



CITY COUNCIL AGENDA January 19, 2021

Members

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

5:30 p.m. Closed session as provided by Sections 2.2-3711 and 2.2-3712 of the Virginia Code (Legal consultation)

Virtual/electronic meeting

6:30 p.m. Regular Meeting

Register at www.charlottesville.gov/zoom. Virtual/electronic meeting in accordance with the local ordinance to ensure continuity of government and prevent the spread of disease. NOTE: Individuals with disabilities who require assistance or special arrangements to participate in the public meeting may call the ADA Coordinator at (434) 970-3182 or submit a request via email to ada@charlottesville.gov. 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

CONSENT AGENDA*

1. Minutes: November 10 Joint Council-Planning Commission Work Session; November 12 Budget Work Session; November 16 Special, Closed and Regular Meetings; November 20 Special Meeting; December 7 Regular Meeting; December 10 Budget Work Session; December 21 Special Meeting; January 6 Emergency Meeting 1; January 6 Emergency Meeting 2; January 8 Emergency Meeting; January 11 Emergency Meeting
2. Appropriation: Virginia Department of Social Services One-Time Funding for Benefits Programs - \$16,877.19 (2nd reading)
3. Appropriation: Staffing for Adequate Fire and Emergency Response (SAFER) Grant - \$3,498,300.00 (2nd reading)
4. Appropriation: COVID-19 Municipal Utility Relief Program to Assist Customers - \$182,801.59 (2nd reading)
5. Appropriation: Charlottesville City Schools Budget Amendment – Grant Funding - \$2,787,563 (2nd reading)
6. Appropriation: Interest Accrual on Coronavirus Aid, Relief, and Economic Security (CARES) Act Funds - \$7,000.00 (2nd reading)
7. Appropriation: Appropriation of Community Development Block Grant (CDBG)/HOME Investment Partnerships Program (HOME) Budget Allocations for FY 2020-2021 and Minor Amendment for Action Plan 2020-2021
 - a. Appropriation: Appropriation of funds for the 2020-2021 Community Development Block Grant - \$419,303.00 (2nd reading)
 - b. Appropriation: Appropriation of funds for the 2020-2021 HOME funds - \$121,186.97 (2nd reading)

- 8. Appropriation: Appropriation of funds for the 2020-2021 CDBG 10th and Page Priority Neighborhood (2nd reading)
- 9. Ordinance: Eagle franchise agreement renewal (2nd reading)
- 10. Resolution: Letter of Endorsement for House Bill (HB) 1965 regarding No/Low Emission Vehicles (1 reading)
- 11. Resolution: Resolution in recognition of lives lost to Covid-19 (1 reading)

CITY MANAGER RESPONSE TO COMMUNITY MATTERS (FROM PREVIOUS MEETINGS)

COMMUNITY MATTERS Public comment for up to 16 speakers (limit 3 minutes per speaker). Preregistration available for up to 8 spaces; preregistered speakers announced by Noon the day of the meeting. Additional public comment period at end of meeting. Public comment will be conducted through electronic participation as City Hall is closed to the public. Participants can register in advance at www.charlottesville.gov/zoom.

ACTION ITEMS

- 12. Public Hearing/App.: Public Hearing of the FY2020-2021 Substantial Action Plan Amendment, Budget Appropriation and Approval of the Community Development Block Grant Coronavirus 3 (CDBG-CV3) Budget
 - a. Resolution*: FY2020-2021 Substantial Action Plan Amendment (1 reading)
 - b. Appropriation: Substantial Action Plan CDBG-CV3 Budget (1st of 2 readings)
- 13. Appropriation: Approval and Appropriation of CDBG and HOME Budget Allocations for FY2021-2022
 - a. Appropriation: CDBG 2021-2022 budget allocations (1st of 2 readings)
 - b. Appropriation: HOME 2021-2022 budget allocations (1st of 2 readings)
- 14. Ordinance: Human Rights Commission Ordinance Recommended Amendments (1st of 2 readings)
- 15. Resolution*: Acquisition of land at Ragged Mountain Reservoir - \$65,000 (1 reading)

GENERAL BUSINESS

- 16. Report: Update on the Climate Action Plan Development Process

OTHER BUSINESS

MATTERS BY THE PUBLIC

*Action Needed

Charlottesville City Council and Planning Commission
Joint Work Session
November 10, 2020

Following a joint public hearing at the 6:00 p.m. Planning Commission Meeting, where Vice Mayor Sena Magill called the Council of the City of Charlottesville to order, City Council and the Planning Commission began a joint work session at 6:12 p.m. to hear a presentation on the draft Charlottesville Affordable Housing Plan. All Councilors were present for the work session: Mayor Nikuyah Walker, Vice Mayor Sena Magill, and Councilors Heather Hill, Michael Payne and Lloyd Snook.

This meeting was held electronically over the Zoom platform pursuant to Ordinance #O-20-093 enacted on July 27, 2020, to ensure continuity of government and prevent the spread of disease.

The Charlottesville Affordable Housing Plan was developed over a period of eleven months as part of the Cville Plans Together planning effort. Cville Plans Together is an opportunity for the community to actively participate in updating the future vision for the city, with a focus on equity and affordability. The planning process included:

- Review of past work to evaluate housing needs and key issues
- Engagement with the Cville Plans Together steering committee, City leadership, the Housing Advisory Committee, the Planning Commission and other stakeholder groups
- Public engagement through a survey and small group conversations
- Evaluation of feasibility and potential impacts of a range of affordable housing tools

The Cville Plans Together Consultant Team described the plan format and recommendations in the following format:

1. General Update

A. Overview of materials available for public review and input.

Presenters advised that documentation could be found at CvillePlansTogether.com.

B. Overview of public engagement activities for November.

2. Affordable Housing Plan Information Session and Discussion

A. Overview of process to develop draft recommendations and high-level overview of the recommendations

The recommendations of the affordable housing plan are informed by three guiding principles: racial equity, regional collaboration and a comprehensive approach.

The affordable housing plan is organized around five sections that detail recommendations for funding, governance and affordable housing tools.

- **Funding:** Make a strong and recurring financial commitment to address housing needs in Charlottesville
- **Governance:** Build governance structures that institutionalize an equitable and efficient implementation of the affordable housing plan.
- **Land Use:** Revise regulations and development approval processes to increase the supply of housing and slow the increase in housing cost, while protecting lower income and other marginalized communities.
- **Tenants' Rights:** Change local policy and advocate at the state level to expand Charlottesville's ability to support tenants' rights.
- **Subsidy:** Focus and align subsidy programs with community-defined priorities and make changes to increase impacts.

B. Discussion

3. Summary of Next Steps

A. Community engagement.

Consultants advised that public comment on the draft plan would be collected until December 2, 2020. They shared information about future webinars, virtual drop-in Office Hours, an online survey and a toll-free phone line.

B. Schedule updates

C. Checking in with Planning Commission and Council after November

4. Other Questions/Discussions about Cville Plans Together materials

The presentation indicated that the full Draft Affordable Housing Plan could be downloaded at CvillePlansTogether.com/affordable-housing-station/.

Chair Hosea Mitchell opened the floor for public comment:

- Keisha Washington spoke about affordable home ownership.
- Emily Dreyfus spoke about the City's tax relief and rent relief programs.
- Neil Williamson spoke about using empirical evidence to evaluate the program tools, particularly inclusionary zoning.

With no further comment, Chair Mitchell closed public comment.

At the request of the Planning Commission, Councilors listened to a rezoning proposal presented by Commissioner Rory Stolzenberg regarding the parking structure proposed for 7th and Market

Streets, for which the request for proposal (RFP) would be issued in February 2021. Questions arose about whether the designated space could be used for purposes in addition to parking in this architecturally controlled design area.

Acting City Attorney Lisa Robertson shared further information about timelines, deadlines, and the parameters for the RFP, which would be for design build and structure of the parking structure. Councilors expressed interest in maximizing the use of the space.

The Planning Commission by motion requested that City Council explore an alternative zoning designation to be applied to the property designated for a new parking structure to allow for more flexibility in use.

The meeting adjourned at 8:54 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

CHARLOTTESVILLE CITY COUNCIL
Budget Work Session on the Capital Improvement Plan (CIP)
November 12, 2020
6:00 p.m. – 8:00 p.m.
Virtual/electronic meeting via Zoom

The Charlottesville City Council met in an electronic meeting on Thursday, November 12, 2020, in accordance with a local ordinance approved July 27, 2020, to ensure continuity of government and prevent the spread of disease.

Mayor Nikuyah Walker called the meeting to order at 6:02 p.m. with the following members present: Mayor Nikuyah Walker, Vice Mayor Sena Magill, Councilors Heather Hill, Michael Payne and Lloyd Snook.

Mayor Walker turned the meeting over to Acting City Manager John Blair, who advised that this meeting would provide an opportunity for fiscal clarity, with the hope of providing staff with guidance on priorities. Mr. Blair thanked various staff who worked to put the budget presentation together.

The agenda of the meeting followed the following format:

1. Key Budget Dates
2. Long-term Financial Policies
3. CIP Spending Overview
 - Parking Garage Mixed Use Alternatives
 - Dogwood Memorial
 - 5th Street Traffic Improvements
4. CIP Funding Overview
5. Capacity versus Affordability
6. Other Considerations
7. Council Discussion and Decisions

Ryan Davidson, Senior Budget and Management Analyst reviewed the agenda, key dates, and long-term financial policies for the City.

Budget Process Update Key Dates:

- December 8, 2020 – Planning Commission CIP Public Hearing
- March 1, 2021 - Proposed City and School Operating and Capital Budget Formally Presented to Council
- March 15, 2021 - First Budget and Tax Rate Public Hearings

- April 5, 2021 - Second Budget Public Hearing/Budget Approval First Reading/Tax Levy Approval First Reading
- April 13, 2021 - Budget and Tax Levy Approval Second Reading

Scheduled Work sessions:

- December 10, 2020 - Budget Work session (Budget Development)
- January 26, 2021 - Budget Work session (Budget Development)
- January 28, 2021 - City Council and School Board Joint Work session
- March 4, 2021 - Budget Work session #1 (Revenue & Expenditures)
- March 11, 2021 - Budget Work session #2 (Outside Agencies)
- March 17, 2021 - Community Budget Forum
- March 25, 2021 - Budget Work session #3 (CIP)
- April 8, 2021 - Budget Work session #4 (Wrap-up)

Long-term Financial Policies:

1. Maintain a minimum General Fund balance of at least 14% of General Fund budget.
2. Maintain a minimum Downturn Reserve Fund balance of no less than 3% of General Fund budget.
3. Maintain sufficient working capital in the utility funds (Water, Wastewater and Gas).
4. Stabilize all non-general funds by ensuring they have a positive fund balance.
5. Debt service as a percentage of the general fund total expenditure budget has a ceiling of 10%, with a target of 9%.
6. Transfer 1-cent of the meals tax revenue to the Debt Service Fund to be used for debt service.

Krisy Hammill, Senior Budget and Management Analyst, reviewed the current five-year CIP for fiscal years 2021 to 2025, cash funding, outstanding debt, debt service estimates. She provided a comparison of debt capacity versus debt affordability and reviewed some additional CIP funding considerations:

- School Reconfiguration Project – cost to be determined
- Parking Garage Mixed Use Alternatives
- Dogwood Memorial
- 5th Street Traffic Improvements
- Comprehensive Plan Housing Spending Recommendation
- Unfunded Departmental Requests

Chris Engel, Director of Economic Development, at the request of Mr. Blair, provided a review of “Mixed-use Development Consideration in Conjunction with 7th Street Deck”, and answered questions for Council.

Brennen Duncan, Traffic Engineer, reviewed a request for improvements to Dogwood Vietnam Memorial access. He and Todd Brown, Director of Parks and Recreation, answered questions for Council. Mr. Duncan also provided information regarding 5th Street traffic improvements.

Ms. Hammill reviewed other Fiscal Year 2022 budget considerations:

- City Operating Budget Needs and Unknowns
 - Due November 13th
 - Departmental Requests
 - Employee Compensation and Benefits
- Schools Operating Budget Needs
- Outside Agency Budgets

Paul Oberdorfer, Deputy City Manager, answered questions about capital improvement projects.

Mayor Walker opened the floor for public comment. No one from the public indicated a desire to speak.

Council continued discussion about pending budget requests and outstanding studies from consultants. Council agreed to set a meeting to discuss priorities in order to guide future budget discussions.

Mayor Walker adjourned the meeting at 8:11 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

CITY COUNCIL SPECIAL MEETING

November 16, 2020

Virtual/electronic meeting

4:00 PM SPECIAL REPORTS MEETING

The Charlottesville City Council met in an electronic meeting on Monday, November 16, 2020, in accordance with a local ordinance approved July 27, 2020, to ensure continuity of government and prevent the spread of disease. Mayor Nikuyah Walker called the meeting to order at 4:02 p.m. with the following members present: Mayor Nikuyah Walker, Vice Mayor Sena Magill, Councilors Heather Hill, Michael Payne and Lloyd Snook.

