brought in to accurately locate each burial and any relevant cultural features within the project area. Once the individual grave shafts have been accurately mapped by a surveyor, a permeable landscape fabric should be

placed on top of the burials and the project area soils replaced. The area composing the newly identified burials, as well as any future memorialized area, should be entered as part of the legal record for Pen Park.

Alignment with City Council's Vision and Strategic Plan

- Council's *Vision 2025*:
 - Charlottesville cherishes and builds programming around the evolving research and interpretation of our *historic heritage and resources*.
- *City Strategic Plan*:
 - Goal 3.5: Protect historic and cultural resources.
- Additionally, from the recommendations of the Blue Ribbon Commission on Race, Memorials, & Public Spaces:
 - Highlighting and Linking Historic Places: [...] council provide financial and planning support for historic resource surveys of African American, Native American and local labor neighborhoods and sites, seeking National Register listing and zoning and design guideline protection, where appropriate.

Community Engagement

See the public outreach items noted in the *Discussion*. (Staff contacted the Preservers of the Daughters of Zion Cemetery and discussed ways to reach out to the descendant community.)

Budget Impact

No budget impact relative to the completion of this report. Additional actions, including those presented above, may require additional funding. These can be presented and discussed at a future meeting.

Recommendation

At this time, staff does not recommend any action by Council at the November 2, 2020 meeting. Given the scale, solemn nature, and sensitivity of this discovery, we recommend a period of reflection and discussion prior to any decision-making. We suggest that Council take the time to review the report and visit this site—staff can be available to provide insight and answer questions—and then plan for a thorough discussion at a future Council meeting.

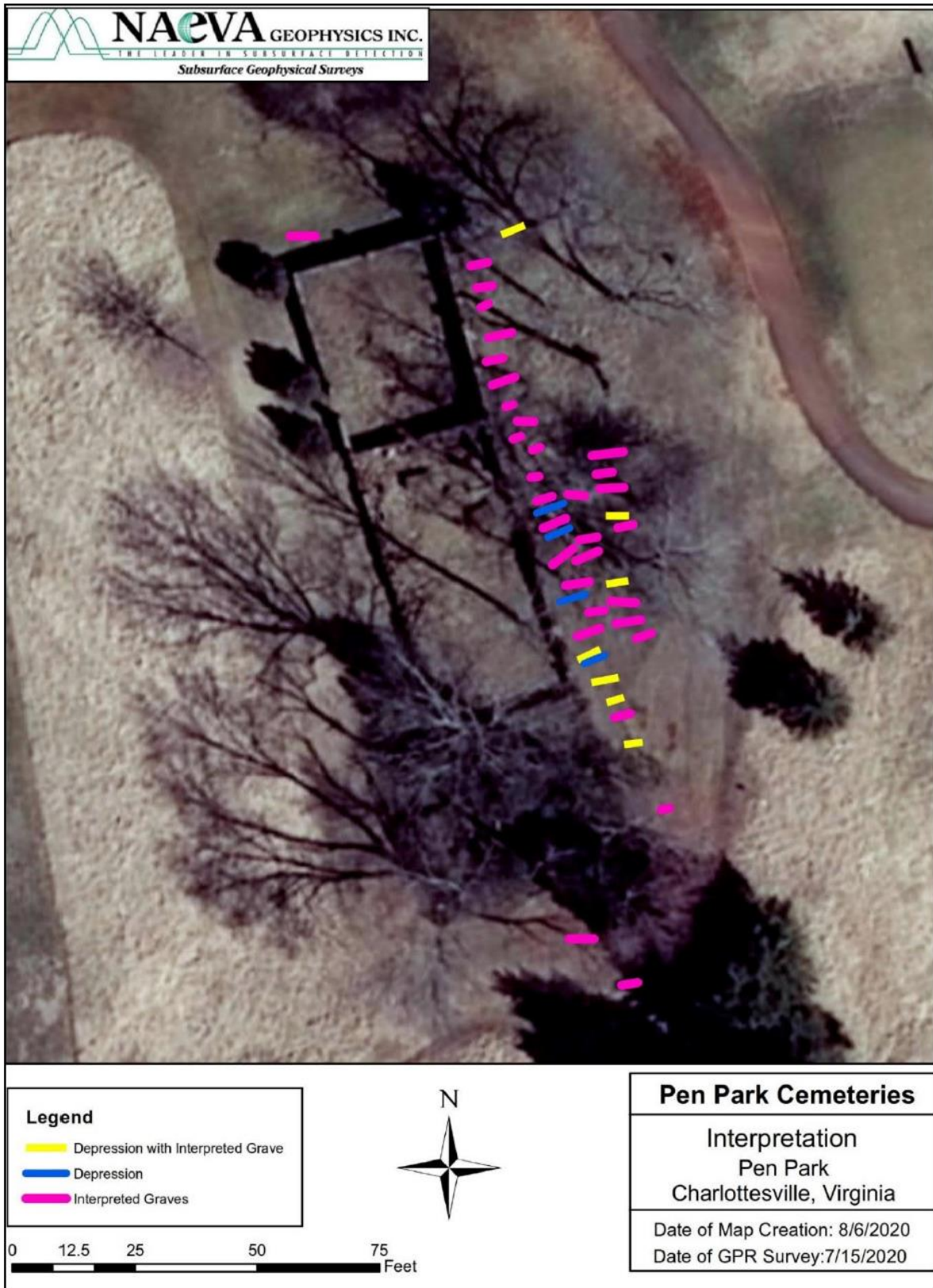
Alternatives

Council may decide to initiate action on items presented in the *Discussion*.

Attachments

- Map: Pen Park cemetery and GPR identified potential grave shafts. (Fig. #15, RAS report.)
- ~~Rivanna Archeological Services report, *The Pen Park Cemetery Survey*, dated October 15, 2020. (RAS report includes the Geophysical Investigation Report, dated October 9, 2020.)~~

Pen Park cemetery and GPR identified potential grave shafts. (Fig. #15, RAS report.)



CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	July 19, 2021
Action Required:	Appropriation of Funds
Presenter:	Jeff Werner, Preservation & Design Planner, Department of Neighborhood Development Services (NDS)
Staff Contacts:	Jeff Werner, Preservation & Design Planner, NDS Alex Ikefuna, Director, NDS
Title:	Resolution Appropriating Previously Approved Funds for a match of a Virginia Department of Historic Resources 2021-2022 State Survey and Planning Cost Share Program grant for Phase 1 of the Charlottesville Downtown Mall Historic Landscape Study and Management Plan - \$10,000

Background:

In FY 2018/2019 City Council allocated \$50,000 to the CIP's New Historic Surveys fund (Fund 426, WBS P-00484) for a Downtown Mall Historic Landscape Study and Management Plan.

The City of Charlottesville, through the Department of Neighborhood Development Services, has been awarded \$10,000 from the VDHR 2021-2022 State Survey and Planning Cost Share Program towards the initial phase of the Charlottesville Downtown Mall Historic Landscape Study and Management Plan. The total cost for this phase is \$20,000, with the City contributing \$10,000 from the Fund 426, WBS P-00484.

Note: This grant differs from the Certified Local Government Subgrant Program, where the City retains the consultant and VDHR reimburses the City with the awarded grant amount. With a Cost Share Program grant, VDHR will retain and pay the consultant using the grant and matching funds transferred by the City to VDHR.

Discussion:

The Mall is both an important designed-space for the community and a critical piece of City infrastructure. Following the criteria for a *cultural landscape report*, the goals for the project are establishing the Mall's importance as a constructed landscape and historic site and to developed appropriate guidelines for its long-term management.¹

¹ The completed study and plan will conform to the criteria established by the U.S. Department of the Interior. https://www.nps.gov/parkhistory/online_books/nps/cl_reports.pdf

The area to be evaluated is entirely within the public right of way and roughly encompasses the area between Water Street on the west and the Downtown Visitors Center on the east; and side streets in this area between East Market Street on the north, and Water Street on the south (including 2nd Street on the west through 5th Street on the east).

The Mall is part of the Charlottesville/Albemarle County Courthouse National Register Historic District and the Downtown Architectural Design Control District. Managed and maintained by several city departments, the mall also receives design and preservation oversight from the city's Board of Architectural Review.

Phase 1 of the Charlottesville Downtown Mall Historic Landscape Study and Management Plan consists of the following components:

- Conduct a reconnaissance-level, comprehensive survey of the Downtown Mall. Prepare and submit to VDHR a Preliminary Information Form (PIF), which will be used to evaluate a potential amendment to the existing National Register designation for the Charlottesville and Albemarle County Courthouse Historic District. The PIF narrative will include a general architectural and landscape description of the Downtown Mall, a brief history, and the maps and photos required for the PIF.
- With the reconnaissance historic survey, the consultant will conduct a conditions survey of Mall elements, with photographic and written documentation of site conditions.
- Deliverables from the survey fieldwork will include preparation and submittal of Virginia Cultural Resource Information System (V-CRIS) inventory forms and a survey report.
- The City has a tremendous amount of information related to the Downtown Mall, including the Halprin Plan, later modifications, and various maintenance plans and reports. The consultant will inventory this information.

Note: In 2022-2023, staff anticipates imitating the second phase of the project (summary below), for which staff will use the remaining CIP allocation and to also leverage those funds for additional grant funding.

- Development of a Treatment Plan: Working from the conditions survey, develop a lifecycle and maintenance plan for the Mall's elements and components. This will include outreach to stakeholder groups, a summary of maintenance responsibilities by agency and department, a summary of decision-making processes and entities involved as well, a recommended prioritization of maintenance and improvement projects, and recommendations for anticipation and accommodating changes in technology.

Alignment with Council Vision Areas and Strategic Plan:

Council's *Vision 2025*:

- Charlottesville cherishes and builds programming around the evolving research and interpretation of our historic heritage and resources.

City *Strategic Plan*:

- Goal 3.5: Protect historic and cultural resources.

Additionally, the proposed work is consistent with the City's Comprehensive Plan:

- **Urban Design.** Goal 1: Continue Charlottesville’s history of architectural and design excellence by maintaining existing traditional design features while encouraging creative, context-sensitive, contemporary planning and design.
 - 1.1: Promote a sense of place by emphasizing the importance of public buildings, public spaces, and other public improvements as opportunities to promote a distinctive, contextually integrated and a welcoming environment for residents and visitors.
 - 1.2: Promote Charlottesville’s diverse architectural and cultural heritage by recognizing, respecting, and enhancing the distinct characteristics of each neighborhood, historic district, individually designated historic property, and community node.
 - 1.6: Encourage the incorporation of meaningful public spaces defined as being available to the general public, into urban design efforts.

- **Resource Inventory.** Goal 4: Systematically inventory and evaluate all historic, cultural and natural resources, landscapes and open spaces as critical and historic elements that make the City special. Develop context narratives that provide the historical and architectural basis for evaluating their significance and integrity and provide the funding and resources necessary to conduct that work.
 - 4.4: Conduct additional survey work as needed to reevaluate existing ADC district boundaries.
 - 4.5: Survey and evaluate all City-owned property, including schools and parks, for historic and design significance and integrity.

- **Comprehensive Approach.** Goal 7: Coordinate the actions of government, the private sector, and nonprofit organizations to achieve preservation and urban design goals.
 - 7.2: Consider the effects of decisions on historic resources by all public decision-making bodies.
 - 7.8: Coordinate with the Public Works and Parks Departments regarding maintenance and construction that would affect historic features of the City’s neighborhoods. Where possible, maintain and repair granite curbs, retaining walls, distinctive paving patterns and other features instead of replacing them.

Community Engagement:

As with similar historic surveys conducted by the City, community input will be invited and encouraged; however, unlike the historic survey of a neighborhood, this work will examine only that part of the Mall within the City right of way. The second phase of the project, per the standards for such a plan, will include a more deliberate and robust level of community engagement.

Budgetary Impact:

No additional new funding is required. The City’s share, \$10,000, will be allocated from previously appropriated funds in the Historic Surveys capital improvement project account.

Recommendation:

Staff recommends approval and appropriation of the funds.

Alternatives:

The alternative is to not approve this project, which would be contrary to Comprehensive Plan's Historic Preservation goals.