Mayor Walker turned the meeting over to Acting City Manager John Blair, who shared that this meeting was being held as an attempt for City Council to be responsive to public requests to have fewer late-night meetings. The purpose 4:00 p.m. special meetings would be to hear informational reports.

Mr. Blair introduced the presenters for the first report.

REPORT: Food Equity Initiative Update

Misty Graves, Deputy Director of the City of Charlottesville Department of Human Services/Community Attention, thanked Shantell Bingham and Jeanette Abi-Nader for the extensive amount of work put into the food equity initiative, and thanked the city for investment in the initiative.

Shantell Bingham and Jeanette Abi-Nader presented the Food Equity Initiative End of Year Report and answered questions for City Council. City Council members thanked the presenters for their work.

REPORT: City Financial Report for FY21 through October 31, 2020

Ryan Davidson, Senior Budget and Management Analyst, presented the City Financial Report for Fiscal Year 2021 through October 31, 2020. Mr. Blair, Commissioner of the Revenue Todd Divers, Treasurer Jason Vandever, and Director of Economic Development Chris Engel answered questions for Council. Council agreed to the report formatting changes proposed by Mr. Davidson.

Mayor Walker adjourned the meeting at 5:15 p.m.

BY Mayor Nikuyah Walker

BY Kyna Thomas, Clerk of Council

CITY COUNCIL MEETING
November 16, 2020
Virtual/electronic meeting

5:30 PM CLOSED MEETING

The Charlottesville City Council met in an electronic meeting on Monday, November 16, 2020, in accordance with a local ordinance approved July 27, 2020 to ensure continuity of government and prevent the spread of disease. Mayor Nikuyah Walker called the meeting to order at 5:31 p.m. with the following members present: Mayor Nikuyah Walker, Vice Mayor Sena Magill, and Councilors Heather Hill, Michael Payne and Lloyd Snook.

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

- section 2.2-3711(A)(1), for discussion and consideration of the performance of the acting city manager; and
- section 2.2-3711(A)(3), for discussion or consideration of the disposition of a lease of space office within the Market Street parking garage structure to a specific entity, where discussion in an open meeting would adversely affect the negotiating strategy of the City; and
- section 2.2-3711(A)(29) for discussion of the award of a public contract to conduct the search for a new city manager, and discussion of the terms or scope of the contract, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the City.

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

The meeting adjourned at 6:30 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

6:30 PM REGULAR MEETING

The Charlottesville City Council met virtually/electronically in regular session on Monday, November 16, 2020, in accordance with the local ordinance approved July 27, 2020 to

ensure continuity of government and prevent the spread of disease. Mayor Walker called the meeting to order at 6:30 p.m. with the following members present: Mayor Nikuyah Walker, Vice Mayor Sena Magill, and Councilors Heather Hill, Michael Payne and Lloyd Snook.

City Council observed a moment of silence.

On motion by Vice Mayor Magill, seconded by Councilor Hill, Council unanimously adopted the meeting agenda.

ANNOUNCEMENTS

Vice Mayor Magill reminded the public to be aware of Governor Northam's new Covid-19 requirements effective November 15.

CONSENT AGENDA*

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

APPROPRIATION: Virginia Department of Education Special Nutrition Program Child and Adult Care Food Program - \$30,000 (2nd reading)

APPROPRIATION

Virginia Department of Education Special Nutrition Program Child and Adult Care Food Program - \$30,000

WHEREAS, the City of Charlottesville, through Parks and Recreation, has received approval for reimbursement up to \$30,000 from the Virginia Department of Education Special Nutrition Program to provide free dinner to children attending select drop-in afterschool centers; and

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

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

Revenue – \$ 30,000

Fund: 209 Internal Order: 1900342 G/L Account: 430120

Expenditures - \$30,000

Fund: 209 Internal Order: 1900342 G/L Account: 530670

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$30,000 from the Virginia Department of Education Special Nutrition Program.

APPROPRIATION: Virginia Outdoors Foundation Grant - Ragged Mountain Land Acquisition - \$65,000 (2nd reading)

APPROPRIATION

**Virginia Outdoors Foundation Grant – Ragged Mountain Land Acquisition
\$65,000**

WHEREAS, the City of Charlottesville, through Parks and Recreation, has been awarded \$65,000 from the Virginia Outdoors Foundation to acquire 5 acres of undeveloped forested land adjacent to the Ragged Mountain Reservoir Property; and

WHEREAS, the match for this grant will come from the remainder of a previous USDA grant award; and

WHEREAS, the grant funding will be passed through the parkland acquisition account and paid to the property owner;

Revenue

\$65,000 Fund: 426 WBS: P-00534 G/L Account: 431110

Expenditures

\$65,000 Fund: 426 WBS: P-00534 G/L Account: 599999

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$65,000 is hereby appropriated in the following manner:

BE IT FURTHER RESOLVED that this appropriation is conditioned upon the receipt of \$65,000 from the Virginia Outdoors Foundation.

APPROPRIATION: Runaway Emergency Shelter Program Grant - \$209,444 (2nd reading)

APPROPRIATION

Runaway Emergency Shelter Program - \$209,444

WHEREAS, the City of Charlottesville has been awarded \$200,000 from the Department of Health and Human Services Administration for Children and Families with cash

match of \$9,444 provided by the Human Services Fund and in-kind match of \$12,778 provided by ReadyKids;

WHEREAS, the funds will be used to operate the Runaway Emergency Shelter Program through a partnership between the Human Services Department and ReadyKids. The grant award covers the period from September 30, 2020 through September 29, 2021;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$209,444 is hereby appropriated in the following manner:

Revenue – \$209,444

| | | | |
|-----------|-----------|------------------------|---------------------|
| \$200,000 | Fund: 211 | Internal Order:1900391 | G/L Account: 431110 |
| \$ 9,444 | Fund: 211 | Internal Order:1900391 | G/L Account: 498010 |

Expenditures - \$209,444

| | | | |
|-----------|-----------|------------------------|---------------------|
| \$ 69,948 | Fund: 211 | Internal Order:1900391 | G/L Account: 519999 |
| \$125,000 | Fund: 211 | Internal Order:1900391 | G/L Account: 530010 |
| \$ 14,496 | Fund: 211 | Internal Order:1900391 | G/L Account: 599999 |

Transfer - \$9,444

| | | | |
|----------|-----------|-------------------------|---------------------|
| \$ 9,444 | Fund: 213 | Cost Center: 3413003000 | G/L Account: 561211 |
|----------|-----------|-------------------------|---------------------|

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$200,000 from the Department of Health and Human Services Administration for Children and Families.

APPROPRIATION: Local Emergency Management Performance Grant (L.E.M.P.G.) - \$7,500 (2nd reading)

APPROPRIATION

2019 Local Emergency Management Performance Grant (LEMPG) - \$7,500

WHEREAS, the City of Charlottesville has received funds from the Virginia Department of Emergency Management in the amount of \$7,500 in federal pass through funds and \$7,500 in local in-kind match, provided by the Charlottesville-UVA-Albemarle Emergency Communications Center Office of Emergency Management; and

WHEREAS, the funds will be used to support programs provided by the Office of Emergency Management; and

WHEREAS, the grant award covers the period from July 1, 2019 through June 30, 2020;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$7,500 is hereby appropriated in the following manner:

Revenue – \$7,500

\$7,500 Fund: 209 I/O: 1900380 G/L: 430120 State/Fed pass thru

Expenditures - \$7,500

\$7,500 Fund: 209 I/O: 1900380 G/L: 510010 Salaries

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$7,500 from the Virginia Department of Emergency Management, and the matching in-kind funds from the Charlottesville-UVA-Albemarle Emergency Communications Center Office of Emergency Management.

ORDINANCE: Amendment to the text of Chapter 34 (Zoning Ordinance) of the City of Charlottesville, 1990, as amended, to provide updates to family dayhome uses (2nd reading)

ORDINANCE AMENDING AND RE-ENACTING THE CODE OF THE CITY OF CHARLOTTESVILLE, CHAPTER 34 (ZONING) TO ESTABLISH UPDATED REGULATIONS FOR FAMILY DAY HOMES

Mayor Walker opened the floor for comment on the Consent Agenda. No one came forward to speak.

Mayor Walker commented about the Family Day Home Ordinance being presented during the Covid-19 pandemic and asked for future flexibility in providing help to those in need.

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

CITY MANAGER RESPONSE TO COMMUNITY MATTERS (FROM PREVIOUS MEETINGS)

Acting City Manager John Blair shared an update on the following community matters:

1. Regarding a question about Chief Brackney meeting with Ms. Rose, he advised that Chief Brackney met twice with Ms. Rose.
2. Regarding Council restarting in-person meetings, he advised that other local public

bodies have no plans to start in- person meetings soon.

3. He advised that the Governor's Covid-19 Executive Order that went into effect on November 15, would take precedence over the City's Ordinance enacted on July 27, 2020, and that Council would need to change the local ordinance to bring it into compliance with the State Executive Order.

4. Regarding the 200 Carlton Avenue Site Plan conference, he advised that registration would open on November 17 for the webinar via the Zoom platform.

Mayor Walker spoke of safety concerns for in-person meetings and the need for staff to telework when possible. She was supportive of more restrictive measures to mitigate Covid-19.

COMMUNITY MATTERS

The following members of the public spoke during Community Matters:

Deborah Lawrence, city resident and environmental scientist at the University of Virginia spoke about addressing climate change now.

Peter Krebs, city resident and representative of the Piedmont Environmental Council, spoke about road traffic safety.

Susan Kruse, Executive Director of Community Climate Collaborative, spoke about the need to incorporate climate leadership in the Comprehensive Plan and the Strategic Plan.

Tanesha Hudson spoke about traffic issues at 5th Street, and the most recent Freedom of Information request that she made.

Andy Orban, city resident, spoke about safety concerns with the 5th Street extended corridor, and shared suggestions for design.

Kristen Lucas, city resident, spoke about the 5th Street traffic study, and spoke in support of changes in design.

Rory Stolzenberg, city resident, asked questions about the parking fund in the City Budget.

Joan Albiston, city resident, spoke about traffic safety suggestions for 5th Street.

JoAnn Robertson shared commendation for Voter Registrar Melissa Morton and former City Manager Tarron Richardson. She spoke about the community desire for police to be more connected to the community.

Robin Hoffman spoke about indoor air quality and about a technology event that she attended at the University of Virginia.

ACTION ITEMS

ALLOCATION: Employee Assistance Proposal

Kaki Dimock, Director of Human Services, shared the staff recommendation for approval to use remaining CARES Contingency Reserve Funds in the amount of \$100,000 to provide financial assistance to city employees laid off due to the reduction in force made necessary by the COVID-19 pandemic.

Ms. Dimock and Chris Cullinan, Director of Finance, answered questions from Council regarding requests for assistance from the public and employees with reduction in work hours.

On motion by Councilor Hill, seconded by Vice Mayor Magill, Council by the following vote APPROVED the allocation: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none).

The meeting recessed at 7:24 p.m. and reconvened at 7:40 p.m.

GENERAL BUSINESS

REPORT: Traffic safety report

Brennen Duncan, Traffic Engineer, presented the Traffic Safety Report, addressing three main issues:

- a petition sent to City Council on July 24, 2020, for traffic calming along Cherry Avenue
- an issue brought up on September 14, 2020, regarding traffic calming issues on Willard Drive in the Fry Spring neighborhood, and
- safety along 5th Street, particularly between Harris Road and Cherry/Elliot Avenue.

He shared costs for short-term and mid-term solutions and advised that long-term solutions would be difficult to quantify. He also addressed Council concerns.

David Brown, Director of Public Works, commented that based on studies and industry standards, items that are not warranted would not be included in recommendations. He advised that recommendations are based on conditions observed.

Council agreed to hear a comment from Ms. Benta Rose, whose son was one of the fatalities on 5th Street in 2020. She asked about making the turns from driveways more visible to oncoming traffic. Mr. Duncan advised that perhaps lighting below the tree canopy could help. He advised of work being done over the next couple of months to include signage and traffic signaling.

Mr. Blair acknowledged staff from other departments who helped to put together the Traffic Safety Report.

REPORT: City logo discussion

Mr. Blair shared the staff report and asked Council's desire. He advised that staff would need to advise of costs that would be incurred per department to replace the logo. He asked Council to consider options for developing a new logo, including conducting a contest, as was done in 1971 to develop the current logo, or hiring a professional designer.

Councilors voiced support for a logo change and indicated a desire to delay using resources and staff time to engage in the overhaul of the city logo at this time, given other priorities. They agreed to revisit the issue in six months, sometime around June.

OTHER BUSINESS

Mayor Walker introduced the idea of a possible change of day for City Council meetings. Council decided to leave meetings on Mondays.

Councilor Hill suggested canceling the December 21st or January 4th meeting. Council agreed to take action on December 21st to cancel the January 4th meeting.

MATTERS BY THE PUBLIC

Tanesha Hudson spoke about 5th Street, suggesting that cameras be installed, and advising that tree limbs need to be cut.

Andy Orban spoke about looking more holistically at bicycle and pedestrian infrastructure options during and after Covid-19.

Nancy Carpenter, city resident, spoke in support of the allocation of employee assistance funds. She also spoke about 5th Street traffic concerns and about General Assembly legislation passed regarding police civilian review panels.