Attachments:

- Draft resolution: Allocation of City funds to match a Virginia Department of Historic Resources 2021-2022 State Survey and Planning Cost Share Program grant for Phase 1 of the Charlottesville Downtown Mall Historic Landscape Study and Management Plan.
- April 1, 2021 application for the 2021-2022 Cost Share Grant. (Note: The initial request was for \$5,000. VDHR subsequently awarded the City a grant of \$10,000.)
- VDHR's 2021-2022 Cost Share Grant Locality Agreement letter (signed by City Manager)

**RESOLUTION APPROPRIATING PREVIOUSLY APPROVED FUNDS FOR
A match a of Virginia Department of Historic Resources 2021-2022 State Survey and
Planning Cost Share Program grant for Phase 1 of the Charlottesville Downtown Mall
Historic Landscape Study and Management Plan.
\$10,000**

WHEREAS, the City of Charlottesville, through the Department of Neighborhood Development Services, has been awarded from the Virginia Department of Historic Resources \$10,000 funding for Phase 1 of the Charlottesville Downtown Mall Historic Landscape Study and Management Plan;

WHEREAS, through the State Survey and Planning Cost Share Program, the Virginia Department of Historic Resources will retain, coordinate, and pay the consultant who completes Phase 1 of the Charlottesville Downtown Mall Historic Landscape Study and Management Plan, applying the \$10,000 grant to that cost;

WHEREAS, under the provisions of that grant, the City of Charlottesville contribute to the Virginia Department of Historic Resources a matching \$10,000 towards the consultant cost:

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$10,000 from the New Historic Surveys fund will be appropriated to the Virginia Department of Historic Resources in the following manner:

Expenditure

\$ 10,000 Fund: 426 WBS: P-00484 G/L: 530670

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the matching 2021-2022 State Survey and Planning Cost Share Program grant of \$10,000 for the fiscal year.

Approved by Council
July 19, 2021

Clerk of Council



COMMONWEALTH of VIRGINIA

Department of Historic Resources

2801 Kensington Avenue, Richmond, Virginia 23221

Matt Strickler
Secretary of Natural Resources

Julie V. Langan
Director

Tel: (804) 367-2323
Fax: (804) 367-2391
www.dhr.virginia.gov

June 11, 2021

Chip Boyles
Charlottesville City Manager
605 East Main Street
Charlottesville, VA 22902

RE: 2021-2022 Cost Share Grant Locality Agreement

Dear Mr. Boyles:

Attached please find the locality agreement for your 2021 Cost Share Grant for \$10,000. This project will include reconnaissance survey of approximately 50 resources, a Preliminary Information Form, and a conditions report for the proposed Downtown Mall Historic District. It is the Department of Historic Resources understanding that the City of Charlottesville will be able to provide \$10,000 in locality matching funds towards this project.

If you have any questions, please contact at blake.mcdonald@dhr.virginia.gov or (804) 482-6086.

We look forward to working with you on this project.

Sincerely,

Blake McDonald
Architectural Survey and Cost Share Program Manager
Virginia Department of Historic Resources

Eastern Region Office
2801 Kensington Avenue
Richmond, VA 23221
Tel: (804) 367-2323
Fax: (804) 367-2391

Western Region Office
962 Kime Lane
Salem, VA 24153
Tel: (540) 387-5443
Fax: (540) 387-5446

Northern Region Office
5357 Main Street
PO Box 519
Stephens City, VA 22655
Tel: (540) 868-7029
Fax: (540) 868-7033

**VIRGINIA DEPARTMENT OF HISTORIC RESOURCES
COST SHARE SURVEY AND PLANNING FUNDS AGREEMENT
CITY OF CHARLOTTESVILLE
FISCAL YEAR 2021-2022**

This agreement is entered into this day June 11, 2021, by the City of Charlottesville (the City) and the Virginia Department of Historic Resources (DHR), to fund reconnaissance level architectural survey of approximately 50 resources, a Preliminary Information Form, and a conditions report for the proposed Downtown Mall Historic District. It is the mutual hope and expectation of the City and DHR that this project will result in increased awareness about the location and significance of historic properties and will support the City's long term planning, education and development goals for this important place.

Witness that the City of Charlottesville and DHR, in consideration of mutual covenants, promises and agreements herein contained, agree as follows:

Scope of Agreement: With this agreement, DHR shall provide funding in the amount of \$10,000 for the project and the City of Charlottesville agrees that it will provide local matching funds in the amount of \$10,000.

DHR will serve as fiscal agent for the project and will assume administrative responsibility for hiring a qualified consultant, paying all bills, monitoring the progress of the project and ensuring final delivery of a satisfactory product by the scheduled deadlines. The City of Charlottesville will be invited to participate in developing the project scope of work and selecting the project consultant.

The City of Charlottesville will assume responsibility for notifying local residents and property owners about the project and arranging any necessary community meetings at the beginning of the project. The City of Charlottesville will receive copies of the interim submittals from the project consultant, and will be given the opportunity to review the materials, and provide additional guidance and feedback.

If the preferred consultant's cost for the project exceeds \$20,000, negotiations to reduce the scope of services will be explored. If the project cost exceeds \$20,000 after this negotiation and the City of Charlottesville decides not to pursue the project on account of additional cost, DHR will not invoice the City of Charlottesville \$10,000 for the amount of its contribution. If the project costs are less than \$20,000 DHR, in consultation with the locality, will explore the possibility of additional work to support the project. If no additional work is warranted, DHR will reduce the amount invoiced for the locality portion of the project by the saving amount.

Period of Performance: DHR Cost Share Program funds for this project are available until June 1, 2022, at which time all work on the project will be completed.

Funding Contingency: DHR Cost Share program funding is contingent upon budgetary considerations. It is understood and agreed among the parties herein that DHR shall be bound hereunder only to the extent of the funds available or which may hereafter become available for the purpose of this agreement. Should funding limitations curtail the project, any remaining funding provided by the City shall be returned by DHR within 30 days of project termination.

This agreement shall consist of:

1. This signed form
2. Any negotiated modifications to this Agreement agreed to by both parties in writing; and
3. DHR's contract documents with the consultant selected to carry out this project, all of which shall be incorporated herein

In witness whereof, the parties have caused this Agreement to be duly executed intending to be bound thereby.

APPLICANT:
THE CITY OF CHARLOTTESVILLE

BY: CP By 6

TITLE: CITY MANAGER

DATE: 06/15/2021

SOLICITOR:
DEPARTMENT OF HISTORIC RESOURCES

BY: _____

TITLE: _____

DATE: _____

CITY OF CHARLOTTESVILLE

“A World Class City”
Department of Neighborhood Development Services
City Hall Post Office Box 911
Charlottesville, Virginia 22902
Telephone 434-970-3182
Fax 434-970-3359
www.charlottesville.org



April 1, 2021

Blake McDonald
Virginia Department of Historic Resources
2801 Kensington Avenue
Richmond, VA 23221

RE: 2021-2022 Cost Share Grant

Dear Mr. McDonald,

On behalf of the City of Charlottesville, I am pleased to submit an application for the Virginia Department of Historic Resources 2021-2022 State Survey and Planning Cost Share Program. Attached, please find one application, signed, for the proposed *Charlottesville Downtown Mall Historic Landscape Study and Management Plan*.

The City of Charlottesville would very much like to partner with the Virginia Department of Historic Resources to complete this project. The first phase of this project is estimated to cost \$15,000. The City of Charlottesville is requesting a grant in the amount of \$5,000, with the remaining \$10,000 provided by the City.

If you have any questions, please contact me at 434-970-3130 or wernerjb@charlottesville.gov. Thank you for considering our request.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'J. Werner', is written over a horizontal line.

Historic Preservation and Design Planner

RFA Cover Sheet

In compliance with this Request for Applications and to all the conditions imposed therein and hereby incorporated by reference, the undersigned offers and agrees to enter into a Cost Share Locality Agreement in accordance with the attached signed application, or as mutually agreed upon by contract.

CERTIFICATION: I certify that the information in this application is accurate to the best of my knowledge, and that I am authorized to make this request. I agree to abide by all the terms and conditions set forth in this application and accompanying instructions, if selected for a Cost-Sharing Agreement.

Name and Address of Applicant(s):

Chip Boyles, Charlottesville City Manager

City of Charlottesville

605 East Main Street

Charlottesville, VA 22902

FEI/FIN No.: 54-6001202

By: CP Boyles

Title: City Manager

Date: 04/02/21

Phone No.: (434) 970-3101

Fax No.: _____

E-mail: boylesc@charlottesville.gov

Add sheets as necessary for multiple applicants, providing all requested information for each.

Survey Priority Checklist

Please select the survey priority or priorities that apply to this application:

- Provide broad-based survey coverage to areas that have never been adequately surveyed, or for which data is out of date (typically at least 10 years of age or older);
- Result in the nomination of new historic districts to the Virginia Landmarks Register and National Register of Historic Places or updates documentation of historic districts listed in the Virginia Landmarks Register and National Register of Historic Places that lack detailed inventories, and/or that need significant amendment;
- Include an area or resource type that is under threat from development pressures, severe weather, natural disasters, the effects of climate change, and/or other serious threats;
- Include an area or resource type that is under documented and/or relates to a historic context that is not well understood; and
- Identify and document resources associated with Virginia's culturally diverse history such as places associated with the Reconstruction Era (1861-1898), the Civil Rights Movement, LGBTQ, African-American, Asian-American, Latino, Native American and women's history.

Priority Statement

Please describe the proposed project objectives and how the project will address the jurisdiction's preservation priorities. Use additional pages as needed.

The City of Charlottesville Department of Neighborhood Services (NDS) is requesting 2021-2022 Cost Share Program funds toward a Historic Landscape Study and Management Plan for the City's Downtown Mall. The plan will have three components, with the goal of establishing guidelines for the long-term management of this modern urban, and vibrant historic landscape:

- Summary Historic Context and Design Evolution [Phase I]: A brief history of the mall's development and context, focusing on the Halprin & Associates design and its change over time.
- Summary Landscape Documentation [Phase I]: A description of the landscape as it exists today and an analysis of its historic integrity.
- Treatment [Phase II]: Treatment is the work carried out to achieve preservation goals for a historic landscape, guided by local input and national rehabilitation standards.

Given the scale of this undertaking, we propose scheduling this project over two grant rounds. The first phase of work would document the mall landscape and conditions through survey, with an accompanying survey report for historical context. The second phase of work will develop a robust management plan for mall infrastructure.

Using funds available from the City's New Historic Surveys Fund, the City will contribute \$10,000 towards the completion of the first phase of the project.

By phasing this work, we hope to ensure the creation of a robust report; comprised of the survey files, the survey report, and the management plan; that will remain useful in managing the Downtown Mall for years to come. The three constituent deliverables will inform and complement each other, but can still stand alone as informative documents in their own right.

Please see following page for expanded priority statement.

Priority Statement (continued)

Background: The downtown mall is an eight-block pedestrian street designed by Lawrence Halprin & Associates as part of a Charlottesville downtown revitalization project in the 1970s. Charlottesville's mall reflects Halprin's modern approach to urbanism, the local values expressed during a series of community design workshops in the early 1970s. Significant as a work of modern landscape architecture and for its innovative design process, the mall today continues to be an active public space.

The mall roughly encompasses the area between Water Street on the west and the Downtown Visitors Center on the east; and side streets in this area between East Market Street on the north, and Water Street on the south (including 2nd Street on the west through 5th Street on the east). The mall is part of the Charlottesville/Albemarle County Courthouse National Register Historic District and the Downtown Architectural Design Control District. Managed and maintained by several city departments, the mall also receives design and preservation oversight from the city's Board of Architectural Review.

Today the mall is thriving—although many other downtown pedestrian malls around the country have foundered. Significant as a work of modern landscape architecture and for its innovative design process, the mall today is a bustling public space. Filled with street musicians, business people, diners, joggers, and shoppers, the mall is characterized by distinctive fountains, outdoor furnishings, lighting, paving, tree bosques, and adjacent 19th and 20th century buildings.

Statement of Need: The intent of the study is to establish the mall's importance as a constructed landscape and historic site and create appropriate guidelines for its long-term management. While not individually listed on the National Register of Historic Places, the mall is likely eligible due to its design significance and the events of August 2017. Research, documentation, and analysis undertaken according to national preservation standards—and accompanied by coordinated input from local entities—will provide a foundation for the long-term management and protection of the mall. Additionally, a survey of the mall landscape and its current conditions will inform later decisions for its management. Appropriate management will not attempt to freeze the landscape in one "historic" condition; rather, the guidelines for this landscape will help the city achieve sensitively-designed repairs and updates that support the mall's current use while also protecting its distinctive historic character and features.

The mall should be viewed not only as an important *designed-space* for the community but also as a critical piece of *city infrastructure*. As one of the city's primary entertainment destinations for both residents and visitors, a robust lifecycle and maintenance plan is necessary for all of the mall's elements. This plan must account both for the preservation of the of the mall's historic elements and for its long-term viability and maintenance; from considering and respecting the design goals established by Halprin's plan to recommendations on adapting to future technology (i.e. lighting, WiFi) and adjusting to evolving community expectations. The plan is not intended to address privately owned land or buildings, however some issues may warrant evaluation as they relate to the public domain—for example, ADA accessibility; functionality of gutters and downspouts relative to storm water management and drainage; etc.) Additionally, the plan must account for the various agencies, city departments and governing bodies, private utilities, etc., and offer recommendations on coordination, cooperative planning, and efficient decision-making. The goal is a cohesive and coherent plan for proper stewardship of this community asset.

Priority Statement (continued)

The City of Charlottesville adopted its first local district ordinance in 1959 and adopted a Historic Preservation Plan in 1993. The City's 2013 Comprehensive Plan updated previous plans with a Historic Preservation chapter that includes nine historic preservation goals. This proposed work is consistent with least three key goals:

- *Urban Design*: This survey will contribute to how the Mall is treated and maintained as a designed public space.
- *Resources Inventory*: The Mall is City property within the Downtown Architectural Design Control (ADC) District, which was established in 1985 and has not been meaningfully surveyed since. The history of the Mall is also linked to the City's past in ways that have, recently, come under more scrutiny than in the past. At the west end of the Mall began the historically black commercial district of what was known as Vinegar Hill.
- *Resources Protection*: Maintenance of the Mall—Charlottesville's *outdoor living room*--is funded by the City and managed by the Department of Parks and Recreation. The Mall is a complex, constructed-landscape. It's components range from the visible bricks, trees, furniture, fountains, and lighting to the unseen drainage systems and buried utility lines. Decision-making ranges from the materials used for repairs to snow removal to the management of Halprin's willow oak bosques and public safety.

Comprehensive Plan excerpts:

Urban Design. Goal 1: Continue Charlottesville's history of architectural and design excellence by maintaining existing traditional design features while encouraging creative, context-sensitive, contemporary planning and design.

1.1: Promote a sense of place by emphasizing the importance of public buildings, public spaces, and other public improvements as opportunities to promote a distinctive, contextually integrated and a welcoming environment for residents and visitors.

1.2: Promote Charlottesville's diverse architectural and cultural heritage by recognizing, respecting, and enhancing the distinct characteristics of each neighborhood, historic district, individually designated historic property, and community node.

1.6: Encourage the incorporation of meaningful public spaces defined as being available to the general public, into urban design efforts.

Resource Inventory. Goal 4: Systematically inventory and evaluate all historic, cultural and natural resources, landscapes and open spaces as critical and historic elements that make the City special. Develop context narratives that provide the historical and architectural basis for evaluating their significance and integrity and provide the funding and resources necessary to conduct that work.

4.4: Conduct additional survey work as needed to reevaluate existing ADC district boundaries.

4.5: Survey and evaluate all City-owned property, including schools and parks, for historic and design significance and integrity.

Comprehensive Approach. Goal 7: Coordinate the actions of government, the private sector, and nonprofit organizations to achieve preservation and urban design goals.

7.2: Consider the effects of decisions on historic resources by all public decision-making bodies.

7.8: Coordinate with the Public Works and Parks Departments regarding maintenance and construction that would affect historic features of the City's neighborhoods. Where possible, maintain and repair granite curbs, retaining walls, distinctive paving patterns and other features instead of replacing them.

Scope of Work and Project Design

Please briefly describe the geographic, temporal, or thematic scope of the proposed project. Use additional pages as needed.

Survey Area and Description

The proposed historic resource and conditions survey area extends the length of Charlottesville's Downtown Mall, from its western end at the Omni Charlottesville Hotel to its eastern terminus at the Charlottesville Pavillion. The survey will not concern the buildings that line the mall, but the various plantings, paving, site furnishings, fountains, and other elements that encompass the landscape.

Proposal

The project proposal consists of several components. The following components are proposed for this upcoming grant cycle.

1. Conduct a reconnaissance-level, comprehensive survey of the Downtown Mall. Prepare and submit to VDHR a Preliminary Information Form (PIF) for the mall. It will be used to evaluate a potential amendment to the existing National Register designation for the Charlottesville and Albemarle County Courthouse Historic District. The PIF narrative will include a general architectural and landscape description of the Downtown Mall, a brief history, and the maps and photos required for the PIF.
2. Alongside the reconnaissance historic survey, the consultant will conduct a conditions survey of mall elements, with photographic and written documentation of site conditions.
3. Deliverables from the survey fieldwork will include preparation and submittal of Virginia Cultural Resource Information System (V-CRIS) inventory forms and a survey report.
4. The City has a tremendous amount of information about the Downtown Mall. The consultant will inventory this information.

The following project component will be proposed for the 2022-2023 grant cycle.

1. Working from the conditions survey, develop a lifecycle and maintenance plan for the mall's elements and components. This will include outreach to stakeholder groups, a summary of maintenance responsibilities by agency and department, a summary of decision-making processes and entities involved as well, a recommended prioritization of maintenance and improvement projects, and recommendations for anticipation and accommodating changes in technology.

Scope of Work for Phase 1

- A PIF report that complies with DHR Guidelines;
- All survey information will be recorded in DHR's V-CRIS system;
- A survey and conditions report of the Downtown Mall, with information to be submitted both digitally and as one loose-leaf bound hard copy.

Project Planning with DHR Staff

Have you corresponded with DHR's architectural historian for your region about this project? If yes, please describe.

City of Charlottesville staff have corresponded with Marc Wagner, Blake McDonald, and Aubrey von Lindern regarding this project.

This correspondence is attached in the following pages.

Re: Cost Share Funded Projects-Consider?

Von Lindern, Aubrey <aubrey.vonlindern@dhr.virginia.gov>

Tue 3/23/2021 8:58 AM

To: McDonald, Blake <blake.mcdonald@dhr.virginia.gov>

Cc: Werner, Jeffrey B <wernerjb@charlottesville.gov>; Wagner, Marc <marc.wagner@dhr.virginia.gov>; Watkins, Robert <watkinsro@charlottesville.gov>

**** WARNING:** This email has originated from **outside of the organization**. Do not click links or open attachments unless you recognize the sender and know the content is safe. **

Hi Jeff,

I echo the thoughts of my colleagues, this sounds like a great project. The CLG grant is a reimbursement grant and the City would have to pay the contractor and DHR would reimburse the City upon completion and submittal of a final product. And as you know, the CLG would be responsible for managing the project until completion.

Thank you and please let me know if you have any questions.

Aubrey

*Aubrey Von Lindern, Architectural Historian
Certified Local Government Coordinator
Northern Region Preservation Office
Virginia Department of Historic Resources
P.O. Box 519
Stephens City, VA 22655
Phone: (540) 868-7029*

On Tue, Mar 23, 2021 at 8:47 AM McDonald, Blake <blake.mcdonald@dhr.virginia.gov> wrote:

Hi Jeff,

Thanks for your question.

For a cost share grant, DHR is responsible for project administration. We would invoice the city for their portion of the project budget once we had selected a contractor (usually in early fall). DHR would then pay the contractor at intervals defined in the project scope. Unlike CLG grants, DHR's procurement office handles all of the contractor payments for cost share projects.

Let me know if you have any other questions.

Thanks again,

Blake

On Mon, Mar 22, 2021 at 6:37 PM Werner, Jeffrey B <wernerjb@charlottesville.gov> wrote:

Just got this question from accounting: Will VDHR reimburse the City for costs or are they paying the contractor/vendor directly and the City will have to pay the contractor/vendor for its share of the

costs?

I assume the latter, but just want to confirm.

Jeff

Jeff Werner, AICP

Historic Preservation and Design Planner

City of Charlottesville

Neighborhood Development Services

City Hall | P.O. Box 911

610 East Market Street

Charlottesville, VA 22902

Phone: 434.970.3130

Email: wernerjb@charlottesville.gov

From: McDonald, Blake <blake.mcdonald@dhr.virginia.gov>

Sent: Thursday, March 18, 2021 10:05 AM

To: Wagner, Marc <marc.wagner@dhr.virginia.gov>

Cc: Werner, Jeffrey B <wernerjb@charlottesville.gov>; Watkins, Robert <watkinsro@charlottesville.gov>; Aubrey Von Lindern <aubrey.vonlindern@dhr.virginia.gov>

Subject: Re: Cost Share Funded Projects-Consider?

**** WARNING:** This email has originated from **outside of the organization**. Do not click links or open attachments unless you recognize the sender and know the content is safe. **

Hi Jeff,

This is an exciting possibility! I would love to see the Downtown Mall landscape design receive some much-needed documentation.

Due to the size, cost, and purpose of this project, it might be one that we want to consider splitting up over multiple grant rounds or dividing between cost share and CLG. The cost share program distributes only \$53,500 annually and we usually fund between 4-6 projects. Therefore, it is challenging for us to fund requests of more than \$15,000 or so. We focus on documentation projects, specifically broad-based architectural survey. Any local government or PDC can apply for cost share funding, so we do prioritize non-CLG applications because they do not have that additional source of funding. Finally, cost share projects run on a pretty tight schedule dictated by the end of the state fiscal year in June, so we select relatively small projects to ensure there is enough time to complete everything.

With those limitations in mind, I would support a cost share application that starts this process by fully documenting the mall landscape through survey and VCRIS data entry. We could also scope a survey report to provide historical context and development history. This product could serve as the foundation for a larger management plan. You could reapply to the cost share program to fund that, or dip into CLG funding. I estimate that the cost share project to fully document the mall landscape and provide a report would cost \$10,000-\$15,000. If the city wanted to pursue the cost share option and could provide more than a 50% match, we would be more likely to be able to fund the request. The advantage to cost share is that DHR administers the project by writing the scope, selecting the contractor, and tracking their progress.

I'm happy to chat about this if needed, and Aubrey may want to chime in (though she and Marc are at the board meeting today) on CLG options.

Thanks very much,

Blake

On Wed, Mar 17, 2021 at 3:54 PM Wagner, Marc <marc.wagner@dhr.virginia.gov> wrote:

Hi Jeff: I am prepping for our Quarterly Board Meeting (tomorrow) so won't have time until Friday, but I will alert Blake. This would be a great model project for our Modern Architecture Initiative. It's hard to price this one out. I am thinking a CLI could be \$50K if you include a lot of graphic, maps---a lot of custom analysis. Maybe Blake or Aubrey (CLG) can find some leads on CLI pricing. Thanks, this is very exciting! Marc

On Wed, Mar 17, 2021 at 3:47 PM Werner, Jeffrey B <wernerjb@charlottesville.gov> wrote:

Marc:

I started this note ten days ago and then, as always, a dozen other things jumped onto my list.

I am very interested in this and very, very much would like to apply this to the long-planned Mall CLR project. Robert and I will be working on that over the next several days. (Robert, use the attached to work off of. I modified it from what I shared with you earlier.)

I could use some advice on how to rework the attached document. I've removed some of the unrelated stuff, but this is the draft I developed with Parks and Rec when we were looking at a broader *Downtown Mall Historic Landscape Study **and Infrastructure** Management Plan*. I need some help on what to further strip out, relative to a request that meets VDHR criteria.

I do not know how much this would all cost, so I could use some direction there as well. We have \$50,000 earmarked for this work, though I'd have to determine how it would be allocated to a VDHR project, or if it even can be. The \$50,000 was based on a proposal from the A-School's Center for Cultural Landscapes. This may be low, as it was assumed that portions of the work would be done by students and CCS interns. **OR**, because it might gum up the works, do I leave the City funds completely out of this discussion?

Jeff

Jeff Werner, AICP

Historic Preservation and Design Planner

City of Charlottesville

Neighborhood Development Services

City Hall | P.O. Box 911

610 East Market Street

Charlottesville, VA 22902

Phone: 434.970.3130

Email: wernerjb@charlottesville.gov

From: Wagner, Marc <marc.wagner@dhr.virginia.gov>
Sent: Friday, March 5, 2021 5:30 PM
To: Watkins, Robert <watkinsro@charlottesville.gov>; Werner, Jeffrey B <wernerjb@charlottesville.gov>
Subject: Cost Share Funded Projects-Consider?