Joan Albiston requested that side triangles at the intersection of Harris Road and 5th Street be re-examined. Mr. Duncan provided a response.

Benta Rose asked about the necessity of the number of trees along the 5th Street corridor. Mayor Walker asked that Mr. Duncan provide a response since he was still on the call.

Don Gathers, city resident, spoke about 5th Street traffic concerns.

Mayor Walker adjourned the meeting at 9:34 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

CITY COUNCIL SPECIAL MEETING

November 20, 2020

Virtual/electronic meeting

1:00 PM SPECIAL MEETING – FY2022 Budget Development Work Session

The Charlottesville City Council met in an electronic meeting on Friday, November 20, 2020, in accordance with a local ordinance approved July 27, 2020, to ensure continuity of government and prevent the spread of disease. Mayor Nikuyah Walker called the meeting to order at 1:02 p.m. with the following members present: Mayor Nikuyah Walker, Vice Mayor Sena Magill, Councilors Heather Hill, Michael Payne and Lloyd Snook.

Acting City Manager John Blair opened the discussion with guidance to Council that the desired result of the meeting would be to provide fiscal clarity to guide staff, as the next few years of work would be guided by budget decisions and Council priorities. He turned the meeting over to Krisy Hammill, Senior Budget and Management Analyst, who began review of the Authorized But Not Issued (ABNI) List for bonds. She advised of a date change in the budget planning calendar, where the December 8 meeting with the Planning Commission was changed to January 12, 2021.

After answering questions from Council, Ms. Hammill turned the meeting over to David Brown, Director of Public Works, who began the discussion on the West Main Street Project.

Jack Dawson, City Engineer, shared results of the Value Engineering Study, which recommended keeping with the vision of the initial West Main Street Project proposal, while estimating a maximum of \$3 Million in savings for all four phases. Council expressed concern about competing priorities for large scale projects. Mr. Brown, Mr. Dawson, Marty Silman, Deputy Director for Public Works, and Jason McIlwee with the Utilities Department answered questions for Council and advised that they would come back to a future meeting with additional information about scope and potential changes. They advised that with State funding tied to this project, certain scope changes could require renegotiation.

Michael Goddard with Facilities Development provided an update on the School Reconfiguration Project, with a focus on Buford and Walker.

Kristel Riddervold, Environmental Sustainability and Facilities Development Manager shared additional information about project goals proposed by the school system.

Lisa Torres and Jennifer McKeever with Charlottesville City Schools joined the meeting at Council request to answer questions about student transitions, segregation of students who are bussed to a school other than their neighborhood school, school reconfiguration, school modernization, and the benefits of reconfiguration versus upkeep.

Questions arose about other capital improvement projects, including the bypass fire

station. Emily Pelliccia, Deputy Fire Chief, provided an overview of fire station needs. Scott Hendrix, Senior Project Manager, provided more technical information about the funding and design of the facility.

Councilors shared a summary of their takeaways from the meeting discussion. Mr. Blair advised Council to send any additional questions so that staff could follow up.

Mayor Walker proposed creating a committee for developing a strategic plan to influence the Fiscal Year 2023 budget process. Councilors agreed that the current strategic goals in place would continue to be the guide for budget planning this year.

Mayor Walker opened the floor for public comment.

Elizabeth Stark, city resident, asked that Council prioritize schools, affordable housing and community support for items such as streetscape and parking garages. She asked Council to also thoroughly review the Police Department budget and offered ways trim funds for transferring to other priorities. She asked that Council find a better way to get better data on policing in Charlottesville.

Lisa Torres with Charlottesville City Schools offered assistance in answering Council questions about schools and thanked Council for their support.

Richard Morris, Program Director of the Urban Agriculture Collective, shared information about challenges faced by urban growing spaces, and asked that urban agriculture be included in future planning.

Mayor Walker adjourned the meeting at 4:03 p.m.

BY Mayor Nikuyah Walker

BY Kyna Thomas, Clerk of Council

CITY COUNCIL MEETING
December 7, 2020
Council Chamber

6:30 PM REGULAR MEETING

The Charlottesville City Council met in an electronic meeting on Monday, December 7, 2020, in accordance with a local ordinance enacted on July 27, 2020 to ensure continuity of government and prevent the spread of disease. Mayor Nikuyah Walker called the meeting to order at 6:30 p.m. with the following members present: Mayor Nikuyah Walker, Vice Mayor Sena Magill, and Councilors Heather Hill, Michael Payne and Lloyd Snook.

City Council observed a moment of silence.

On motion by Councilor Hill, seconded by Councilor Snook, Council unanimously approved the meeting agenda.

ANNOUNCEMENTS

Mayor walker announced the December 11 deadline for board and commission applications for expected appointments to be decided on December 21.

Dr. Denise Bonds provided a Covid-19 update, advising of a rapid rise in cases across the district. She also shared information about potential vaccines and about testing locations.

Councilor Hill made an announcement about voting for the Imagine a Day Without Water regional youth art contest.

CONSENT AGENDA*

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

MINUTES: October 5 closed and regular meetings, October 6 work session on boards and commissions, October 19 closed and regular meetings, October 27 special meeting

APPROPRIATION: Fire Truck Insurance Reimbursement - \$21,214.18 (carried)

RESOLUTION: Disposition of City Council appointed Boards and Commissions

RESOLUTION
Disposition of City Council-appointed Boards and Commissions

WHEREAS, the Council of the City of Charlottesville previously established specific

entities pursuant to its authority conferred by Virginia Code Section 15.2-1411; and

WHEREAS, the Council convened an October 6, 2020 work session to determine if these entities should still exist or be appointed by the Council; and

WHEREAS, after its deliberations, the Council determined that the status of several entities needed to be revised.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville that the following boards or committees are dissolved: Belmont Bridge Steering Committee, Hydraulic Road Planning Advisory Panel, and Streets That Work/Code Audit Steering Committee.

BE IT FURTHER RESOLVED that the following boards or committees will transition from public bodies appointed by City Council to staff-advisory committees: Parking Advisory Panel, Parks and Recreation Advisory Committee, PLACE Design Task Force, and Water Resources Protection Program Advisory Committee.

Mayor Walker opened the floor for comments from the public on the Consent Agenda. No speakers came forward.

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

CITY MANAGER RESPONSE TO COMMUNITY MATTERS (FROM PREVIOUS MEETINGS)

Acting City Manager John Blair shared an update on the following community matters:

1. Regarding an inquiry from Ms. Albiston about a mowed down garden plot, he advised that it occurred in the County section of the Willoughby subdivision. He advised that Mr. Wheeler followed up with Ms. Albiston and would forward her additional concerns to Traffic Engineer Brennan Duncan.
2. He advised that on Friday, December 11 at 11:00 a.m., the Historic Resources Committee would be reviewing the City's Honorary Street Naming Policy.

COMMUNITY MATTERS

The following members of the public spoke during Community Matters:

Telicia Ivery, city resident, spoke about recent events in the community, including shootings. She was seeking Council approval for funding for arts development, music and

computer training programs to work with youth and young adults in underdeveloped communities to develop skills and talents. She spoke of the Waking Up With a Purpose program.

Roy Van Doorn, city resident and Treasurer for Downtown Business Association of Charlottesville, shared information about a new gift card program to support downtown businesses. He also made a funding request.

Jojo Robertson asked about openings on boards and commissions. She expressed concern about the opening of parks and city schools. She asked about opportunities for youth.

Robin Hoffman asked about HVAC systems for buildings that are re-opening, to alleviate particulate matter concerns. She spoke of concerns regarding recent shootings and she also spoke in support of neighborhood engagement activities.

Harold Folley, representing the People's Coalition, encourage Council to fill a vacant seat on the Police Civilian Review Board as soon as possible with a particular candidate.

Jeannean Carver spoke about the skate park in relation to transmission of Covid-19 and keeping the skate park open with mitigation measures to allow an open-air outlet for youth.

Kerri Heilman, Crozet resident, spoke in support of keeping the skate park open, as compliance with Covid-19 requirements has increased.

Don Gathers, city resident, stated that Council should fill the vacant seat on the Police Civilian Review Board regardless of what decisions are made at the State level. He spoke about recent shootings and asked how the city plans to address them. He also spoke of putting strong guidelines in place to mitigate the spread of coronavirus and about filling the City Manager position.

Gloria Beard spoke about a recent funding request that she sent to Mayor Walker, where she was questioned about having a 501(c)(3) organization. She shared concerns about the senior community in Charlottesville.

Nancy Carpenter shared concerns about the expiration of the Moratorium on Evictions at the end of the month. She also advised Council to fill the vacancy on the Police Civilian Review Board as soon as possible.

Skippy Norton, 7th grader, spoke about the skate park. He advised of ways to keep the skate park Covid-safe.

Alice Christian, 6th grader, spoke in support of keeping the skate park open with Covid-safe measures. She spoke about mental health benefits of skateboarding and cautiously connecting with others.

Aafreen Aamir, 11th grader, advocated for keeping the skate park open.

Melissa Collier, spoke in support of keeping the skate park open with safe measures.

Tanesha Hudson spoke about the state of the city and turnover at higher levels of local government.

Councilor Snook offered a response to the skate park issue.

The meeting recessed at 7:49 and reconvened at 8:06 p.m.

ACTION ITEMS

PUBLIC HEARING/APPROPRIATION: Fiscal Year 2020 Year-end Adjustments (carried)

Chris Cullinan, Director of Finance, presented a fiscal year 2020 financial summary and recommendation for year-end adjustments.

Mayor Walker made comments about uses for funds. Council agreed to hear comments from the public; however, no speakers came forward.

After input from Council, Krisy Hammill, Senior Budget and Management Analyst, shared information about financial policies.

Council agreed to move this item forward to the December 21 Council agenda as an Action Item for public hearing and second reading.

PUBLIC HEARING/ORDINANCE: Closing, vacating and discontinuing a public gas utility line easement within the Stonefield Shopping Center in Albemarle County

Lauren Hildebrand, Director of Utilities, presented the request with staff recommendation.

Following clarifying questions from Council, Mayor Walker opened the public hearing. With no one coming forward to speak, Mayor Walker closed the public hearing.

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

ORDINANCE CLOSING, VACATING AND DISCONTINUING A PUBLIC GAS UTILITY LINE EASEMENTS WITHIN THE STONEFIELD SHOPPING CENTER LOCATED IN ALBEMARLE COUNTY, VIRGINIA

ORDINANCE: 817 Nassau Street rezoning (carried)

Matt Alfele, City Planner, presented the rezoning request forwarded on unanimous recommendation from the Planning Commission. After clarifying questions and comments from Council, the item moved forward to the Consent Agenda for December 21.

ORDINANCE: Covid-19 Ordinance amendment

Acting City Manager John Blair shared an update on coronavirus measures implemented at the state level, which would affect the locality, and shared the impetus for a local ordinance. Councilor Snook made a proposal to repeal the local ordinance and follow guidelines issued by the Governor. Councilors shared feedback.

Lisa Robertson, Acting City Attorney, asked Council to clarify intentions of regulating entertainment venues, definition of public places, and requirements for face coverings in outside spaces.

On motion by Councilor Hill, seconded by Councilor Payne, Council by the following vote APPROVED the ordinance: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none), striking the word "concerts" from the definition of public gatherings.

Council agreed to further discuss the ordinance and bring changes back to a future meeting.

AN ORDINANCE TO PREVENT THE SPREAD OF THE NOVEL CORONAVIRUS, SARS-CoV-2, AND THE DISEASE IT CAUSES, COMMONLY REFERRED TO AS COVID-19

RESOLUTION: Sister City Partnership with Huehuetenango, Guatemala

Kate Kogge, Co-chair of the Charlottesville Sister Cities Commission introduced the resolution.

Jordan Lindbeck and Kelly Eplee from the Ixtatan Foundation shared a presentation about the proposed Sister City, Huehuetenango, Guatemala.

Councilors shared feedback and asked clarifying questions about the process of becoming a sister city, including the initial Friendship status.

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

REPORT: Legislative Agenda

David Blount, Thomas Jefferson Planning District Commission (TJPDC), presented the draft regional legislative program.

Lisa Robertson, Acting City Attorney, presented the draft Charlottesville legislative program. She advised of proposed edits to the Vehicles and Transportation section.

Kristel Riddervold, Environmental Sustainability and Facilities Development Manager, addressed a question regarding environmental positions, and communication and coordination with other localities.

On motion by Councilor Hill, seconded by Councilor Payne, Council by the following vote ADOPTED the local and regional legislative programs, to include changes to the Vehicles and Transportation section as presented: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none).

GENERAL BUSINESS

REPORT: Comprehensive Annual Finance Report (CAFR) - FY2020 Audit

Chris Cullinan, Director of Finance, shared a summary of the requirement for audit and introduced auditor John Aldridge from Brown Edwards, who shared details of the report. Mr. Edwards reported a clean audit opinion for the City of Charlottesville's finances and made a few recommendations. He advised that the only portion of the audit that had not been completed was the testing of federal monies because the City received CARES funding and the federal government had not yet issued rules regarding those funds.

OTHER BUSINESS

Councilor Hill asked about the Strategic Planning process. Mayor Walker recommended that two Councilors would be part of a committee to develop a proposal for a strategic planning process and present a process proposal to Council in March. Other Councilors voiced concern about timing and staff capacity with other major projects and budget season. Council agreed that the City Manager would convene a small group within the next month to make recommendations on how to move forward. After discussion Mayor Walker and Councilor Snook volunteered to serve as Council representatives. They agreed that the group would include budget staff.

Mr. Blair advised Council of the resource nature of a strategic plan to guide land use and budgetary processes and avoid the ad hoc nature of decision making that could have detrimental consequences to a locality.

MATTERS BY THE PUBLIC

Don Gathers, city resident, spoke about dysfunction in Council communications.

The meeting adjourned at 11:25 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

CHARLOTTESVILLE CITY COUNCIL
Budget Work Session
December 10, 2020

6:00 PM WORK SESSION

The Charlottesville City Council met in an electronic meeting on Thursday, December 10, 2020, in accordance with a local ordinance approved July 27, 2020, to ensure continuity of government and prevent the spread of disease. The purpose of the meeting was a work session to discuss the FY2022 City Budget.

Mayor Walker called the meeting to order at 6:02 p.m. with the following members present: Mayor Nikuyah Walker, Vice Mayor Sena Magill, Councilors Heather Hill, Michael Payne and Lloyd Snook.

Mayor Walker turned the meeting over to Acting City Manager John Blair, who advised of an agenda addition to discuss alignment of the local coronavirus ordinance with Governor Northam's Executive Order issued earlier in the day.

Mr. Blair then turned the meeting over to Ryan Davidson, Senior Budget and Management Analyst, who reviewed the meeting agenda:

1. Vibrant Community Fund Outside Agency Review Process Update
2. Budget Development Guidelines
3. FY 2022 Budget Development Expectations
4. Council Budget Development Priorities

Kaki Dimock, Director of Human Services, reviewed the Vibrant Community Fund Outside Agency Review Process update.

Mr. Davidson and Mr. Blair reviewed FY 2022 budget guidelines:

1. Annually review major local tax rates.
2. Develop operational budgets within projected available revenues.
3. Incorporate the Council's Strategic Vision Areas and Strategic Plan Goals.
4. Level funding of departmental budgets with a few operationally necessary exceptions.
5. Continue the strong commitment to education by allocating up to 40% of new City real estate and property tax revenue to schools.
6. Invest strategically in employees by providing adequate pay, benefits, training, technology resources, support, appreciation, and annually review the amount of the

- living wage being paid by the City to its employees and continue to require the payment of a living wage under City contracts subject to City Code sec. 22-9.
7. Fund no new programs or major expansion of existing programs without fully offsetting revenues or reductions in expenditures.
 8. Balance reinvestment in the City's existing infrastructure and facilities and creation of new opportunities for investing in the future of the City.
 9. Conduct the Vibrant Community Fund process, to evaluate agency requests for program congruence with Council's strategic areas.
 10. Transfer at least 3% of general fund expenditures to the Capital Improvement Fund (CIP).
 11. Budget a reserve for Council Strategic Initiatives.
 12. Budget a Fund Balance Target Adjustment pool of funds to help ensure that the City continues to meet the important financial policy of maintaining an unappropriated fund balance in the General Fund.

Councilors indicated support of the current guidelines, recognizing that the guidelines may be reviewed at a future meeting.

Council had no comment on the long-term financial goals:

1. Maintain a minimum General Fund balance of at least 14% of General Fund budget. This policy provides the City with sufficient working capital and a margin of financial safety to address unforeseen, one-time expenditure emergencies or significant unforeseen declines in revenues in a specific fiscal year. In the event of a drawdown, the reserve must be replenished to the 14% level within three years.
2. Maintain a minimum Downturn Reserve Fund balance of no less than 3% of General Fund budget. Drawdown of this reserve can occur in the event that revenues decline by more than 1.5% of current fiscal year estimate and will be limited to less than half of the balance of the Downturn Reserve Fund. In the event of a drawdown, the reserve must be replenished to the 3% level within three years.
3. Maintain sufficient working capital in the utility funds (Water, Wastewater, Gas, Stormwater).
4. Stabilize all non-general funds by ensuring they have a positive fund balance.
5. Debt service as a percentage of the general fund total expenditure budget has a ceiling of 10%, with a target of 9%. In calculating compliance with this ratio, the City will exclude debt serviced by dedicated revenues, i.e. self-supporting debt.

6. Transfer an amount equivalent to 1 percent of the meals tax rate to the Debt Service Fund to be used for debt service.

Mr. Blair shared budget development expectations:

- Budget is the Financial Plan for the entire City
- Consistency in review and evaluation of all departments
- Year-round process where budgets are continuously monitored/tracked

Councilors shared their budget development priorities:

HILL – Economic development/recovery, community stability, organizational stability

SNOOK – reserving \$5 Million, keeping expenditures flat, helping the local economy rebound, funding to address police injustice issues, mental health

PAYNE – affordable housing and investment in staff positions to address, investment in a Climate Action Plan and funding for appropriate staff, meeting emergency community needs

MAGILL – addressing through an equity lens the ripple effect of Covid-19 with revenue shrink and increased needs, keeping people housed and fed, economic development, prioritizing the Climate Action Plan

WALKER – stability during the Covid-19 pandemic with housing and food assistance, housing overall, commitment to employees

Mayor Walker concluded that the shared priorities appeared to be housing, economic development recovery, and emergency assistance during the Covid-19 pandemic.

On motion by Councilor Hill, seconded by Councilor Snook, Council unanimously agreed to ADD an emergency ordinance to the agenda to address developments with the Coronavirus.

Acting City Attorney Lisa Robertson reviewed the option to amend the current ordinance passed on December 7, 2020 and provided an explanation on proposed amendments. She then reviewed the option to repeal the local ordinance.

On motion by Councilor Snook, seconded by Councilor Hill, Council voted on the option to repeal the local ordinance and defer to Governor Northam’s Executive Orders. Councilors

asked clarifying questions and Ms. Robertson provided responses. The motion FAILED by the following vote: 2-3 (Ayes: Snook, Hill; Noes: Payne, Walker, Magill).

On motion by Councilor Payne, seconded by Vice Mayor Magill, Council voted to amend the City ordinance as presented by Ms. Robertson, with Section 8B to be revised. The motion PASSES by the following vote: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none).

ORDINANCE TO AMEND AND RE-ENACT THE ORDINANCE ADOPTED ON DECEMBER 7, 2020 TO PREVENT THE SPREAD OF THE NOVEL CORONAVIRUS, SARS-CoV-2, AND THE DISEASE IT CAUSES, COMMONLY REFERRED TO AS COVID-19

Ms. Robertson advised that the public would need to refer to the local ordinance and state guidelines together and adhere to the stricter clauses in each for compliance.

Mayor Walker adjourned the meeting at 7:37 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

CITY COUNCIL SPECIAL MEETING

December 21, 2020

Virtual/electronic meeting

4:00 PM SPECIAL REPORTS MEETING

The Charlottesville City Council met in an electronic meeting on Monday, December 21, 2020, in accordance with local ordinance #O-20-156 to ensure continuity of government and prevent the spread of disease during the coronavirus pandemic.

Vice Mayor Sena Magill called the meeting to order at 4:03 p.m. with the following members present: Vice Mayor Sena Magill, Councilors Heather Hill, Michael Payne and Lloyd Snook. Mayor Nikuyah Walker advised Vice Mayor Magill the day prior that she would not be able to attend the meeting.

Mr. Blair introduced the presenters for the first report.

1. Report: City Financial Report for FY21 through November month-end

Ryan Davidson, Senior Budget and Management Analyst, presented the City financial report for Fiscal Year 2021 through November 30, 2020.

Jason Vandever, City Treasurer, shared a preliminary summary regarding the December real estate and personal property tax deadline.

2. Report: Social Services Advisory Board annual report

Janet Morrow, member of the Social Services Advisory Board, presented the annual report. She shared information about how the following programs adapted during the Coronavirus pandemic:

- Adoption
- Adult Protective Services (APS)
- Adult Services
- Child Care Assistance
- Child Protective Services (CPS)
- Family Access to Medical Insurance Security (FAMIS)
- Family Engagement
- Foster Care
- Foster Care Prevention
- Fostering Futures
- Medicaid
- Supplemental Nutrition Assistance Programs (SNAP)
- Temporary Assistance to Needy Families (TANF)
- Virginia Initiative for Education and Work (VIEW)

Ms. Morrow also shared information about the economic impact of the COVID-19 pandemic. The Social Services Department received national recognition from the Annie E. Casey Foundation.

Vice Mayor Magill, who serves on the Social Services Advisory Board, added that increased need by citizens continues to cause an increased workload for staff.

Diane Kuknyo, Director of Social Services, added that need for support has increased among segments of the population who have previously not needed assistance. She encouraged people to apply for assistance if they have a need.

Brian Wheeler, Director of Communications, advised that he would work with Social Services to develop further communication about assistance opportunities.

3. Recognition: EPA WaterSense Sustained Excellence Award

Jill Greiner shared that the US Environmental Protection Agency has honored the City of Charlottesville for the third year in a row and sixth year overall, for water conservation efforts. She shared that more information was available at www.charlottesville.gov/waterconservation.

4. Recognition: Circuit Court LEED Gold Certification

Scott Hendrix, Project Manager, announced that the City of Charlottesville received Gold level LEED certification for the recent completion of the Circuit Court renovation project. The recognition is the second-highest level of recognition and this project was the seventh project to achieve LEED certification (Leadership in an Energy or Environmental Design) for environmentally sustainable building practices in the City.

Mr. Hendrix shared that the Charlottesville Circuit Court was constructed in 1962 and houses the 16th Judicial Circuit of Virginia. This renovation, and about 9,000 additional square feet, represents the first significant improvements to the facility. The project included a new courtroom, holding cells, renovated offices, a new elevator and other ADA upgrades.

5. Report: Community Attention Youth Internship Program (CAYIP) Summer 2020 report (written only)

Vice Mayor Magill adjourned the meeting at 4:45 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

CHARLOTTESVILLE CITY COUNCIL

January 6, 2021

EMERGENCY MEETING

Virtual/electronic meeting

11:00 A.M. EMERGENCY MEETING

Pursuant to Virginia Code Section 2.2-3712, the Charlottesville City Council met on Wednesday, January 6, 2021, at 11:00 a.m. for an emergency meeting. The meeting was called to order at 11:02 a.m. with the following members present: Mayor Nikuyah Walker, Vice Mayor Sena Magill, Ms. Heather Hill, Mr. Michael Payne, and Mr. Lloyd Snook.

On motion by Ms. Hill, seconded by Ms. Magill, Council voted 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker. Noes: none) to meet in closed session as authorized by Virginia Code Section 2.2-3711(A)(1) for the following:

- (i) discussion or consideration of one or more prospective candidates for employment or appointment to the position of city manager;
- (ii) discussion of a public contract involving the expenditure of public funds, and of the terms or scope of such contract, where discussion in open session would adversely affect the bargaining position or negotiating strategy of the public body;
- (iii) for discussion or consideration of the performance of one or more city councilors;
- (iv) for consultation with legal counsel regarding any or all of the matters proposed to be discussed in the closed meeting, as listed above

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

The meeting adjourned at 12:32 p.m.

BY Order of City Council

BY Maxicelia Robinson, Deputy Clerk of Council

CHARLOTTESVILLE CITY COUNCIL

January 6, 2021

EMERGENCY MEETING

Virtual/electronic meeting

3:30 P.M. EMERGENCY MEETING

Pursuant to Virginia Code Section 2.2-3712, the Charlottesville City Council met on Wednesday, January 6, 2021, at 3:30 p.m. for an emergency meeting. The meeting was called to order at 3:34 p.m. with the following members present: Mayor Nikuyah Walker, Vice Mayor Sena Magill, Ms. Heather Hill, Mr. Michael Payne, and Mr. Lloyd Snook.

On motion by Ms. Hill, seconded by Mr. Snook, Council voted 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker. Noes: none) to meet in closed session as authorized by Virginia Code Section 2.2-3711(A)(1) for the following:

- (i) discussion or consideration of one or more prospective candidates for employment or appointment to the position of city manager and for discussion of the performance of the acting city manager;
- (ii) discussion of a public contract involving the expenditure of public funds, and of the terms or scope of such contract, where discussion in open session would adversely affect the bargaining position or negotiating strategy of the public body;
- (iii) for discussion or consideration of the performance of city councilors;
- (iv) for consultation with legal counsel regarding any or all of the matters proposed to be discussed in the closed meeting, as listed above

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

The meeting adjourned at 6:24 p.m.

BY Order of City Council

BY Maxicelia Robinson, Deputy Clerk of Council

CHARLOTTESVILLE CITY COUNCIL

January 8, 2021

EMERGENCY MEETING

Virtual/electronic meeting

1:00 P.M. EMERGENCY MEETING

Pursuant to Virginia Code Section 2.2-3712, the Charlottesville City Council met on Friday, January 8, 2021, at 1:00 p.m. for an emergency meeting. The meeting was called to order at 1:03 p.m. with the following members present: Mayor Nikuyah Walker, Vice Mayor Sena Magill, Ms. Heather Hill, Mr. Michael Payne, and Mr. Lloyd Snook.