**** WARNING:** This email has originated from **outside of the organization**. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Hi Jeff and Robert:

We have a little less than a month before the Cost Share applications are due (April 2nd) I am checking in to see if you are interested in funding any projects. Here is the application form/directions: <https://www.dhr.virginia.gov/wp-content/uploads/2021/02/COST-SHARE-REQUEST-FOR-APPLICATIONS-2021.pdf>

You have a few eligible HDs, but also think about some work on the Downtown Mall Landscape Design HD or just a good survey---or some individual nominations?

Sincerely,
Marc

--

Marc C. Wagner

Senior Architectural Historian

Project Budget

Total Project Cost: \$15,000

Applicant Contribution Amount: \$10,000 (Source: P-00484, Fund 426, New Historic Surveys)

Requested Amount: \$5,000

Please provide a line item budget for the proposed project using additional pages if necessary. Only costs directly related to the scope of work for the project will be allowed. Specify any non-cash/in-kind contributions that may be available such as office space, availability of a vehicle, lodging, use of computers and other office equipment, and the ability to make copies of research materials, property records, etc., at no cost, that contribute to the overall worth of the project. This non-cash contribution will not be counted as part of the financial match but can enhance the proposed project application since it can help reduce consultants' costs and hence the overall cost of the project. For assistance determining project costs, contact Blake McDonald, DHR's Architectural Survey and Cost Share Manager at blake.mcdonald@dhr.virginia.gov or (804) 482-6086.

The City will also make available a space to work, access to City records, and copying/scanning equipment.

Please see following page for budget.

Project Budget (continued)

<i>Activity</i>	<i>DHR Share</i>	<i>City of Charlottesville Share</i>	<i>Subtotal</i>
Professional consultant: survey, fieldwork, research, data processing in V-CRIS, materials, meetings	\$5,000	\$10,000 (Source: P-00484, Fund 426, New Historic Surveys)	\$15,000
Totals	\$5,000	\$10,000	\$15,000

Project Schedule

Please provide a proposed schedule for completion of project work assuming that funds are available beginning August 23, 2021, and ending May 27, 2022 using additional pages if necessary. Note that projects must be completed by May 27, 2022, to ensure proper processing of deliverables and close-out of payments. Projects will be regularly monitored by DHR through meetings, site visits, submission of progress reports and project deliverables to DHR for review, and other appropriate means. Services contracted for projects will also include reporting requirements for contractors. Reports will be conveyed to the other parties of the Agreements. For assistance determining project schedules, contact Blake McDonald, DHR’s Architectural Survey and Cost Share Manager at blake.mcdonald@dhr.virginia.gov or (804) 482-6086.

Action

Schedule

Kickoff Project	August 2021
Research	August-November
Conduct Fieldwork	November-December
Process Data/V-CRIS Entry	December-February 2022
Preparation of PIF	January-February
Draft Survey Report	February-March
Draft Survey Report Review	March-April
Prepare Deliverables	May
Present Findings	May 2022

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	July 19, 2021
Action Required:	Approve Appropriation
Presenter:	Sue Moffett, Director, Department of Social Services
Staff Contacts:	Jenny Jones, Chief of Family Services, Department of Social Services Laura Morris, Chief of Administration, Department of Social Services
Title:	Resolution Appropriating Funding for Family First Prevention Services Act funding for Department of Social Services Family Services Staffing -- \$164,607

Background:

The Virginia General Assembly 2020 Special Session I Appropriation Act, Chapter 56, included additional funding beginning in FY 2022 for local departments of social services (LDSS) to expand foster care prevention services as a result of the Family First Prevention Services Act. **The Charlottesville Department of Social Services has received \$164,607 from this additional funding.**

Discussion:

The department has identified a need to add one Family Services Specialist position and one Family Services Assistant-parent navigator position to its Foster Care Prevention team due to increasing caseloads and impending program changes related to the Family First legislature. These two new positions will be funded in FY 2022 by the additional funds received.

Alignment with Council Vision Areas and Strategic Plan:

Approval of this agenda item aligns with the City's mission to provide services that promote equity and an excellent quality of life in our community. It is consistent with Strategic Plan Goal 2: A Healthy and Safe City, Objective 2.2, Meet the safety needs of victims and reduce the risk of re-occurrence/re-victimization.

Community Engagement:

Department staff work directly with citizens to provide social services, protect vulnerable children and adults, and promote self sufficiency.

Budgetary Impact:

The Virginia Department of Social Services is providing 100% of the funding for FY22 with no local general fund match required. A 15.50% local general fund match will be required beginning in FY23 and in future years. The department is not requesting any new general funds for these positions and plans to absorb the local match needed within its budget due to a planned downward re-classification of a vacant management-level position in FY22.

Recommendation:

Staff recommends approval and appropriation of these funds.

Alternatives:

Funds that are not appropriated will need to be returned to the Virginia Department of Social Services. If funds are not appropriated we will not be able to increase staffing for our foster care prevention team to serve at-risk children and families.

Attachments:

Resolution Appropriation Funding

**RESOLUTION APPROPRIATING FUNDING FOR
Additional Funding for New Department of Social Services Family Services Staffing
\$164,607**

WHEREAS, the Charlottesville Department of Social Services has received an additional \$164,607 in the Fiscal Year 2022 budget from the Virginia Department of Social Services to be used for Foster Care Prevention Services staffing,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$164,607 is hereby appropriated in the following manner:

Revenue – \$164,607

Fund: 212	Cost Center: 9900000000	G/L Account: 430080	\$164,607
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Expenditures - \$164,607

Fund: 212	Cost Center: 3301008000	G/L Account: 510010	\$96,304
Fund: 212	Cost Center: 3301008000	G/L Account: 511010	\$ 7,367
Fund: 212	Cost Center: 3301008000	G/L Account: 510020	\$28,554
Fund: 212	Cost Center: 3301008000	G/L Account: 511030	\$ 695
Fund: 212	Cost Center: 3301008000	G/L Account: 511040	\$18,144
Fund: 212	Cost Center: 3301008000	G/L Account: 510161	\$ 604
Fund: 212	Cost Center: 3301008000	G/L Account: 510130	\$ 2,688
Fund: 212	Cost Center: 3301008000	G/L Account: 525251	\$ 972
Fund: 212	Cost Center: 3301008000	G/L Account: 530030	\$ 529
Fund: 212	Cost Center: 3301008000	G/L Account: 530320	\$ 6,404
Fund: 212	Cost Center: 3301008000	G/L Account: 530216	\$ 597
Fund: 212	Cost Center: 3301008000	G/L Account: 520010	\$ 1,749

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$164,607 in funding from the Virginia Department of Social Services.

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



Agenda Date:	August 2, 2021
Action Requested:	Consideration of a Rezoning Application
Presenter:	Matt Alfele, City Planner
Staff Contacts:	Matt Alfele, City Planner
Title:	ZM-21-00001 1206 Carlton Avenue

Background:

Justin Shimp (Shimp Engineering, P.C.), representing the owner, Management Services Inc., has submitted a rezoning application to rezone 1206 Carlton Avenue (“Subject Property”) from the existing residential use (R-2) to multifamily residential use (R-3) with no proffers. The rezoning application requested (in conjunction with SUP application SP-21-00004) is to accommodate a proposed eight (8) unit apartment building on the subject property that would not be permitted under the current zoning. The subject property is currently vacant with road frontage on Carlton Avenue and alley access from the rear of the property to Bainbridge Street. The proposed apartment building would contain eight (8) dwellings with a mix of one and two-bedroom units with eight (8) parking spaces.

In addition to the rezoning application, Justin Shimp (Shimp Engineering, P.C.), representing the owner, Management Services Inc., has submitted a special use permit application (SUP) for a residential density of thirty-one (31) DUA (Dwelling Units per Acres). An increase in density through a SUP is not permitted unless the Subject Property is granted a rezoning to R-3 through ZM-21-00001. In addition to increased density, the applicant is requesting adjustments to side yard regulations per Sec. 34-162 from the required thirteen (13) feet to eight (8) feet to accommodate the location of the proposed building.

Discussion:

The Planning Commission discussed this matter at their July 13, 2021 meeting.

The discussion of the subject property centered both on the rezoning application and the SUP application. The Planning Commission expressed concerns that overflow parking would impact Carlton Avenue and Chestnut Street and wanted to know the rent range for the units. The applicant stated that the one and two bedroom units would be in the range of \$1,100 to \$1,500 a month.

During the discussion, Planning Commission talked through additional conditions such as larger street trees. The Commission stated this type of housing is “missing middle” and would support more housing opportunities in the neighborhood. The Commissioners were concerned with putting more units on Carlton Avenue, but did not feel it was the applicant’s responsibility to improve offsite infrastructure - that should be the City responsibility.

Alignment with City Council’s Vision and Strategic Plan:

If City Council approves the rezoning request, the project could contribute to *Goal 3: A Beautiful and Sustainable Natural and Built Environment, 3.1 Engage in robust and context sensitive urban planning and implementation*, and the City Council Vision of *Quality Housing Opportunities for All*.

Community Engagement:

The Planning Commission held a joint Public Hearing with City Council on this matter at their meeting on July 13, 2021.

During the July 13th Public Hearing, ten members of the public spoke. Many of the speakers were concerned with overflow parking and that the density was too high. Safety for pedestrians on Carlton Avenue, disruption to the character of the neighborhood, and traffic were also major concerns for many of the speakers. Other speakers were in favor of the rezoning and SUP. They felt the scale was consistent with the neighborhood and the development would provide the type of housing the City needs.

Staff received only a few emails regarding this project and they were forwarded to Planning Commission and City Council. The main concern noted related to inadequate parking for this project.

Budgetary Impact:

This has no impact on the General Fund.

Recommendations:

The Planning Commission took the following action:

Mr. Solla-Yates moved to recommend approval of this application to rezone the Subject Property from R-2, to R-3, on the basis that the proposal would service the interests of the general public and good zoning practice.

Mr. Lahendro seconded the motion.

- Mr. Habbab: Yes
- Mr. Lahendro: Yes
- Mr. Mitchell: Yes
- Ms. Russell: Yes
- Mr. Solla-Yates: Yes
- Mr. Stolzenberg: Yes

The motion passed 6 - 0

Alternatives:

City Council has several alternatives:

- (1) by motion, approve the requested Rezoning as recommended by the Planning Commission;
- (2) by motion, take action to deny the attached ordinance granting the Rezoning;
- (3) by motion, request changes to the attached ordinance, and then approve the Rezoning; or
- (4) by motion, defer action on the Rezoning.

Attachments:

A. Ordinance

B. Link to the Staff Report and background information from the July 13, 2021 Planning Commission meeting:

<https://charlottesvilleva.civicclerk.com/web/Player.aspx?id=1179&key=-1&mod=-1&mk=-1&nov=0>

**AN ORDINANCE
REZONING PROPERTY LOCATED AT 1206 CARLTON AVENUE
FROM R-2 (RESIDENTIAL TWO-FAMILY) TO R-3 (RESIDENTIAL MULTI-
FAMILY)**

WHEREAS, Management Services Inc. (“Applicant”) is the owner of that certain property located at 1206 Carlton Avenue, designated on City Tax Map 57 as Parcel 127 (“Property”), and the Applicant seeks a rezoning of such property from R-2 (Residential Two-Family) to R-3 (Residential Multi-Family) (the “Proposed Rezoning”); and

WHEREAS, a joint public hearing on the Proposed Rezoning was held before the Planning Commission and City Council on July 13, 2021, following notice to the public and to adjacent property owners as required by law; and

WHEREAS, notice of the July 13, 2021 public hearing was advertised in accordance with Va. Code Sec. 15.2-2204; and

WHEREAS, on July 13, 2021, following the public hearing, the Planning Commission voted to recommend that City Council should approve the Proposed Rezoning; and

WHEREAS, on August 2, 2021, this City Council considered: the matters addressed within the Application and Staff Report, comments received from the public (including those received at the public hearing), and the Planning Commission’s recommendation; and

WHEREAS, this Council finds and determines that the public necessity, convenience, general welfare and good zoning practice requires the Proposed Rezoning; that both the existing zoning classification (R-2 Residential Two-Family) and the proposed zoning classification R-3 (Residential Multi-Family) are reasonable; and that the Proposed Rezoning is consistent with the Comprehensive Plan; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the Zoning District Map Incorporated in Section 34-1 of the Zoning Ordinance of the Code of the City of Charlottesville, 1990, as amended, be and hereby is amended and reenacted as follows:

Section 34-1. Zoning District Map. Rezoning all of the land designated on City Tax Map 57 as Parcel 127, consisting of approximately 0 .26 acre, from R-2 (Residential Two-Family) to R-3 (Residential Multi-Family).