On motion by Ms. Hill, seconded by Mr. Snook, Council voted 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker. Noes: none) to meet in closed session as authorized by Virginia Code Section 2.2-3711(A)(1) for the following:

- (i) discussion or consideration of one or more prospective candidates for employment or appointment to the position of city manager;
- (ii) discussion of a public contract involving the expenditure of public funds, and of the terms or scope of such contract, where discussion in open session would adversely affect the bargaining position or negotiating strategy of the public body;
- (iii) for consultation with legal counsel regarding any or all of the matters proposed to be discussed in the closed meeting, as listed above

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

The meeting adjourned at 6:05 p.m.

BY Order of City Council

BY Maxicelia Robinson, Deputy Clerk of Council

CHARLOTTESVILLE CITY COUNCIL

January 11, 2021

EMERGENCY MEETING

Virtual/electronic meeting

11:00 A.M. EMERGENCY MEETING

Pursuant to Virginia Code Section 2.2-3712, the Charlottesville City Council met on Monday, January 11, 2021, at 11:00 a.m. for an emergency meeting. The meeting was held electronically pursuant to local ordinance #O-20-156 to ensure the continuity of government and prevent the spread of disease during the coronavirus pandemic.

Mayor Walker called to order at 11:00 a.m. with the following members present: Mayor Nikuyah Walker, Vice Mayor Sena Magill, and Councilors Heather Hill, Michael Payne, and Lloyd Snook.

On motion by Councilor Hill, seconded by Vice Mayor Magill, Council voted 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker. Noes: none) to meet in closed session as authorized by Virginia Code Section 2.2-3711(A)(1) for the following:

- (i) discussion or consideration of one or more prospective candidates for employment or appointment to the position of city manager;
- (ii) discussion of a public contract involving the expenditure of public funds, and of the terms or scope of such contract, where discussion in open session would adversely affect the bargaining position or negotiating strategy of the public body;
- (iii) for consultation with legal counsel regarding any or all of the matters proposed to be discussed in the closed meeting, as listed above

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

The meeting adjourned at 4:26 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



| | |
|------------------|---|
| Agenda Date: | December 21, 2020 |
| Action Required: | Approve Appropriation |
| Presenter: | Diane Kuknyo, Director, Department of Social Services |
| Staff Contacts: | Mary Jane Skidmore Chief of Benefit Programs, Department of Social Services Laura Morris, Chief of Administration, Department of Social Services |
| Title: | Virginia Department of Social Services One-Time Funding for Benefits Programs - \$16,877.19 |

Background:

The Virginia Department of Social Services has allocated one-time funding to local departments of social services to assist with processing benefit program applications and renewals due to renewal extensions that were granted during the COVID-19 pandemic. The Charlottesville Department of Social Services has received \$16,877.19 from this additional funding.

Discussion:

Funding use is limited to overtime/extra work related to processing applications and renewals for the Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF), and Medicaid.

As of November 1st, the Charlottesville Department of Social Services has 1,745 SNAP renewals due from August 2020 to December 31, 2020. 1,143 Medicaid renewals were due between January 2020 and December 2020 with 657 overdue due to the public health emergency mandate to keep cases open unless the client moves out of state, requests closure, or dies.

Alignment with Council Vision and Strategic Plan:

Approval of this agenda item aligns with the City's vision to be a healthy and safe city and an inclusive community of self-sufficient residents. This request also ties to **Objective 1.4:** Enhance the financial health of residents and **Objective 2.3:** Improve community health and safety outcomes by connecting residents with effective resources.

Community Engagement:

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

Budgetary Impact:

Funds have been received and will be appropriated into the Social Services Fund. There are no general funds required or being requested.

Recommendation:

Staff recommend approval and appropriation of these funds.

Alternatives:

Funds that are not appropriated will need to be returned to the Virginia Department of Social Services.

Attachments:

N/A

APPROPRIATION
Virginia Department of Social Services One-Time Funding for Benefits Programs
\$16,877.19

WHEREAS, The Charlottesville Department of Social Services has received Federal and State funding in the amount of \$16,877.19 to be used for benefits programs staffing and operations.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$16,877.19 is hereby appropriated in the following manner:

Revenue – \$16,877.19

Fund: 212 Cost Center: 9900000000 G/L Account: 430080

Expenditures - \$16,877.19

Fund: 212 Cost Center: 3301005000 G/L Account: 510030

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$16,877.19 from the Virginia Department of Social Services.



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|------------------|---|
| Agenda Date: | December 21, 2020 |
| Action Required: | Appropriation |
| Presenter: | Mike Rogers, Deputy Chief – Business Services, Charlottesville Fire Dept. |
| Staff Contacts: | Mike Rogers, Deputy Chief – Business Services, Charlottesville Fire Dept. |
| Title: | Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program - \$3,498,300.00 |

Background:

The Staffing for Adequate Fire and Emergency Response Grants (SAFER) was created to provide funding directly to fire departments and volunteer firefighter interest organizations to help them increase or maintain the number of trained, "front line" firefighters available in their communities.

The goal of SAFER is to enhance the local fire departments' abilities to comply with staffing, response and operational standards established by the National Fire Protection Association's 1710 (NFPA 1710) - Standard for the Organization and Deployment of Fire Suppression, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments.

Discussion:

This SAFER grant program award will allow the city to hire 15 firefighters to place into fire operations bringing the fire department closer in line with 1710 standards. These positions will allow the fire department to keep a minimum compliment of firefighters on fire apparatus while simultaneously allowing the department to staff two emergency medical transport units 24 hours day. The grant will allow for transport unit staffing without drawing down firefighters from fire apparatus, and will allow the department to not rely on overtime positions to cover transport unit staffing and/or backfill for firefighters staffing these two transport units.

Of the two transport units in service three personnel have been hired to date for staffing. With no available fire suppression staffing to address this staffing need presently, six firefighters are needed to offset the needed compliment on Fire Medic 10 at the Fontaine Ave. Fire Station, and nine firefighters are needed to offset the compliment needed to bring Fire Medic 1 online as a 24 hour unit at the Ridge Street Fire Station.

These 15 firefighters will be evenly dispersed across the department’s three shifts to accomplish this staffing and deployment model.

Alignment with Council Vision Areas and Strategic Plan:

The SAFER Grant Program award supports the City’s mission “We provide services that promote equity and an excellent quality of life in our community” by providing supplemental funding at 100% for the first three years of employment for the 15 firefighters. With this funding being put towards these additional firefighter positions we are better able to deploy our responders to more safely and efficiently deliver emergency services to the citizens, students, business community members, and guests of the City.

The monetary assistance from this grant also aligns with Goal 2.1, Reduce adverse impact from sudden injury and illness and the effects of chronic disease by allowing the department to fully staff two emergency medical transport units, as well as elements within Goal 5 - A Well-managed and Responsive Organization.

Community Engagement:

N/A

Budgetary Impact:

Under the FY20 SAFER grant award structure, the grant covers 100% of the base salary and benefits for 15 firefighters as outlined in the grant application for the first three years. On March 10, 2024 the city will fully assume the salaries and benefits initially covered by the SAFER grant program.

During the grants three year period of performance the annual breakdowns are:

| Base Salary/Benefits | 03/10/21-03/09/22 | 03/10/22-03/09/23 | 03/10/23-03/09/24 | 03/10/2024-Onward |
|----------------------|-------------------|-------------------|-------------------|-------------------|
| Federal | 1,166,100.00 | 1,166,100.00 | 1,166,100.00 | 0 |
| Local | 0 | 0 | 0 | 1,166,100.00 |

The breakdown for the base salary and benefits submitted at the time of the grant application are:

Annual base salary = \$43,680.00

Annual base benefits = \$34,060.00

Total base per firefighter = \$77,740.00 (x15 = \$1,166,100.00/yr.)

Recommendation:

Staff recommends approval and appropriation of grant funds.

Alternatives:

If the SAFER grant program funding is not appropriated, the Fire Department will not be able to utilize this supplemental funding to hire any of the 15 firefighters allocated from the grant award.

Attachments:

Appropriation

APPROPRIATION

**Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program
\$3,498,300.00**

WHEREAS, the Department of Homeland Security/Federal Emergency Management Agency has awarded a grant to the Fire Department, through the City of Charlottesville, specifically for firefighter hiring;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that a total of \$3,498,300.00 be appropriated in the following manner:

Revenues - \$3,498,300

\$3,498,300 Fund: 211 I/O: 3201005100 G/L Account: 431110

Expenditures - \$3,498,300

\$3,498,300 Fund: 211 I/O: 3201005100 G/L Account: 519999

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the continual reimbursement for hours worked during the period of performance and shall be considered a continuing appropriation unless further altered by Council.

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



| | |
|-------------------------|---|
| Agenda Date: | December 21, 2020 |
| Action Required: | Appropriation of CARES Act Funding |
| Presenter: | Chris Cullinan, Director of Finance |
| Staff Contacts: | Chris Cullinan, Director of Finance Lauren Hildebrand, Director of Utilities Richard Palumbo, Utility Billing Manager |
| Title: | COVID-19 Municipal Utility Relief Program to Assist Customers - \$182,801.59 |

Background:

On November 9, 2020, Governor Ralph Northam announced an allocation of \$60 million in Coronavirus Aid, Recovery, and Economic Security (CARES) Act money in order to assist municipal utility customers experiencing economic hardship due to the COVID-19 pandemic. A municipal utility that provides electric, gas, water, or wastewater services was eligible to apply for the assistance. The City received a memo on November 19, 2020 that requested applications be submitted before the close of business November 30, 2020. The City submitted its application on November 24, 2020 which included arrearages on utility bills over 60 days and 30 days as of October 31, 2020. Arrearages that occurred before March 1, 2020 are not eligible for assistance. On December 7, 2020, the City received the award letter from the Commonwealth of Virginia in the amount of \$182,801.59.

Discussion:

The award letter provides guidance that municipal utilities have to follow. Any customer, residential or non-residential with the exception of a government entity, is eligible for utility bill arrearage assistance. Utility customers must apply and certify, via a Customer Intake Form returned to the City by a specified date, that the utility bill arrearages are due to the COVID-19 economic hardship and the application is for arrearages owed between March 1, 2020 and December 30, 2020.

Municipal utilities must prioritize assistance first to customers with accounts over 60 days in arrears and next for accounts 30 days in arrears. Since the amount of the award is less than the total amount of arrearages for utility customers, not all utility customer bill arrearages will be fully satisfied. Any funds that are not expended by the municipal utility must be returned to the Commonwealth of Virginia by January 29, 2021.

Alignment with City Council’s Vision and Strategic Plan:

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

Community Engagement:

City staff will notify eligible customers via phone and mail about this program. The mailing will include a letter notifying customers they are eligible to apply for the CARES funds, with a link to the fillable Customer Intake Form on the website. If a customer needs help with the form or requires a paper copy of the form, City staff will be available to assist the customer and/or mail the form to the customer. After about a week, a postcard will be sent to the customer that received the letter in order to remind eligible utility customers to complete and submit the Customer Intake Form in the required time.

Budgetary Impact:

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

Recommendation:

Staff recommends approval and appropriation of CARES Act (COVID-19) Funding in the amount of \$182,801.59 to be used to assist municipal utility customers experiencing economic hardship due to the COVID-19 pandemic.

Alternatives:

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

Attachments:

Appropriation
Award Letter



Ralph S. Northam
Governor

R. Brian Ball
Secretary of
Commerce and Trade

COMMONWEALTH of VIRGINIA

Erik C. Johnston
Director

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

December 7, 2020

VIA EMAIL

Chris Cullinan
Director of Finance
City of Charlottesville

Re: Award Letter, Guidance, and Required Certification for COVID-19 Municipal Utility Relief Program to Assist Customers

Dear Chris Cullinan:

On behalf of Governor Northam, it gives me great pleasure to inform you that City of Charlottesville has been awarded federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act) funds pursuant to the Appropriation Act mandated State Corporation Commission application process in the amount of \$182,801.59 to assist with municipal utility customer relief for all eligible customers of City of Charlottesville. This funding is being provided under CFDA 21.019 – Coronavirus Relief Funds (CRF). Additional details concerning this program including guidance, requirements, and several model forms are included in the following pages.

Additional guidance concerning this program has been included with this letter, including a model customer intake form. Please read this carefully before proceeding with additional steps. Given the tight timeline for utilization of these funds and to ensure each utility directly receives these funds in an expedited manner you must return the attached certification in partnership with a city or county that will act as the fiscal agent to receive the funds from the Department of Accounts (DOA) and the city or county will then forward funds to the municipal utility to implement the program for the utility's customers. Once the project is complete, DOA will follow up regarding project outcomes and compliance. I want to reiterate that it is incumbent on City of Charlottesville and the partnering city or county to ensure project expenses are properly documented and verified in case of audit.

For questions contact DHCD staff member David Conmy at utility@dhcd.virginia.gov.