BE IT FURTHER ORDAINED THAT the City’s Zoning Administrator shall update the Zoning District Map to reflect the rezoning set forth within this ordinance.

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



Agenda Date:	August 2, 2021
Action Requested:	Consideration of a SUP Application
Presenter:	Matt Alfele, City Planner
Staff Contacts:	Matt Alfele, City Planner
Title:	SP-21-00004 - 1206 Carlton Avenue

Background:

Justin Shimp (applicant), on behalf of the owner, (Hulett Management Services) submitted a Special Use Permit application (SUP) for a residential density of thirty-one (31) DUA (Dwelling Units per Acres) at 1206 Carlton Avenue (Subject Property). The Subject Property is currently zoned R-2 and the applicant is pursuing a rezoning of the Subject Property to R-3 per petition ZM-21-00001. An increase in density through a SUP is not permitted unless the Subject Property is granted a rezoning to R-3. In addition to increased density, the applicant is requesting adjustments to side yard regulations per Sec. 34-162 from the required thirteen (13) feet to eight (8) feet. The SUP application is being requested (in conjunction with Rezoning application ZM-21-00001) to accommodate a proposed eight (8) unit apartment building on the Subject Property. The Subject Property is currently vacant with road frontage on Carlton Avenue and alley access from the rear of the property to Bainbridge Street. The proposed apartment building would contain eight (8) dwellings with a mix of one and two-bedroom units with eight (8) parking spaces.

Discussion:

The Planning Commission discussed this matter at their August 16, 2021 meeting.

The discussion of the subject property centered both on the rezoning application and the SUP application. The Planning Commission expressed concerns that overflow parking would impact Carlton Avenue and Chestnut Street and wanted to know the rent range for the units. The applicant stated that the one and two bedroom units would be in the range of \$1,100 to \$1,500 a month. During the discussion, Planning Commission talked through additional conditions such as larger street trees. The Commission stated this type of housing is “missing middle” and would support more housing opportunities in the neighborhood. The Commissioners were concerned with putting more units on Carlton Avenue, but did not feel it was the applicant’s responsibility to improve

offsite infrastructure - that should be the City responsibility.

Alignment with City Council’s Vision and Strategic Plan:

If City Council approves the SUP request, the project could contribute to *Goal 3: A Beautiful and Sustainable Natural and Built Environment, 3.1 Engage in robust and context sensitive urban planning and implementation*, and the City Council Vision of *Quality Housing Opportunities for All*.

Community Engagement:

The Planning Commission held a joint Public Hearing with City Council on this matter at their meeting on August 16, 2021.

During the July 13th Public Hearing, ten members of the public spoke. Many of the speakers were concerned with overflow parking and that the density was too high. Safety for pedestrians on Carlton Avenue, disruption to the character of the neighborhood, and traffic were also major concerns for many of the speakers. Other speakers were in favor of the rezoning and SUP. They felt the scale was consistent with the neighborhood and the development would provide the type of housing the City needs.

Staff received only a few emails regarding this project and they were forwarded to Planning Commission and City Council. The main concern noted related to inadequate parking for this project.

Budgetary Impact:

This has no impact on the General Fund.

Recommendations:

The Planning Commission took the following action:

Mr. Solla-Yates moved to recommend approval of this application for a Special Use Permit in the R-2 (application ZM21-00001 under review to rezone from R-2 to R-3) zone at 1206 Carlton Avenue to permit residential development with additional density and adjustment to the southeast side yard requirement with the following conditions:

1. Up to 31 dwelling units per acre (DUA) are permitted on the subject property.
2. The design, height, and other characteristics of the development shall remain essentially the same, in all material aspects, as described within the application materials received dated March 12, 2021. Except as the design details of the development may subsequently be modified to comply with staff comments, or by any other provision(s) of these SUP Conditions, any change of the development that is inconsistent with the application shall require a modification of this SUP. Key elements of this design are:
 - a. One (1) apartment building containing eight (8) one and two-bedroom units.
 - b. Southeast side yard setback of eight (8’) feet.
 - c. One-way vehicular traffic pattern with control devices as approved by the City’s Traffic Engineer.
 - d. Vegetation used to screen parking to the northwest.

- e. Parking lot shall be located behind the building and not visible from Carlton Avenue.
- f. Pedestrian circulation pattern shall be independent from the vehicular traffic pattern.

Condition(s) from Planning Commission

- 3. Two large canopy trees will be provided along the frontage with Carlton Avenue.

Mr. Lahendro seconded the motion.

Mr. Habbab: Yes
Mr. Lahendro: Yes
Mr. Mitchell: Yes
Ms. Russell: Yes
Mr. Solla-Yates: Yes
Mr. Stolzenberg: Yes

The motion passed 6 - 0.

Alternatives:

City Council has several alternatives:

- (1) by motion, approve the attached resolution granting the SUP with conditions as recommended by the Planning Commission;
- (2) by motion, take action to deny SUP;
- (3) by motion, request changes to the attached Resolution and staff conditions, and then approve the SUP; or
- (4) by motion, defer action on the SUP.

Attachments:

- A. Resolution
- B. Link to the Staff Report and background information from the March 13, 2018 Planning Commission meeting:
<https://charlottesvilleva.civicclerk.com/web/Player.aspx?id=1179&key=-1&mod=-1&mk=-1&nov=0>

**RESOLUTION
APPROVING A SPECIAL USE PERMIT
TO AUTHORIZE INCREASED DENSITY AND REDUCED SETBACKS FOR
CONSTRUCTION OF AN 8-UNIT MULTIFAMILY DWELLING AT
1206 CARLTON AVENUE**

WHEREAS, landowner Management Services, Inc. has made application for a special use permit, to obtain additional residential density, and reduction of certain building setback requirements, for a specific project; and

WHEREAS, the Project will be developed within a development site having an area of approximately 0.26 acre, or 11,325 square feet, located at 1206 Carlton Avenue (“Subject Property”), which is further identified on City Tax Map 57 as Parcel 127 and which has a zoning district classification of “R-3” (Multifamily Residential); and

WHEREAS, the project that is the subject of this application is generally described within the following application materials dated January 18, 2021, submitted to the City on March 18, 2021, including: (i) application materials dated January 18, 2021, and related narrative; and (ii) a proposed preliminary site plan dated March 12, 2021, depicting a multifamily dwelling to be constructed within the Subject Property (collectively, “Application Materials”); and

WHEREAS, the Application Materials represent that the purpose of the Special Use Permit is to facilitate the development of a multifamily dwelling containing eight (8) one- and two- bedroom dwelling units (the “Project), and that the Project cannot be developed without an increase in the allowable residential density from 21 dwelling units up to 31 dwelling units per acre, as authorized by City Code 34-420, and a reduction in the side yard setback applicable to the Subject Property from a required 13 feet (minimum) to 8 feet (minimum), as authorized by City Code 34-162(a); and

WHEREAS, on July 13, 2021 the Planning Commission and the City Council conducted a joint public hearing on the proposed special use permit, following notice as required by Virginia Code 15.2-2204 and applicable provisions of the City’s zoning ordinance; and

WHEREAS, following the joint public hearing, the Planning Commission reviewed the Application Materials, and the City’s Staff Report pertaining thereto, and then the Planning Commission voted to recommend that City Council should approve the proposed special use permit for the Project; and

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

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that, pursuant to City Code Sec. 34-480, a special use permit is hereby approved for the purpose of allowing development of the Project at the Subject Property, subject to the following conditions:

1. The Project may be developed at a residential density of up to thirty-one (31) dwelling units per acre, within the area of the Subject Property.
2. Two large canopy trees will be provided along the frontage with Carlton Avenue.
3. The design, height, and other key characteristics of the development shall remain essentially the same, in all material aspects, as described within the Application Materials, including the following:
 - a. a single (1) residential building on the Subject Property, containing eight (8) one- and two-bedroom dwelling units;
 - b. southeast side yard setback of eight (8') feet;
 - c. vehicular traffic pattern shall be one-way traffic, with control devices as approved by the City's Traffic Engineer;
 - d. pedestrian circulation pattern shall be independent from the vehicular traffic pattern;
 - e. vegetative screening of the parking along the property line; and
 - f. the improved parking lot shall be located behind the building and shall not be visible from Carlton Avenue

Except as may be necessary to obtain approval of a final site plan in accordance with requirements of City ordinances or regulations, or with all of the conditions of these special use permit conditions: any change in the Project as it was represented within the Application Materials shall require a modification of this SUP.

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	August 2, 2021
Action Required:	Consideration of an application for a Critical Slope Waiver
Presenter:	Carrie Rainey, City Planner, Neighborhood Development Services
Staff Contacts:	Carrie Rainey, City Planner, Neighborhood Development Services
Title:	Critical Slope Waiver Request at 0 First Street South (CRHA)

Background:

The Charlottesville Redevelopment and Housing Authority (CRHA) requests a waiver from Section 34-1120(b) of the City Code (Critical Slope Ordinance) to allow for the construction of multi-family dwelling units, parking lots, and related improvements at 0 First Street South (Tax Map 26 Parcel 115.001). The subject property has street frontage on First Street South and Hartmans Mill Road.

Existing critical slopes areas located on this Property include 0.895 acres or 29.8% 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 City Code Sec. 34-1120(b)(2).

City Council previously granted CRHA a critical slope waiver on March 4, 2019 for the subject property with the following conditions:

1. Require erosion and sediment control measures that exceed minimum requirements in order to mitigate potential impacts to undisturbed critical slopes areas, per Section 34-1120(b)(1)(a-c), including but not limited to:
 - a. Silt fence with wire reinforcement and six (6) feet stake spacing, and
 - b. Other measures in excess of minimum requirements determined by City Engineering Staff to be necessary to protect Pollocks Branch from sedimentation.
2. The critical slope area outside of approved encroachment boundaries shall be clearly marked in the field, and the approved stormwater management plan and construction plan

shall include a note requiring such limits of disturbed area to remain for the duration of construction and land disturbing activities.

3. Final stabilization of the areas of critical slopes disturbed shall be permanent measures to include replanting of native tree and shrub species to restabilize the critical slopes and potential wildlife habitat.
4. The final site plan shall include construction methods presented by the applicant to phase construction of the buildings, so that the first two buildings adjacent to 1st Street will be the first to be constructed, in order to create a better stabilized site during construction and to facilitate more effective erosion and sediment control measures.
5. Prior to commencing any land disturbance within the development site, Landowner shall install a fixed, immovable barrier to protect root zones of each existing tree, at the drip line, for trees that have been identified within the final site plan as trees to be preserved. This root protection barrier shall remain in place until final completion of all construction.

Subsequent to commencement of construction, CRHA contacted staff, representing that it cannot construct the development in accordance with the previously-approved critical slope waiver. Specifically, CRHA believes that it cannot comply with Condition 4. Within this application CRHA is requesting City Council's approval of a revised Condition 4.

The Planning Commission discussed the critical slope waiver request at the July 13, 2021 meeting. Please see Attachments section below for the full critical slope waiver request application package.

Discussion:

Per Sec. 34-1120(b)(6)(3), City Council (in granting a modification or waiver) may allow the disturbance of a portion of the slope, but may determine that there are some features or areas that cannot be disturbed. These include, but are not limited to: large stand of trees, rock outcroppings and slopes greater than 60%.

The following information is relevant to the evaluation of this request:

- Large stands of trees: **The rear of the Site is wooded**
- Rock outcroppings: **None**
- Slopes greater than 60%: **None**
- Waterway within 200 feet: **Pollocks Branch**
- Location of other areas of the Property, outside critical slopes areas, that fit the definition of a "building site" and could accommodate this proposed development: **The majority of the proposed building footprints and parking areas, and related grading/ land disturbance, are located outside of the critical slopes areas. Based on the**

information available to staff at this time: the proposed development, as shown, could not be conducted without disturbing critical slope areas. However, a development of similar use and residential density could potentially be accommodated outside of critical slope areas with a different site design.

Among the matters discussed by the Planning Commission at their July 13, 2021 meeting were the following:

- The applicant's proposed revision to Condition 4 provided July 13, 2021 via email: *Permanent stabilization of all contributing drainage areas to the sediment trap shall be achieved before the trap is removed. Pervious areas shall be stabilized with sod. Where permanent stabilization is not feasible (around buildings 1 and 2 during vertical construction), temporary stabilization shall be achieved. Temporary stabilization shall include three levels of filtration (sod, silt fence and inlet protection). Standard silt fence (synthetic filter fabric with wooden stakes 6 feet on center) will be installed at the back of the new curb at the high side of the parking lot. Sod will be installed on entire area around buildings 1 and 2 to include a minimum of 2 feet of sod abutting the silt fence with the exception of +/- 10 feet around the perimeters of buildings 1 and 2, which will be mulch. Storm inlet protection that meets DEQ or E&S handbook requirements will be installed at all stormwater drop inlets on the low side of the parking lot. General contractor will maintain stabilization while vertical construction is ongoing. Permanent conversion will consist of installation of concrete sidewalks and stairs, replacement of sod, installation of mulch beds, and plantings as designed.* Mr. Dawson, City Engineer, provided concerns with the language as proposed.
- Potential alternative revisions to Condition 4 to alleviate Mr. Dawson's concerns with the applicant's proposed revisions. The Commission discussed edits to the condition to provide general guidance while designating Mr. Dawson's department (Public Works Engineering) final approval of detailed erosion and sediment control sequencing.
- Errors with site surveying and recent site disturbance beyond the approved limits of disturbance as identified by Public Works Engineering.
- How desired modifications to the building construction process would impact the erosion and sediment control process. The applicant's representative described the use of permanent measures installed as temporary measures and reinstalled as permanent measures upon building completion.
- The authority of Condition 1 to allow Mr. Dawson to require additional erosion and sediment control measures as needed.

Alignment with Council Strategic Plan:

The project supports Goal 1 (An Inclusive City of Self-sufficient Residents) of City Council's Strategic Plan through objective 1.3, increase affordable housing options.

Community Engagement:

Property owners within 500-feet of the subject property were notified of the Planning Commission’s July 13, 2021 meeting, wherein the critical slopes waiver request would be discussed and a recommendation made, per Section 34-1220(b)(6)(b). The following comments were provided during Matters by the Public:

- A representative for the Public Housing Association of Residents (PHAR). He stated PHAR supports the critical slope waiver request. He also noted the current supply chain issues necessitate the modified critical slope waiver.

Budgetary Impact:

No direct budgetary impact is anticipated as a direct result of approving the critical slope waiver for the applicant’s parcel.

Planning Commission Recommendation:

The Planning Commission took the following action:

Mr. Solla-Yates moved to recommend removal of Condition 4 from the critical slope waiver.

Mr. Stolzenberg seconded the motion. The Commission voted 6-0 to recommend removal of Condition 4, with the following conditions remaining:

1. Require erosion and sediment control measures that exceed minimum requirements in order to mitigate potential impacts to undisturbed critical slopes areas, per Section 34-1120(b)(1)(a-c), including but not limited to:
 - a. Silt fence with wire reinforcement and six (6) feet stake spacing, and
 - b. Other measures in excess of minimum requirements determined by City Engineering Staff to be necessary to protect Pollocks Branch from sedimentation.
2. The critical slope area outside of approved encroachment boundaries shall be clearly marked in the field, and the approved stormwater management plan and construction plan shall include a note requiring such limits of disturbed area to remain for the duration of construction and land disturbing activities.
3. Final stabilization of the areas of critical slopes disturbed shall be permanent measures to include replanting of native tree and shrub species to restabilize the critical slopes and potential wildlife habitat.
5. Prior to commencing any land disturbance within the development site, Landowner shall install a fixed, immovable barrier to protect root zones of each existing tree, at the drip line, for trees that have been identified within the final site plan as trees to be preserved.

This root protection barrier shall remain in place until final completion of all construction.

Alternatives:

City Council has several alternatives:

- (1) by motion, take action to approve the attached resolution for the critical slope waiver with conditions (as recommended by the Planning Commission);
- (2) by motion, take action to approve the critical slope waiver without conditions;
- (3) by motion, take action to deny the critical slope waiver; or
- (4) by motion, defer action consideration of the critical slope waiver.

Attachments:

- A. Proposed Resolution
- B. The staff report and supporting documentation presented to the Planning Commission can be found starting at page 107 at the following link:
<https://civicclerk.blob.core.windows.net/stream/CHARLOTTESVILLEVA/f02d85b6-ab91-4688-b652-72a7cf277d56.pdf?sv=2015-12-11&sr=b&sig=cUe%2BL4q6YPwy4%2B2i3Qlc6jJHcsXk2veTctiPHd8Sf%2Fs%3D&st=2021-07-14T14%3A10%3A35Z&se=2022-07-14T14%3A15%3A35Z&sp=r&rsc=no-cache&rsct=application%2Fpdf>

RESOLUTION
AMENDING AND RE-ENACTING A CRITICAL SLOPE WAIVER GRANTED
MARCH 4, 2019 TO ALLOW REDEVELOPMENT OF PROPERTY LOCATED AT “0”
FIRST STREET SOUTH BY THE CHARLOTTESVILLE REDEVELOPMENT AND
HOUSING AUTHORITY

WHEREAS, by Resolution adopted on March 4, 2019, City Council granted a conditional waiver of the requirements of Charlottesville City Code Sec. 34-1120(b), to facilitate construction of three multi-family dwellings, parking lots, and related improvements (the “Project”) on property owned by the Charlottesville Redevelopment and Housing Authority (“CRHA”), designated on City Tax Map 26 as Parcel 115.001, having an address of “0” First Street South (the "Subject Property"); and

WHEREAS, following the commencement of construction of the Project, and after disturbance of critical slopes areas, CRHA requested an amendment of the previously-granted waiver, stating that the Project developer cannot comply with a condition that required phased construction of the three buildings within the Project in order to create a better stabilized site during construction and to facilitate more effective erosion and sediment control measures; and

WHEREAS, on July 13, 2021 the Planning Commission considered CRHA’s request to amend the conditions of the previously-granted waiver, and recommended approval of CRHA’s request; and

WHEREAS, upon consideration of the information and materials provided by CRHA, the information provided within the City Staff Report, and the recommendation of the Planning Commission, the City Council reiterates its original finding and determination, pursuant to City Code Sec. 34-1 120(b)(6)(3), that the benefits of allowing disturbance of the critical slopes to facilitate development of the Project outweigh the public benefits of requiring the critical slopes areas to remain undisturbed and, the critical slopes areas within the Subject Property have now already been disturbed; now, therefore,

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia that the critical slope waiver previously granted on March 4, 2019 is amended, to delete the condition requiring phased construction of the three buildings within the Project, and said waiver is hereby re-enacted, subject to the following conditions:

1. The Office of the City Engineer may require the Project to implement erosion and sediment control measures that exceed minimum requirements, in order to mitigate potential impacts to critical slopes areas, per Section 34-1120(b)(1)(a-c), including but not limited to:
 - a. Silt fence with wire reinforcement and six (6) feet stake spacing, and
 - b. Other measures in excess of minimum requirements determined by the Office of the City Engineer to be necessary to protect Pollocks Branch from sedimentation.

2. Critical slope areas outside of approved encroachment boundaries shall be clearly marked in the field, and the approved stormwater management plan and construction plan shall include a note requiring such limits of disturbed area to remain for the duration of construction and land disturbing activities.
3. Final stabilization of critical slope areas disturbed shall be permanent measures, to include replanting of native tree and shrub species to restabilize the critical slopes and potential wildlife habitat.
4. Prior to commencing any land disturbance within the development site, Landowner shall install a fixed, immovable barrier to protect root zones of each existing tree, at the drip line, for trees that have been identified within the final site plan as trees to be preserved. This root protection barrier shall remain in place until final completion of all construction.

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	August 2, 2021
Action Required:	Approve Resolution
Presenter:	Khristina S. Hammill, Sr. Budget and Management Analyst
Staff Contacts:	Khristina S. Hammill, Sr. Budget and Management Analyst Christopher V. Cullinan, Finance Director
Title:	\$40,000,000 Million Refunding Bond Issue (maximum amount)

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. Public Financial Management, Inc. (PFM), the City's financial advisor, along with City staff, continually monitor the bond market and interest rate environment for refunding opportunities. Current market conditions indicate favorable interest rates and potential savings for several of the City's outstanding bond series. The new bonds would be issued at a lower interest rate to replace bonds previously issued at a higher interest rate.

This resolution provides the City Manager with the authority to work with PFM Financial Advisors LLC, the City's financial advisor, to issue and sell one or more series of general obligation refunding bonds through one or more of the following methods: (a) a private placement with a banking or other financial institution, (b) a public offering through a competitive sale or (c) a public offering through a negotiated underwriting (a "Negotiated Sale"). The bonds currently being considered for refunding are as follows: General Obligation Public Improvement Bonds, Series 2011, currently outstanding in the principal amount of \$8,050,000 (the "Series 2011 Bonds"), General Obligation Public Improvement Bonds, Series 2012A, currently outstanding in the principal amount of \$1,910,000 (the "Series 2012A Bonds"), General Obligation Public Improvement Refunding Bonds, Series 2012B, currently outstanding in the principal amount of \$7,070,000 (the "Series 2012B Bonds"), General Obligation Public Improvement Bonds, Series 2013, currently outstanding in the principal amount of \$8,400,000 (the "Series 2013 Bonds"), General Obligation Public Improvement and Refunding Bonds, Series 2014, currently outstanding in the principal amount of \$8,730,000 (the "Series 2014 Bonds"), and General Obligation Public Improvement and Refunding Bonds, Series 2015, currently outstanding in the principal amount of \$19,595,000 (the "Series 2015 Bonds").

Market conditions will continue to be monitored until the time of sale. If suitable savings opportunities do not materialize, then the refunding bonds will not be issued.

Community Engagement: As per the Public Finance Act, a public hearing is not required to refund outstanding debt.

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.

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. Savings generated from the refunding will be held in the debt service fund and used to payoff existing and future debt service.

Recommendation:

Staff recommends that Council approve the resolution.

Alternatives:

The alternative would be to not refund the outstanding debt and not realize any savings related to lower market rates.

Attachments:

Resolution

RESOLUTION 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 \$40,000,000, 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 of Charlottesville, Virginia (the “City”), has previously issued its General Obligation Public Improvement Bonds, Series 2011, currently outstanding in the principal amount of \$8,050,000 (the “Series 2011 Bonds”), General Obligation Public Improvement Bonds, Series 2012A, currently outstanding in the principal amount of \$1,910,000 (the “Series 2012A Bonds”), General Obligation Public Improvement Refunding Bonds, Series 2012B, currently outstanding in the principal amount of \$7,070,000 (the “Series 2012B Bonds”), General Obligation Public Improvement Bonds, Series 2013, currently outstanding in the principal amount of \$8,400,000 (the “Series 2013 Bonds”), General Obligation Public Improvement and Refunding Bonds, Series 2014, currently outstanding in the principal amount of \$8,730,000 (the “Series 2014 Bonds”), and General Obligation Public Improvement and Refunding Bonds, Series 2015, currently outstanding in the principal amount of \$19,595,000 (the “Series 2015 Bonds”);

WHEREAS, the City may effect debt service savings by issuing its general obligation public improvement refunding bonds (the “Bonds”) to refund all or a portion of the outstanding maturities of the Series 2011 Bonds, Series 2012A Bonds, Series 2012B Bonds, Series 2013 Bonds, Series 2014 Bonds and Series 2015 Bonds (such refunded series, 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 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. Issuance of Bonds. The City Council of the City of Charlottesville, Virginia (the “City Council”), 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 Bonds, heretofore authorized, in an aggregate principal amount not to exceed \$40,000,000 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 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 Bonds shall be designated “General Obligation Public Improvement Refunding Bonds, Series 2021[B],” 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 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, 2035; 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 Refunded Bonds. The City Manager is further authorized to determine, in consultation with the City’s bond counsel and the Financial Advisor, whether to issue any Bonds or any series of Bonds on a basis where the interest thereon is includable in gross income for federal income tax purposes (such Bonds herein referred to as “Taxable Bonds”) or is excludable from gross income for federal income tax purposes (such Bonds herein referred to as “Tax-Exempt 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.