Sincerely,

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

Erik Johnston
Director, Virginia Department of Housing and Community Development

CC: David Von Moll, Comptroller, Department of Accounts
Encl: COVID-19 Municipal Utility Relief Program Guidance, Certification Form and Addendum, and Model Customer Intake Form

COVID-19 MUNICIPAL UTILITY RELIEF PROGRAM:

Guidance and Required Certification

Based on the response that the Virginia State Corporation Commission (SCC) received from your utility system in the Application for Coronavirus Relief Funds (Municipal Utilities), the SCC has determined your award amount which is reflected in your award letter. Accordingly, the award letter, guidance, and required certification will serve as the next steps in facilitating this program.

Fundamentally, the goal of this program is to assist municipal utility customers experiencing economic hardship due to the COVID-19 pandemic. As such, and because quick action is essential in order to address the public health needs of municipal utility customers, your award amount must be disbursed through a partnering county or city that will serve as the fiscal agent with the Department of Accounts (DOA) disbursing funds and having responsibility for sub recipient monitoring. Consequently, municipal utility systems, especially those that are not directly managed by a city or a county, will need to partner with a city or county to serve as the fiscal agent for this program. Cities and counties may serve as the fiscal agent for more than one municipal utility system. In order to receive your CRF funding for this program, the chief administrative officer for the partnering city or county and the authorized official representing the municipal utility will be required to certify their respective organization's participation in this program and its adherence to all associated CARES Act regulations. A standard certification for this program requiring signatures from both officials on behalf of their respective organizations has been included near the end of this document.

Please note that the U.S. Treasury guidance requires attestation by utility customers of the COVID-19 economic hardship, which means utilities will need to collect and save these customer attestations before forgiving eligible arrearages.

Any customer – with the exception of any government entity – shall be eligible for such arrearage assistance. Municipal utilities are encouraged to pay the full amount of arrearages owed by eligible customers that apply for arrearages owed from the March 1, 2020, through December 30, 2020 time period. Funds can only be used to provide direct assistance to customer accounts over 30 days in arrears during the covered period. Municipal utilities must prioritize assistance first to customers with accounts over 60 days in arrears and then for accounts 30 days in arrears. Municipal utilities are also encouraged to use their discretion to establish a maximum award amount for non-residential customers to ensure the majority of the available assistance awarded is not awarded to large customers. Arrearage assistance programs must strive for equity in program outreach to all customers and should focus outreach efforts on COVID-19 impacted customers.

The SCC has calculated the proportional share of available funding for each municipal utility system that applied by the SCC's November 30th application deadline. This information was forwarded to DHCD, which is facilitating the award letter and certification process for municipal utilities and their partnering city or county. These certifications will be accepted by DHCD on a

rolling basis after the date your award letter was distributed. **The awarded municipal utility and their city or county fiscal agent will be required to certify to abide by U.S. Treasury guidance and other regulatory matters concerning the use of CRF funds.** The intent is for this allocation to pass through the county or city directly to the municipal utility to serve eligible municipal utility customers. The municipal utility as the customer utility relief program operator should develop a sub agreement with the county or city fiscal agent assuring the city or county fiscal agent that the municipal utility will be responsible for compliance with state and federal law. Upon receipt by DHCD of this certification and award letter from the county/city and municipal utility, the Department of Accounts (DOA) will then distribute funds directly to cities and counties, which will serve as the fiscal agent on behalf of their partner municipal utility(ies). DOA will also be the lead state agency working with the city or county and their partnered utility system(s) on monitoring to ensure compliance with the program and federal guidelines.

All applicants must certify that all administrative expenses for direct program implementation and direct relief provided to eligible customer arrearages for the covered time period March 1, 2020 – December, 30 2020 will be expended and any unspent funds returned to DOA by COB Friday January 29, 2021.

Participating cities and counties may allow municipal utilities and their partners working directly to implement this program to utilize up to 5% of their allocation for direct administrative costs to support management of relief programs. **Proper recordkeeping on these administrative costs must also be maintained and made available for auditing purposes.**

Additionally, it is important for participating localities to refrain from providing dual benefit to customers who have already received some level of assistance through other existing programs funded by the CARES Act for the same months of arrearages. An example is to ensure business customers have not received utility relief for the same time period through the Rebuild Virginia Grant Fund or local CARES Act relief.

Please note that approval of a CRF allocation for purposes of this utility arrearage program does not represent any assurance, legal or otherwise, that the approved project complies with all federal guidelines related to the use of these funds. Cities and counties in addition to their partner municipal utility(ies) are strongly encouraged to consult their legal counsel prior to expending the federal CRF funds that have been awarded through this program.

Chiefly, municipal utilities must justify and document use of CRF funds by assisting customers who are experiencing economic hardship due to the COVID-19 pandemic. Therefore, such applications will require self-certification by municipal utility customers in order to be considered eligible for arrearage relief. A standard self-certification form/questionnaire is included near the end of this document that cities and counties and their partner municipal utility(ies) are encouraged to utilize. **Documentation of self-certification for all municipal utility customers participating in this program is required for state auditing purposes so please maintain accurate records for all customers receiving support from the program.** This certification may also be collected through other means such as over the phone interviews or

through an online form but should generally be harmonious with the form/questionnaire provided. Utility Customers may only receive a direct payment subsidy from this award once, per the state budget requirement. Utilities may not direct any funds provided to new deposits, down payments, fees, late fees, interest charges or penalties.

Federal CARES Act Guidance:

It is extremely important to know and comply with all of the federal conditions that exist for CRF allocations. To that end, please refer to the federal guidance and frequently asked questions:

<https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Guidance-for-State-Territorial-Local-and-Tribal-Governments.pdf>

<https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Frequently-Asked-Questions.pdf>

This information is routinely updated, so guidance may have changed since you last consulted it.

Compliance with the federal guidance is the responsibility of the city or county submitting the application on behalf of a municipal utility and failure to do so could result in disallowed expenses requiring repayment of the associated funds to the federal government. If the city or county fails to repay any funds spent for nonqualifying expenses on behalf of a municipal utility as required by the federal government, the State Comptroller will recover such amounts from future state payments to the locality via the State Aid Intercept Program. Consequently, cities and counties are encouraged to develop agreements or memorandums of understanding (MOU) with their partner municipal utility system(s) to indemnify cities and counties in the event the municipal utility system does not adhere to U.S. Treasury guidelines and consequently subjects the city or county to such State Aid Intercept action(s).

In addition to the revised federal guidance, on September 2, 2020, the U.S. Treasury's Office of the Inspector General issued information related to reporting and audit requirements. Information regarding the audit and reporting requirements can be found at the same link provided above. Further, the State Comptroller's office (DOA) has sub-recipient monitoring responsibilities that will necessitate evaluation and additional correspondence with cities and counties regarding the use of funds. Again, cities and counties are encouraged to develop MOUs that will help establish clarity concerning responsibility and accountability among all parties regarding this requirement.

As a reminder, the overarching federal guidance states that these funds must be used for qualifying expenses of state and local governments. Specifically, the CARES Act provides that payments from the CRF may only be used to cover costs that:

1. are necessary expenditures incurred due to the public health emergency with respect

- to the Coronavirus Disease 2019 (COVID–19);
2. were not accounted for in the budget most recently approved as of March 27, 2020, (the date of enactment of the CARES Act) for the State or government; and
3. were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.

The federal guidance continues to state that the CRF funds can be used only for the direct costs associated with the response to the COVID-19 pandemic and cannot be used to address revenue shortfalls. CRF funds should be considered "one time" monies and should not be used for ongoing services and/or base operations. Furthermore, fund payments may not be used for government revenue replacement, including the replacement of unpaid utility fees. Any unspent funds must be returned to DOA no later than COB January 29, 2021, so cities and counties working on behalf of their partner municipal utility(ies) are strongly encouraged to factor that deadline into the administration of their local programs.

Required Certification

In order to receive the CRF funding amount calculated by SCC, each city and county and their partner municipal utility system(s) must complete a certification form (also at the end of this document). The certification form must be signed by the chief administrative officer for the city or county and the authorized official representing the municipal utility partner. In the event more than one municipal utility partners with a city or county, a separate certification will be needed for each partnership.

Before signing the certification, applicants are recommended to read and understand the federal guidance and the frequently asked questions contained in the links provided in Appendices A and B, respectively. The most recent information on this guidance and the frequently asked questions can be obtained at:

<https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Guidance-for-State-Territorial-Local-and-Tribal-Governments.pdf>

and

<https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Frequently-Asked-Questions.pdf>

Please note that the certification statement includes an acknowledgment that recipients may not receive reimbursement or recipients may be required to return funds to the federal government if it is determined that those funds were spent for purposes that do not qualify. It is important to understand that the burden of ensuring that all CRF funds are spent for qualifying purposes falls to the city or county working on behalf of the municipal utility. Again, cities and counties are encouraged to develop MOUs that will help establish clarity concerning responsibility and accountability among all parties regarding this requirement.

Awardees are responsible for maintaining all necessary documentation to ensure compliance with the federal requirements. The State Comptroller is responsible for all sub-recipient monitoring and may require additional information in the future from each city or county and/or their partner municipal utility system(s) to address that responsibility.

If the federal government determines that awardees have used CRF funds for purposes that do not qualify, awardees must return those funds to the state promptly so that they may be returned to the federal government. As a condition of receiving CRF funds, awardees agree that the Commonwealth can use State Aid Intercept to recover any funds from the corresponding city or county necessary for expenses that were not for a qualifying purpose or not for expenses incurred during the eligible time period. Consequently, cities and counties are encouraged to develop agreements or memorandums of understanding (MOU) to indemnify cities and counties in the event the partner municipal utility system(s) does not adhere to U.S. Treasury guidelines and consequently subjects the city or county to such State Aid Intercept action(s).

Submission of Certification

The certification form on the next page contains more specific details on the responsibilities of the city and county and partnered municipal utility.

The signed certification form should be submitted to DHCD through the following web portal: <https://survey.alchemer.com/s3/6053803/COVID-19-Municipal-Utility-Relief>. Certifications will be accepted on a rolling basis.

If you have any questions regarding the appropriate use of CRF funds, please refer to the U.S. Treasury Website and guidance linked above. For questions about this process or technical questions about the certification form or the distribution of the funds, please first refer to the FAQ documents provided and then send unresolved inquiries to: utility@dhcd.virginia.gov

Certification:

(Please update the yellow highlighted fields as it pertains to your circumstances)

CERTIFICATION for RECEIPT of CORONAVIRUS RELIEF FUND PAYMENTS

by

(CITY OR COUNTY NAME)

on behalf of

(MUNICIPAL UTILITY NAME)

We, the undersigned, represent **(CITY OR COUNTY NAME)** and are working in partnership with **(MUNICIPAL UTILITY NAME)** (the utility), and we certify that:

1. The intent is for this allocation to pass through the county or city directly to the municipal utility to serve all eligible Virginia municipal utility customers. The customer utility relief program operator should develop a subagreement with the county or city fiscal agent that ensures they will be responsible for compliance with state and federal law.
2. We have the authority to request direct payment, on behalf of the utility from the Commonwealth of Virginia, of revenues from the Coronavirus Relief Fund (CRF) pursuant to section 601(b) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136, div. A, Title V (Mar. 27, 2020).
3. We understand that the Commonwealth of Virginia will rely on this certification as a material representation in making a direct payment to the city or county.
4. The city or county and municipal utility's proposed uses of the funds received as direct payment from the Commonwealth of Virginia under section 601(b) of the Social Security Act will be used only to cover those costs that:
 - a. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
 - b. were not accounted for in the budget most recently approved as of March 27, 2020, for the utility; and
 - c. were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.
5. Any funds that are not expended or that will not be expended on necessary expenditures incurred before December 30, 2020, by the municipal utility or its grantee(s), must be returned to Commonwealth of Virginia no later than January 29, 2021, and that the Commonwealth of Virginia is entitled to invoke State Aid Intercept to recover any such unexpended funds.
6. We understand that customer attestations of the COVID-19 economic hardship must be obtained and saved by the utility relief program before forgiving arrearages.
7. We understand that the municipal utility will not receive continued funding beyond

December 30, 2020, from any source to continue paying expenses or providing services that were initiated or previously supported from CRF funds prior to December 30, 2020.

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

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

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

Please provide city/county DUNS number: _____

Please provide municipal utility DUNS number: _____

Certification Addendum

(Please update the yellow highlighted fields as it pertains to your circumstances)

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

§200.332 Requirements for pass-through entities.