In the case of Bonds sold pursuant to a Negotiated Sale or a Competitive Sale, 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 or if the Bonds are sold pursuant to a Private Sale, 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.

If the Bonds are sold in a Competitive Sale or a Negotiated Sale, 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 the Bonds are sold in a Private Sale, the City shall cause notice of redemption to be sent to the Purchaser in accordance with the Purchaser's requirements, but not more than 60 days prior to the redemption date. 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 bondholder(s). 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(s) 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. If the City Manager, in collaboration with the Financial Advisor, determines that the Bonds shall be offered sold in a Competitive Sale or a Negotiated Sale, the Bonds shall be offered to the public by a preliminary official statement substantially in the form of the City’s Preliminary Official Statement dated May 19, 2021, with such completions, omissions, insertions and changes not inconsistent with this Resolution as the City Manager, in collaboration with the Financial Advisor, may determine necessary and 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 series and maturities of the Series 2011 Bonds, the Series 2012A Bonds, the Series 2012B Bonds, the Series 2013 Bonds, the Series 2014 Bond and the Series 2015 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 one or more escrow deposit agreements (collectively, 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”) or held in cash, to provide for payment of principal of and interest on the Refunded Bonds; provided, however, that such Refunding Portion shall not be invested in such manner that any of such Bonds issued as Tax-Exempt 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 any Bonds issued as Tax-Exempt Bonds to be “arbitrage bonds” within the meaning of Section 148 of the Code or otherwise cause interest on such Tax-Exempt 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 such Tax-Exempt Bonds, unless the City receives an opinion of nationally recognized bond counsel that such compliance is not required to prevent interest on such Tax-Exempt 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 any Bonds issued as Tax-Exempt 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 any Bonds issued as Tax-Exempt Bonds or the facilities refinanced therewith 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 such Tax-Exempt 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. 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.

20. 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.

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

22. 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.

23. 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 Refunding Bond
(Federally Taxable)
Series 2021[B]

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 Refunding Bonds, Series 2021[B], 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 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:

Period During Which Redeemed (Both Dates Inclusive)	Redemption Price
--	-----------------------------

[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:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
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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:	August 2, 2021
Action Required:	Report
Presenter:	Charles P. Boyles, II, City Manager Emily Pelliccia, Deputy Fire Chief & COVID-19 Incident Commander Kyna Thomas, Clerk of Council Brian Wheeler, Director of Communications
Staff Contacts:	Emily Pelliccia, Deputy Fire Chief & COVID-19 Incident Commander Kyna Thomas, Clerk of Council Brian Wheeler, Director of Communications
Title:	Update on reconstitution of services for City government operations

Background:

The City's COVID-19 Incident Management Team anticipates that it may be able to recommend later this month that the City return to normal operations effective at 8 a.m. Tuesday, September 7, 2021. This agenda item is intended to allow staff to receive feedback from City Council and the public about the timing of the reopening of City Hall and the return to in-person public meetings.

The City Council has authorized actions necessary to address the COVID-19 Pandemic using various legal processes and procedures.

- (1) **Continuity of Government Ordinance, as authorized by Virginia Code §15.2-1413.** This Ordinance allows a locality to take actions that, in its discretion, it deems necessary to assure continuity of government during a disaster. A continuity of Government Ordinance (CGO) may not continue in effect for longer than six (6) months at a time. Originally City Council adopted the CGO on March 25, 2020 (#O-20-049) and amended and extended it on September 8 (#O-20-117), October 19, 2020 (#O-20-135) and April 19, 2021 (#O-21-053). The CGO will expire October 19, 2021.
- (2) **Other Ordinances and Resolution(s).**
 - a. Resolution #R20-035 (3/12/2020) authorizing the City Manager to Declare a Local Emergency. (On that same date, the City Manager, in his capacity as Director of Emergency Management, issued the Public Safety Order that serves as the actual Declaration).
 - b. Resolution #R-20-045 (3/16/2020) granting the Haven permission to operate without regard to certain zoning (special use permit) conditions until such time as City Council discontinues the local state of emergency.
 - c. #O-20-047 (3/16/2020): Ordinance Extending Mandatory Review Periods.

A reopening approved by City Council would require the repeal of the ordinances described above.

Discussion:

The City remains in a local state of emergency related to the COVID-19 Pandemic.

- Substantial numbers of people remain unvaccinated. Only half (53.3%) the people within the BRHD are fully vaccinated, and about 38% of people still haven't received a single dose.
- Public health officials indicate that the COVID-19 Delta strain is very contagious and may trigger more serious illness in those who are not fully vaccinated.
- We are not comfortable ending the local state of emergency at the local level prior to September. We believe that continuing actions to reduce gatherings in indoor settings are necessary, until such time as we see whether the Governor's implementation of less restrictive state policy remains effective.
- Most local government business takes place indoors. In particular, indoor gatherings for public meetings at which numerous people are in attendance, presents the greatest risk of transmission of the virus. Public meetings held in City Hall may place vaccinated and unvaccinated individuals in close proximity over many hours.
- City Council has to take action to lift the state of emergency and rescind the continuity of governance ordinance before City Hall is fully reopened.

The City Manager believes it is prudent to delay a full reopening of City Hall until our staff and workspaces are fully prepared to be in close contact with the public again. Waiting until at least September 7, 2021 allows for additional people to be fully vaccinated and allows us to monitor new cases, and the severity of new cases, throughout the summer months while people begin interacting more frequently in group settings. The City will conduct additional outreach to staff and public related to the importance for obtaining vaccinations for all ages.

- City Council supports efforts at the state level to cautiously return to normal economic and social activities. However, even as the Governor oversees state-level policy relative to the entire Commonwealth, we are responsible at the local level for making sure that our own activities do not result in circumstances that present a risk of harm to individuals participating in government meetings or doing business with the City.
- The City Manager has encouraged department directors to evaluate continued telecommuting options for some employees in positions where this approach has been deemed efficient and effective throughout the pandemic.
- We think it best that, while opening up outdoor recreational programs and outdoor special events/gatherings, it is essential that we continue to limit indoor gatherings within public buildings consistent with information that is known about the greatest risk of transmission of the virus.
- We do not wish to mandate local businesses or restaurants to maintain restrictions on indoor gatherings, but we do want to encourage voluntary restrictions and want to lead by example through August.

Under Virginia Code §44-146.21 the City's locally-declared state of emergency will continue in effect until City Council determines, in its judgment, that "all emergency actions have been taken." Separately, Va. Code §15.2-1413 authorizes City Council, during a disaster, to enact an ordinance

that provides a method to assure continuity in local government operations (with resumption of normal government operations by the end of a six-month period)—notwithstanding any contrary provision of [state] law, general or special. Since the local COVID-19 emergency/ disaster continues, City Council must re-enact a CGO for another 6-month period. The current CGO will expire October 19, 2021.

Return to In-Person Meetings

Once the locally declared state of emergency is lifted, state law will require all public bodies to have a quorum in-person for its public meetings. Only City Council has passed an electronic participation policy which can be invoked in limited circumstances.

The City of Charlottesville can continue to use virtual meeting technology to expand opportunities for meaningful public participation in our local government meetings.

The Communications Department recommends using Zoom videoconferencing for a limited number of public bodies including City Council (6 boards). By targeting a subset of more prominent boards and commissions, we will set clear expectations about which meetings have Zoom availability for the public while the others return to an in-person only format. Special events like town halls, public hearings, and workshops could also include virtual participation options. Continued availability of Zoom would also support City employees who wish to participate in these meetings virtually.

“Hybrid meetings” (a mix of in-person and remote participants over Zoom), with high quality audio and video for broadcast and streaming, require two Communications staff per meeting (a Zoom Host and a Producer to operate cameras/audio). Typically, the staff liaison to a board has other duties during a public meeting (e.g. participant, taking minutes).

A detailed proposal describing the hybrid meeting approach is attached for feedback from Council and the public.

Alignment with City Council’s Vision and Strategic Plan:

The reopening of City Hall and the recommendations to continue offering a virtual participation option for six boards and commissions contributes to Goal 5 of the Strategic Plan, to be a well-managed and responsive organization, and objectives 5.3, to provide responsive customer service, and 5.4, to foster effective community engagement.

Community Engagement: Staff have prepared this agenda item for the public’s consideration and feedback through a public comment opportunity at this meeting and throughout August.

Budgetary Impact: N/A

Recommendation: We recommend that Council receive another update from staff at its monthly work session on August 24, 2021. If Council determines on that date that the local disaster/ emergency declaration can be ended because all emergency actions have been taken, then it can repeal the Continuity of Government Ordinance. We also recommend City Council provide feedback on the proposal from the Communications Department regarding the approach for

holding some hybrid public meetings beginning on September 7, 2021 and that City Council revise its meeting procedures to reflect the opportunity for continued virtual participation by the public.

Alternatives:

City Council could defer a decision on the return to normal operations. The current Continuity of Governance ordinance expires October 19, 2021.

Attachments:

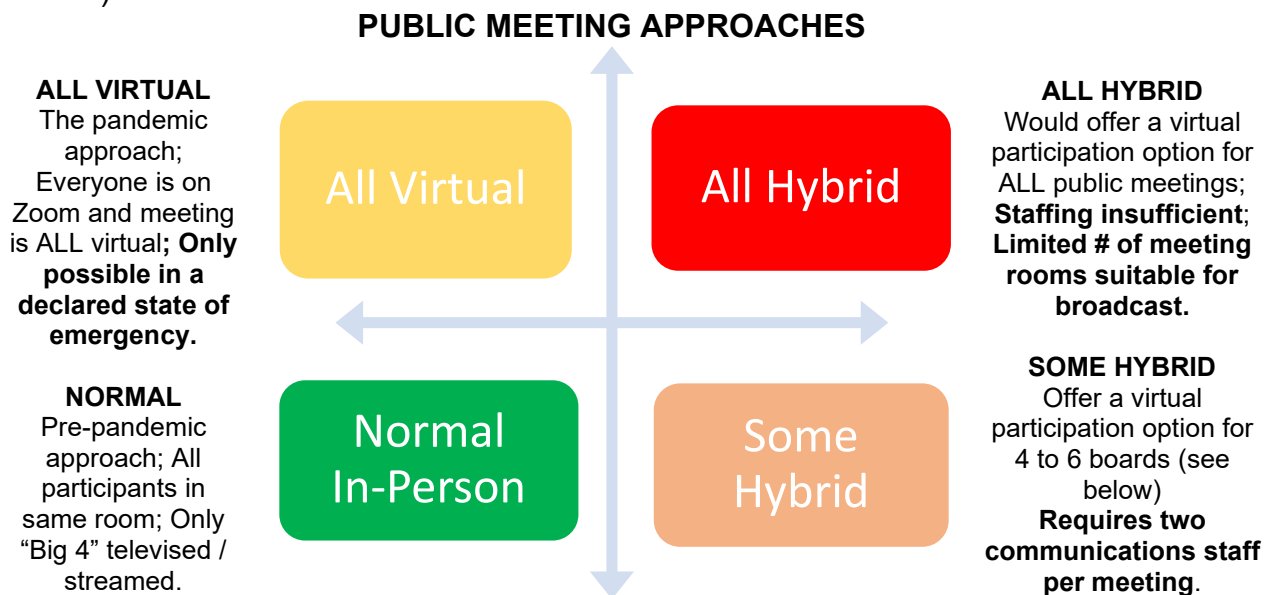
1. Proposal for conducting hybrid meetings for six boards and commissions, including City Council.
2. Proposed revisions to Council Meeting Procedures to support virtual participation.

Public meeting approaches for the City of Charlottesville after the Coronavirus (COVID-19) pandemic

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The “Big Four” are the ones we have traditionally televised:
Council; Planning Commission; BAR; and CRHA

Under the SOME HYBRID approach, up to two more boards could be added to the broadcast schedule for a “Group of Six”:
e.g. PCRB; Human Rights

RECOMMENDED PUBLIC MEETING POSTURE: SOME HYBRID

Following the Some Hybrid approach would mean most meetings of the group of 6 boards and commissions, including work sessions, would now have an expectation of being hybrid meetings. However, sub-committee meetings would only be held in-person in City Hall and would not have hybrid support. In other words, we would commit to hosting a hybrid meeting just once a month for the Police Civilian Review Board and Human Rights Commission (i.e. their regular monthly meetings).

I. Hybrid meetings with Zoom webinars, live streaming, and live television

Venues: City Council Chambers and the City Space Large Conference Room

Both facilities are broadcast ready with multi-camera video production equipment. Previously used rooms like the NDS Conference Room and the Second Floor Conference Room, while equipped with cameras, are not suitable for live broadcast hybrid meetings.

The “Big Four”

- City Council meetings (ALL except closed meetings)
- Planning Commission (regular meetings and work sessions)
- Board of Architectural Review (regular monthly meeting)
- Charlottesville Redevelopment and Housing Authority (regular monthly meeting)

Plus two more making a “Group of Six” boards holding hybrid meetings

- Human Rights Commission (regular monthly meeting)
- Police Civilian Review Board (regular monthly meeting)

II. Traditional in-person meetings (no Zoom access, no streaming, no television)

- All other boards and commissions not included in the “Group of Six”
- Sub-committee meetings of all Boards and Commissions
- Staff advisory committees

OTHER CONSIDERATIONS

Quorum in-person

It is important to note that state law will require all public bodies to have a quorum in-person after the locally declared state of emergency is lifted. Once the local state of emergency is terminated by City Council, individual members of a public body may participate in a public meeting electronically, only if the public body has adopted a written policy allowing that.

Prior to COVID, City Council adopted an electronic participation policy, as required by Va. Code §2.2-3708.2(C), which will need to be updated to reflect changes in the law. Effective July 1, 2021, an individual member of City Council may notify the chair (mayor) that he/she is unable to attend a meeting, either due to a disability or medical condition or for a personal reason. If the absence is for a personal reason, the specific nature of the personal reason must be specified. (Personal absences are allowable for an

individual member for up to 25 percent of the meeting held by the public body each year. For City Council, this would be up to 3 meetings per year, at minimum.)

COVID-19 Health & Safety

After the locally declared state of emergency is lifted, there will be no social distancing requirements and all meeting room seats will be available for public and officials as before the pandemic. The unvaccinated public will be encouraged to wear facemasks at in-person meetings. City employees and officials will follow the current City masking guidelines for interactions with public.

SUGGESTED ROLES & RESPONSIBILITIES IN A HYBRID MEETING

Mayor/Chair

- Recognizes speakers during public comment opportunities
- Monitors Zoom attendee list for raised hands
- When there is a queue of speakers both in-person and virtual, recognizes speakers on an alternating basis

Clerk/Staff Liaison

- Checks venue availability and reserves room (Hybrid meetings should only be broadcast from either Council Chambers or City Space)
- Advertises meetings and publishes agenda, packet, and minutes
- Ensures Communications Dept. schedules webinar and that link is included on website calendar
- Responds to public inquiries about how to participate via Zoom
- Ensures that remote staff participants are invited to be Zoom panelists
 - The Clerk/Staff Liaison will maintain a list of essential personnel (i.e. City employees) who are required to participate in-person. Others may participate via Zoom. The Essential Personnel List shall be approved by the City Manager (or Mayor for Council staff) for the six boards holding hybrid meetings.
- May also be a full participant in board meeting (e.g. PCRB Executive Director)
- Activates Civic Clerk recording of meeting video (to be expanded beyond Council to include 7 additional boards)
- Takes meeting minutes (unless delegated to a board member)
- Runs timer for all speakers (unless delegated to Zoom host)
- Determines if PowerPoint presentations will be used and directs presenter to provide materials in advance

Zoom host (Communications Dept.)

- Schedules and manages Zoom webinar
- Manages and sends Zoom invitations for virtual panelists, if any, as board members must meet in-person
- Activates/deactivates microphones for virtual attendees
- Backup facilitator for recognizing speakers participating via Zoom (i.e. if Mayor/Chair opts not to monitor participant list on Zoom)
- Manages PowerPoint presentations for remote presenters
- Loads PowerPoint presentations for in-person presenters on Presentation PC

Producer (Communications Dept.)

- Manages audio/video production
- Schedules and manages Boxcast and TV10 broadcasts
- Manages lower thirds and other on-screen graphics
- Ensures timer is visible to all attendees, chair and speaker
- Ensures any computers using Zoom in meeting room have audio/video disabled

FACILITATING PUBLIC INPUT IN HYBRID MEETINGS

Community Matters (City Council)

- Council hears from a total of up to 16 people during Community Matters.
 - Speakers (including those signing up in advance) may be in-person, on Zoom via computer, or on Zoom via telephone, and Mayor will need to be able to find them in those queues in coordination with Zoom host.
 - The advanced sign-up process allows for up to eight speakers.
 - The in-person sign-up sheet at meeting accommodates eight additional speakers, however, if there are virtual participants who wish to speak, they will not have access to the sign-up sheet.

Recommendation: Change in-person sign-up sheet to be limited to FOUR additional speakers and leave open four slots for virtual participants on an alternating basis with in-person speakers. This process would help set expectations for public about their likelihood of being able to speak.

- If virtual slots are not used, call on additional speakers in-person.
- Allow any speaker to cede time to another speaker regardless of the next speakers location (in-person or virtual).

Regular public input opportunities (appears on agenda as regular item)

- Speakers may be in-person, on Zoom via computer, or on Zoom via telephone, and Mayor/Chair will need to be able to find them in those queues in coordination with Zoom host.
- Mayor/Chair should alternate between in-person and virtual speakers.

Formal public hearings (e.g. Council, Planning Commission, BAR, BZA)

- Sign-up sheets are provided at the front of the meeting room. Speakers will be called from that list, as time permits, alternating with virtual participants who raise their hands in the Zoom webinar.

City of Charlottesville - Proposed Public meeting posture beginning September 7, 2021
Hybrid meetings allow public participation via Zoom, a mix of in-person and virtual participants

8/2/2021

		REGULAR MEETINGS		WORK SESSIONS		SPECIAL or COMMITTEE MEETINGS	
		Hybrid Meeting with TV+Streaming	In-Person Only Meetings	Hybrid Meeting with TV+Streaming	In-Person Only Meetings	Hybrid Meeting with TV+Streaming	In-Person Only Meetings
Group of Six Big Four	City Council	X		X		X	
	Planning Commission	X		X			X
	BAR	X			X		X
	CRHA	X			X		X
	Human Rights	X			X		X
	Police CRB	X			X		X
All Other Boards and Staff Advisory Bodies			X		X		X

NOTES:

- >> Regular meetings of "Big Four" have historically been televised; Proposal is to add two additional bodies to the broadcast schedule, all with hybrid meeting support
- >> Hybrid meetings can ONLY be held in **Council Chambers** or **City Space's Large Conference Room**
- >> City Hall's Second Floor Conference Room is no longer available for public meetings (alternates include meetings rooms in basement, NDS, and Parks & Rec)
- >> For all hybrid meetings, Communications Department provides a Zoom webinar and Host, and a Producer
- >> All CLOSED meetings of a public body are in-person only
- >> As an outside agency, CRHA may make other choices about offering/staffing hybrid meetings when they are not in a regular meeting in Council Chambers.

SUGGESTED REVISIONS TO COUNCIL PROCEDURES

Note: Other boards holding hybrid meetings should revisit their own bylaws or operating procedures regarding public comment guidelines.

Current procedures for City Council: <https://www.charlottesville.gov/691/Council-Meeting-Procedures>

Proposed revisions:

D. Matters by the Public, Public Hearings & Other Comment Opportunities

1. *Matters by the Public* - Time shall be reserved during each regular City Council meeting for Matters by the Public. The purpose of Matters by the Public is to offer individuals an opportunity to state a position, provide information to City Council, comment on the services, policies and affairs of the City, or present a matter that, in the speaker's opinion, deserves the attention of City Council. Regular City Council meetings and work sessions will be held in a hybrid format allowing both in-person participation and remote (or virtual) participation via a Zoom webinar (via computer or telephone). Virtual participants will be audio only (no video).
 1. At Council's regularly scheduled meetings, two opportunities will be afforded for members of the public to address Council. One Matters by the Public session will be offered early in the meeting, which shall be called "Community Matters", prior to taking up matters on a consent agenda, action items agenda, or items for discussion agenda. At this first period, up to sixteen (16) individuals may speak, as follows:
 1. Up to 8 individuals selected randomly from a list of people who have signed up in advance, and
 2. Up to 4 individuals who have registered on the sign-up sheet available at the front of the room prior to the meeting on a first-come/first-served basis, and
 3. Up to 4 individuals who are participating virtually who raise their hand in the Zoom webinar

A second Matters by the Public session will be offered as the final item on a regular meeting agenda. The Mayor will alternate between in-person and virtual participants who have raised their hand in the Zoom webinar.
 - b. Each person who speaks during a Matters by the Public session will be limited to a maximum time of three minutes.
 1. Speakers may concede their allotted time; the person whose name is written on the speaker sheet must be the person who begins speaking, although they may be accompanied by others to the podium and may share their time with them. Each speaker shall begin by clearly stating his or her name and place of residence (or, if speaking on behalf of a business, by giving the location of the business).
 2. Written materials presented at Matters by the Public must be given to the Clerk prior to speaking and will be distributed to the Council. For

distribution of hard copies to Councilors, eight copies should be provided; however, electronic distribution is preferred and may be emailed to the City Council. PowerPoint presentations cannot be accommodated during Matters by the Public.

3. After an individual completes his or her remarks to Council, any Councilor or the City Manager may respond as they see fit. To assure the orderly progress of the meeting, the presiding officer shall ensure that, collectively, responses to any individual's remarks will not exceed a period of approximately two minutes.
4. Remarks that cannot readily be addressed within the Councilors' response time may be referred to the City Manager by the Mayor, with a request that the City Manager bring back a response at the meeting immediately following the present meeting.

Public hearings - From time to time, Council will conduct public hearings on specific topics as required by law or as Council otherwise deems appropriate. The purpose of a public hearing is for Council to receive public comments on a specific topic.

- . Sign-up sheets are provided at the front of the room. Speakers will be called from that list, as time permits, alternating with virtual participants who raise their hands in the Zoom webinar. Virtual participants will be audio only (no video).
 - a. After all speakers on the sign-up list and in the Zoom webinar have been called, other individuals will be invited to speak, until everyone who wishes to speak on the topic has had a chance to do so.
 - b. During a public hearing, each speaker must limit his or her comments to the specific application or matter for which the public hearing has been scheduled.
 - c. No person may speak more than once during any public hearing. Each person who speaks during a public hearing will be limited to a maximum time of three minutes.
 - d. Prior to opening a Public Hearing, Council may, by motion, limit the number of speakers who will be heard, and/or reduce the time for each speaker to two minutes, upon determining that the session could not be commenced in a timely manner.

Town Hall meetings - Town Hall meetings are generally conducted in an open format. Council may conduct a Town Hall meeting in a manner that is free-form (no limit on the time for making a comment or stating a question, or for Councilors' responses) or Council may establish an agenda or list of topics that will apply for a particular Town Hall meeting, and times or guidelines for speakers' questions and Councilors' responses. Council may offer a virtual participation option for a Town Hall (e.g. via a Zoom webinar). Virtual participants will be audio only (no video). Any parameters that will apply to a Town Hall will be established by the Mayor prior to the meeting or by vote of Council after calling the Town Hall meeting to order and prior to opening the floor. Prior to commencing the session, attendees shall be notified of any applicable time limits or speaker guidelines, either by posted signs, a written agenda or verbal announcement by Council at the beginning of the meeting.

Written Comments - To provide an additional mechanism to communicate with Council, a "Submit a Comment to City Council" form is provided on the City website for electronically submitting comments. These comments are distributed to all Council members. Citizens may also contact Councilors via their City email addresses (available on the City's website) or by written correspondence sent in care of the Clerk of Council.

Consent Agenda Comments - After the Clerk of Council concludes reading the Consent Agenda, the Mayor will ask if anyone in attendance at the City Council meeting (both in-person and virtually via a Zoom webinar) wishes to speak on matters listed on the Consent Agenda. Speakers will be limited to a maximum of three minutes and their remarks shall be limited to matters listed on the Consent Agenda. The Mayor will alternate between in-person and virtual participants who have raised their hand in the Zoom webinar. Virtual participants will be audio only (no video).