All pass-through entities must:

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

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

(i) Subrecipient name (which must match the name associated with its unique entity identifier);
(Name of Municipal Utility with SCC allocation)

(ii) Subrecipient's unique entity identifier; (Municipal Utility's DUNS number. If municipal utility does not have, please note)

(iii) Subaward Period of Performance Start and End Date; (Determined by city/county and utility given program start date and January 29, 2021, deadline to return funds)

(iv) Subaward Budget Period Start and End Date; (Determined by city/county and utility given program start date and January 29, 2021, deadline to return funds)

(v) Amount of Federal Funds Obligated by this action by the pass-through entity to the subrecipient; (Amount in final award letter)

(vi) Total Amount of Federal Funds Obligated to the subrecipient by the pass-through entity including the current financial obligation; (Amount in allocation letter plus any other federal grant to from county/city to the utility)

(vii) Total Amount of the Federal Award committed to the subrecipient by the pass-through entity; (Amount in final award letter plus any other federal grant to from county/city to the utility)

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

(ix) Name of Federal awarding agency, pass-through entity, and contact information for awarding official of the Pass-through entity; (U.S. Treasury Department/County or City/Contact for County or City Awarding Official)

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

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

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

Appendix A is available at: <https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Guidance-for-State-Territorial-Local-and-Tribal-Governments.pdf>

Appendix B is available at: <https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Frequently-Asked-Questions.pdf>

COVID-19 MUNICIPAL UTILITY RELIEF PROGRAM

Utility Arrearage Assistance

Model Customer Intake Form

GENERAL INFORMATION

1. Date of Customer's Application: _____
2. Account Number or Other Unique Identifier of the Customer Utility Bill: _____
3. Total Arrearage from March 1, 2020 – December 30, 2020 that is due (Provided by Municipal Utility with statement demonstrating amount attached): _____
4. Street Address (where utility service is provided): _____

5. City or County (where utility service is provided): _____
6. State (where utility service is provided): _____
7. ZIP Code (where utility service is provided): _____
8. Customer Phone Number: _____
9. Customer Type:
 Residential
 Non-Residential

RESIDENTIAL CUSTOMERS COMPLETE THIS SECTION

1. Name of Residential Account Holder:

| | | | |
|-------|------|------|----------|
| First | M.I. | Last | (Maiden) |
|-------|------|------|----------|

2. For residential customers: place mark beside the applicable cause of economic hardship if you or a person in your household has experienced a loss of income due to the COVID-19 pandemic (check all that apply):

- been laid off;
- place of employment has closed;
- have experienced a reduction in hours of work;
- must stay home to care for children due to closure of day care and/or school;
- lost child or spousal support;

- _____ not been able to work or missed hours due to contracting COVID-19;
- _____ unable to find work due to COVID-19;
- _____ unwilling/unable to participate in previous employment due to high risk of severe illness from COVID-19
- _____ other (describe) _____

NON-RESIDENTIAL CUSTOMERS COMPLETE THIS SECTION

1. Name of Non-Residential Account Holder: _____
2. Property Name: _____
3. Is the utility fee arrearage due to economic hardship experienced by the customer as a result of the COVID-19 pandemic? (Check Y/N)
4. _____ YES (Eligible for relief; provide explanation below.)
5. _____ NO (Not eligible for relief.)
6. Provide an explanation of the COVID-19 related economic hardship:

CARES Act assistance application may:

- Assist for bills dated March 1, 2020, to December 30, 2020, and may not be used for past due amounts prior to this time period or after this time period.
- Funding is designed to be a one-time opportunity, with only one payment per household (for residential) or account holder and their successors (for non-residential).
- Funding can be used for the following bills:
 - _____ Water
 - _____ Wastewater
 - _____ Electric
 - _____ Gas

Applicant's Certification:

- I desire to receive any assistance to which I am legally entitled under this program and its specifications.
- I certify that the reason I am eligible for this CARES Act assistance is correct to the best of my knowledge and belief.
- I understand that my signature on this form gives permission for the staff at (insert name of city or county and municipal utility) to verify records as necessary to verify my eligibility for assistance.

- I declare to the best of my knowledge that:
 - o (1) for residential applicants: I am the only person living in the household at the address shown on this form who has applied for this assistance, or
 - o (2) for non-residential applicants: I am the only person who has applied for/on behalf of the non-residential account holder, including their successors, at the address shown on this form and that I am not a government account holder.
- I certify that this customer has not received CARES act relief for any of the arrearages I am applying for from any other source including Rebuild VA Grants.
- I understand that if I give false information or withhold information in order to make myself eligible for benefits that I am not entitled to or apply for assistance at more than one site, I can be prosecuted for fraud and/or denied assistance in the future.
- I understand that the agencies involved in this program may verify all of the information which I have provided.
- I understand and my signature on this form gives permission to (insert name of municipal utility) to which I am applying to verify information concerning my need for assistance.
- Others?

Printed Name

Signature

Title (for non-residential account holders)

| Municipal Utility Intake Information: | ACTION TAKEN | Screener | Date |
|--|---------------------|------------------|--------------|
| | | | |
| | | | |
| | | | |

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



| | |
|-------------------------|---|
| Agenda Date: | December 21, 2020 |
| Action Required: | Appropriation Charlottesville City Schools Budget Amendment |
| Presenter: | Dr. Rosa Atkins, Charlottesville City Schools Superintendent |
| Staff Contacts: | John Blair, Interim City Manager Khristina S. Hammill, Sr. Budget and Management Analyst |
| Title: | Charlottesville City Schools Budget Amendment – Grant Funding - \$2,787,563 |

Background:

The City of Charlottesville Schools (CCS) has received several grant awards to help support additional operational needs related to its COVID response. A total of \$2,787,562.93 has been awarded and CCS seeks to amend the FY 2020-21 operational budget so that the funds can be allocated and spent.

Discussion:

CCS has received \$2,787,562.93 in grants funds to help offset additional operating needs relating to its response to COVID. The sources of funds are as follows:

| <u>Grant Title</u> | <u>Awarded</u> | <u>Amount</u> |
|--|----------------|-----------------|
| CARES Act ESSER | August 2020 | \$ 1,187,446.32 |
| Private Foundation | August 2020 | 500,000.00 |
| CARES Act ESSER/GEER State Set-aside Funds | October 2020 | 111,441.61 |
| CARES CRF Allocation | October 2020 | 738,675.00 |
| City CARES CRF Allocation | October 2020 | 250,000.00 |
| Total Grant Awards | | \$ 2,787,562.93 |

Definitions:

- CARES = Coronavirus Aid and Economic Security
- ESSER = Elementary and Secondary School Emergency Relief
- GEER = Governor's Emergency Education Relief
- CRF = Coronavirus Relief Fund

The planned uses for the funds are as follows:

- Support remote learning – HotSpots, Chromebooks, and Software

- Replacement of loss revenue – State Sales Tax, Lottery, Basic Aid
- Student support services – Clinical Social Workers
- Personal protective equipment and supplies for staff and students use in safely returning to and attending school
- Supplemental staffing cost with duties related COVID-19
- Purchasing and installing air filtering equipment
- Staff developing online online curriculum

After the amendment, the FY 2020-21 Charlottesville City Schools budget will be as follows:

| Budget | General Fund | Special Revnue | Total |
|----------------------|---------------------|-----------------------|---------------|
| Appropriated | \$ 74,452,362 | \$ 14,440,726 | \$ 88,893,088 |
| Amendment | - | 2,787,563 | 2,787,563 |
| Total Amended Budget | \$ 74,452,362 | \$ 17,228,289 | \$ 91,680,651 |

Alignment with City Council’s Vision and Strategic Plan:

This appropriation supports Objective 1.1 which is to prepare students for academic and vocational success.

Community Engagement:

The Charlottesville City School staff presented this recommendation to the School Board at its November 5, 2020 meeting and the request to amend the budget was approved. A Notice of Public Hearing was also published in the Daily Progress inviting the public to address Council on this matter during public comment.

Budgetary Impact:

This has no impact on the General Fund. These funds will be appropriated to and expended from a grants fund and no local match is required. These funds will be expensed and used for school expenses during fiscal year 2021.

Recommendation:

City and School staff recommend Council approval and appropriation of the budget amendment.

Alternatives:

There is no alternative. If the funds are not appropriated they cannot be spent and the funds must be used or returned to the grantor.

Attachments:

Not Applicable

APPROPRATION

Charlottesville City Schools Budget Amendment – Grant Funding

\$2,787,563

WHEREAS, the Charlottesville City Schools has received grant funds to help offset the costs associated with its COVID response during the 2020-21 school year;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the Charlottesville City Schools budget be amended by \$2,787,563 as follows:

| <u>Budget</u> | <u>General Fund</u> | <u>Special Revnue</u> | <u>Total</u> |
|----------------------|---------------------|-----------------------|---------------|
| Appropriated | \$ 74,452,362 | \$ 14,440,726 | \$ 88,893,088 |
| Amendment | - | 2,787,563 | 2,787,563 |
| Total Amended Budget | \$ 74,452,362 | \$ 17,228,289 | \$ 91,680,651 |

CITY OF CHARLOTTESVILLE, VIRGINIA. CITY COUNCIL AGENDA.



| | |
|-------------------|--|
| Agenda Date: | December 21, 2020. |
| Actions Required: | (1) Resolution, and (2) Appropriation (1 st of 2 readings). |
| Presenter: | Chris Cullinan, Director of Finance. |
| Staff Contacts: | Chris Cullinan, Director of Finance. John C. Blair, Acting City Manager. |
| Title: | Close Out of Coronavirus Aid, Relief, and Economic Security (CARES) Act Funds and Appropriation of Interest Income. |

Introduction:

This agenda item serves to close out the City’s share of Coronavirus Aid, Relief, and Economic Security (CARES) Act Funds to state and local governments by the required deadline of December 30, 2020.

This close out requires City Council to take the following actions:

1. To adopt a resolution reallocating funds not spent in the funding categories for which they were originally appropriated; and
2. To appropriate approximately \$7,000 of interest income earned while the CARES funds were in the City’s account.

Background:

The City received approximately \$8.2 million from the Commonwealth of Virginia as part of the Coronavirus Relief Funds (CRF) to local governments made available through the CARES Act. The City received these funds in two, equal tranches of \$4.1 million in June and August of 2020. The Commonwealth distributed these funds to local governments based on population.

Expenses related to the City’s direct response to the pandemic were eligible for CARES funding. Additionally, “second order” effects of the pandemic are eligible, including business disruption funding and other economic support to those impacted economically. Guidance from the US Treasury Department specifically prohibits the use of CARES/CRF funding to offset any losses of revenue incurred by the City

The general guidelines for potential uses of CARES funds include expenditures that:

- Are necessary expenditures incurred due to the public health emergency with respect to the

Coronavirus Disease 2019 (COVID-19);

- Were not accounted for in the budget most recently approved as of March 27, 2020 for the locality; and
- Were incurred during the period that begins on March 1, 2020 and ends on December 30, 2020.

City Council appropriated the funds into several funding categories and a contingency reserve fund to mitigate the impacts of COVID on various aspects of our community and organization:

| <i>Funding Category</i> | <i>Round 1</i> | <i>Round 2</i> | <i>TOTAL</i> |
|---------------------------|--------------------|--------------------|--------------------|
| Business Support | \$825,000 | \$825,000 | \$1,650,000 |
| Community Support | \$654,000 | \$1,054,000 | \$1,708,000 |
| Employee Support | \$420,000 | \$381,876 | \$801,876 |
| Technology | \$636,000 | \$377,400 | \$1,013,400 |
| Operational Modifications | \$1,164,000 | \$1,275,000 | \$2,439,000 |
| Contingency Reserve | \$424,476 | \$210,000 | \$634,476 |
| TOTAL | \$4,123,476 | \$4,123,276 | \$8,246,752 |

City staff have been utilizing these funds expeditiously over the past several months to address the needs of our community and meet the December 30, 2020 deadline.

When City Council appropriated each of the tranches, staff committed to come back prior to the December 30, 2020 deadline with any unspent funds and a recommendation on how to fully utilize the funds within the guidelines of the program.

Discussion:

As shown in the table below, approximately \$7.3 million is anticipated to be incurred by December 30, 2020. The projected balance of unspent funds and accrued interest totals approximately \$921,500.

| <i>Funding Category</i> | <i>Funding Amount</i> | <i>Anticipated to be Incurred by 12.30.2020</i> | <i>Projected Balance</i> |
|-------------------------------------|-----------------------|---|--------------------------|
| Business Support | \$1,650,000 | \$1,646,446 | \$3,554 |
| Community Support | \$1,708,000 | \$1,708,000 | \$0 |
| Employee Support | \$801,876 | \$372,574 | \$429,302 |
| Technology | \$1,013,400 | \$886,428 | \$126,972 |
| Operational Modifications | \$2,439,000 | \$2,180,725 | \$258,275 |
| Contingency Reserve | \$534,476 | \$438,056 | \$96,420 |
| Employee Assistance Program | \$100,000 | \$100,000 | \$0 |
| TOTAL | \$8,246,752 | \$7,332,229 | \$914,523 |
| Accrued Interest Income (projected) | | | \$7,000 |
| TOTAL FOR REALLOCATION | | | \$921,523 |

Note: the final numbers for the amounts incurred by December 30, 2020 and the projected balance are subject to change as there are still several days remaining during which funds can be utilized. However, the figures above are not expected to change significantly and are reasonable projections.

Recommendation:

Staff is recommending the remaining funds be used to partially reimburse the City for a portion of previous public safety payroll costs for the Police Department, Fire Department, and Sheriff’s Office COVID-19 mitigation efforts since July 1, 2020 (the current Fiscal Year 2021). This use an allowed use of CARES funds per the following guidance from the US Treasury Department:

The Fund (US Treasury’s Coronavirus Relief Fund) is designed to provide ready funding to address unforeseen financial needs and risks created by the COVID-19 public health emergency. For this reason, and as a matter of administrative convenience in light of the emergency nature of this program, a State, territorial, local, or Tribal government may presume that payroll costs for public health and public safety employees are payments for services substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

As of the date of this memo, the City has spent a total of \$11.5 million in payroll expenses for the Police Department, Fire Department, and Sheriff’s Office since July 1, 2020. The reallocation of CARES funds would cover approximately 8% of this total.

This recommendation:

1. Ensures the City will fully incur all of the CARES funds allocated by the December 30, 2020 deadline within the guidelines of the program.

2. Provides the General Fund budgetary relief and capacity in the current fiscal year.

Budgetary Impact:

The use of CARES funds to reimburse the General Fund for previously incurred public safety payroll expenses will result in the reclassification of these expenses from the General Fund to the CARES account in the Grants Fund. This will result in additional budgetary capacity in the General Fund in the current fiscal year.

Alignment with Council Vision Areas and Strategic Plan:

This resolution aligns with Goal 4 of the Strategic Plan, to be a well-managed and successful organization.

Recommendation:

Staff recommend that Council approve the attached resolution.

Alternatives:

Amend the Recommendation while maintaining compliance with the timeline and guidelines of the CARES Act.

Attachments:

1. Resolution.
2. Appropriation of accrued interest income.

RESOLUTION

Coronavirus Aid, Relief, and Economic Act (CARES) Funds – Allocation of Unspent Funds

WHEREAS, the Charlottesville City Council appropriated \$8,246,752 of Coronavirus Aid, Relief, and Economic Act (CARES) funds to be spent on a number of initiatives to mitigate the impacts of COVID 19 on the community; and

WHEREAS, CARES funds are required to be incurred by December 30, 2020 or be returned to the Commonwealth; and

WHEREAS, the City will have unspent CARES funds it desires to fully incur by the December 30, 2020 deadline; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the balance of unspent CARES funds as of December 30, 2020 be allocated to public safety payroll expenses related to COVID-19 mitigation efforts incurred by the City since July 1, 2020 (an eligible use under the CARES Act).

APPROPRIATION
Interest Accrued on Coronavirus Aid, Relief, and Economic Act (CARES) Funds
\$7,000.00

WHEREAS, the City has accrued interest income in the amount of approximately \$7,000.00 on Coronavirus Aid Relief and Economic Security (CARES) Act funds allocated to the City address the COVID-19 pandemic;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the following amount of accrued interest (or the actual amount earned as of December 30, 2020) is hereby appropriated in the following manner which conform with the conditions and guidance established by the Commonwealth, U.S. Treasury, and the City:

Revenue

\$7,000.00 Fund: 208 Cost Center: 9900000000 G/L Account: 450010

Expenditures

\$7,000.00 Fund: 208 Order: 1900353 G/L Account: 599999

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



| | |
|------------------|---|
| Agenda Date: | December 21, 2020 |
| Action Required: | Appropriation and Approval |
| Presenter: | Erin Atak, Grants Coordinator |
| Staff Contacts: | Erin Atak, Grants Coordinator Symia Tabron, Accountant |
| Title: | Appropriation of CDBG & HOME Budget Allocations for FY 2020-2021 and Minor Amendment for Action Plan 2020-2021 |

Background:

This agenda item includes a minor action plan amendment, and corrected appropriations for the Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) funds to be received by the City of Charlottesville from the U.S. Department of Housing and Urban Development (HUD).

Discussion:

In Fall 2019, the City of Charlottesville advertised a Request for Proposals (RFP) based on the priorities set by Council on September 16, 2019. The priorities were for affordable housing (priority for persons who are 0-50 percent AMI, including but not limited to low income housing redevelopment), support for the homelessness and those at risk of homelessness, workforce development (including but not limited to efforts to bolster section 3 training opportunities and partnerships with the City's GO programs, support for programs that aid in self-sufficiency, including but not limited to quality childcare), microenterprise assistance, and mental health and substance abuse services.

In February 2020 and March 2020, the CDBG/HOME Task Force reviewed and recommended housing and public service projects for funding and the Strategic Action Team reviewed and recommended economic development projects for funding. Later, on May 4th 2020, City Council reviewed and approved the CDBG and HOME budget for the 2020-2021 HUD Annual Action plan submittal.

On October 22, 2020, the City received a corrected notice from HUD regarding the CDBG and HOME programs. HUD had discovered an error in the formula calculation for the two programs stemming from issues at HUD field offices in California. A correction to the entitlement award has been issued, resulting a decrease in the City's allocation, an amount representing 99.97% of the total CDBG and HOME grants for FY 2020.

Community Engagement:

A request for proposals was held for housing, economic development, public facilities, and public service programs. Applications received were reviewed by the CDBG Task Force or SAT. Priority Neighborhood recommendations will be made by members who serve on the Priority Neighborhood Task Force. On February 18, 2020 and March 5, 2020 the proposed FY 20-21 CDBG and HOME budget came before the CDBG/HOME Taskforce for discussion. The Thomas Jefferson Planning District Commission held a virtual public hearing on May 7, 2020 for the CDBG and HOME budget/action plan and an additional virtual public hearing was held by Charlottesville City Council on May 4, 2020.

The Action Plan was advertised for a thirty-day comment period (March 26th – April 26th 2020) before being sent to HUD for approval. The Action Plan was sent to Charlottesville Neighborhood community members for comment. The Housing Directors Council had an opportunity to make comments on the Action Plan virtually during the thirty-day comment period. Comments received from Housing Directors were incorporated into the Action Plan. HUD approved the Action Plan on August 14, 2020.

In accordance with the CDBG/HOME Citizen Participation Plan, staff reviewed and made changes to the new CDBG and HOME budget. A minor Action Plan Amendment will be submitted for the 2020-2021 fiscal year. The minor Action Plan Amendment was advertised for five days under the covid-19 public notice waiver between November 30th and December 4th, 2020. The full action plan can be viewed on the City Website through the following [link](#).

Alignment with City Council’s Vision and Strategic Plan:

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

Budgetary Impact:

Proposed CDBG projects will be carried out using only the funds to be received by the City of Charlottesville from the U.S. Department of Housing and Urban Development (HUD) for the City's CDBG program. The HOME program requires the City to provide a 25% match (HOME match equals ¼ of the EN amount). The sum necessary to meet the FY 2020-2021 match is \$20,143.78, which will need to be appropriated out of the Charlottesville Housing Fund (CP-0084) at a future date.

Recommendation:

Staff recommends approval of the CDBG and HOME corrected budget, as well as approval of the minor 2020-2021 Action Plan Amendment of the 2018-2022 Consolidated Plan.

Alternatives:

No alternatives are proposed.

Attachments:

- HUD Correspondence – Correction Notice
- Appropriation Resolution for CDBG funds
- Appropriation Resolution for HOME funds
- Resolution for Minor 2020-2021 Action Plan Amendment

**APPROPRIATION OF FUNDS FOR
THE CITY OF CHARLOTTESVILLE’S 2020-2021
COMMUNITY DEVELOPMENT BLOCK GRANT - \$419,303**

WHEREAS, the City of Charlottesville has been advised of the approval by the U.S Department of Housing and Urban Development of a Community Development Block Grant (CDBG) for the 2020-2021 fiscal year in the total amount of \$432,691 that includes the new entitlement from HUD, dated February 18, 2020, amounting to \$419,367, and previous entitlement made available through reprogramming of \$13,324;

WHEREAS, City Council has received recommendations for the expenditure of funds from the CDBG/HOME Taskforce, the SAT; and has conducted a public hearing thereon as provided by law;

WHEREAS, the City of Charlottesville has been notified of the formula calculation error of the Community Development Block Grant (CDBG) program stemming from HUD field offices, dated October 22, 2020, with the corrected entitlement of \$419,303;

BE IT RESOLVED by the City Council of Charlottesville, Virginia, that the sums hereinafter set forth are hereby appropriated from funds received from the aforesaid grant to the following individual expenditure accounts in the Community Development Block Grant Funds for the respective purposes set forth; provided, however, that the City Manager is hereby authorized to transfer funds between among such individual accounts as circumstances may require, to the extent permitted by applicable federal grant regulations.

| | |
|---|---------------------|
| Priority Neighborhood | |
| Ridge Street Priority Neighborhood | \$201,884.12 |
| Economic Development | |
| Community Investment Collaborative Scholarships | \$14,997.71 |
| Public Service Programs (15% EN) | |
| TJACH- Coordinated Entry Systems | \$53,346.44 |
| Housing Projects | |
| AHIP-Homeowner Rehab | \$78,538.13 |
| Administration and Planning (20% EN) | |
| Admin & Planning | \$83,860.60 |
| | |
| New Entitlement Amount | \$419,303 |
| Reprogramming | \$13,324 |
| Grand Total | \$432,627.00 |

Expenditures

| <i>Program</i> | <i>Amount</i> | <i>Fund</i> | <i>Internal order/Cost center</i> | <i>G/L Account</i> |
|------------------------------------|---------------|-------------|-----------------------------------|--------------------|
| Ridge Street Priority Neighborhood | \$201,884.12 | 218 | 1900361 | 530670 |
| Community Investment Collaborative | \$14,997.71 | 218 | 1900362 | 530670 |
| TJACH | \$53,346.44 | 218 | 1900363 | 530670 |
| AHIP Homeowner Rehab | \$78,538.13 | 218 | 1900364 | 530670 |
| Admin & Planning | \$83,860.60 | 218 | 3914004000 | 530670 |

Revenue

| <i>Program</i> | <i>Amount</i> | <i>Fund</i> | <i>WBS Element</i> | <i>G/L Account</i> |
|------------------------------------|---------------|-------------|--------------------------------|--------------------|
| Ridge Street Priority Neighborhood | \$201,884.12 | 218 | P-0001 HUD IDIS Drawdown | 431110 |
| Community Investment Collaborative | \$14,997.71 | 218 | P-0001 HUD IDIS Drawdown | 431110 |
| TJACH | \$53,346.44 | 218 | P-0001 HUD IDIS Drawdown | 431110 |
| AHIP Homeowner Rehab | \$78,538.13 | 218 | P-0001 HUD IDIS Drawdown | 431110 |
| Admin & Planning | \$83,860.60 | 218 | P-0001 HUD IDIS Drawdown | 431110 |

BE IT FURTHER RESOLVED that the amounts so appropriated as grants to other public agencies and private non-profit, charitable organizations (subrecipients) are for the sole purpose stated. The City Manager is authorized to enter into agreements with those agencies and organizations as he may deem advisable to ensure that the grants are expended for the intended purposes, and in accordance with applicable federal and state laws and regulations; and The City Manager, the Directors of Finance or Neighborhood Development Services, and staff are authorized to establish administrative procedures and provide for mutual assistance in the execution of the programs.

**APPROPRIATION OF FUNDS FOR
THE CITY OF CHARLOTTESVILLE'S 2020-2021
HOME FUNDS \$121,186.97**

WHEREAS, the City of Charlottesville has been advised of the approval by the U.S. Department of Housing and Urban Development of HOME Investment Partnerships (HOME) funding for the 2020-2021 fiscal year;

WHEREAS, it is a requirement of this grant that projects funded with HOME initiatives money be matched with local funding in varying degrees;

WHEREAS, the City of Charlottesville has been notified of the formula calculation error of the HOME Investment Partnerships Program (HOME) stemming from HUD field offices, dated October 22, 2020, with the corrected entitlement of \$80,575.13;

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the local match for the above listed programs will be covered by the a surplus of match from previous appropriations from the Charlottesville Housing Fund (account CP-0084 in SAP system) in the amount of \$20,143.78. Project totals also include previous entitlement made available through program income of \$20,468.06. The total of the HUD money, program income, and the local match, equals \$121,186.97 and will be distributed as shown below.

| PROJECTS | HOME EN | PI | MATCH | TOTAL |
|--------------------------|--------------------|--------------------|--------------------|---------------------|
| AHIP-Homeowner Rehab | \$33,498.40 | \$13,234.03 | \$10,071.89 | \$56,804.32 |
| Habitat for Humanity-DPA | \$47,076.73 | \$7,234.03 | \$10,071.89 | \$64,382.65 |
| Total | \$80,575.13 | \$20,468.06 | \$20,143.78 | \$121,186.97 |

* includes Program Income which does not require local match.

Expenditures

| <i>Program</i> | <i>Amount</i> | <i>Fund</i> | <i>Internal Order/Cost Center</i> | <i>G/L Account</i> |
|----------------------------|---------------|-------------|-----------------------------------|--------------------|
| AHIP – Homeowner Rehab | \$56,804.32 | 210 | 1900365 | 530670 |
| Habitat for Humanity - DPA | \$64,382.65 | 210 | 1900366 | 530670 |

Revenue

| <i>Program</i> | <i>Amount</i> | <i>Fund</i> | <i>Internal Order</i> | <i>G/L Account</i> |
|------------------------------------|---------------|-------------|-----------------------|--------------------|
| Thomas Jefferson Planning District | \$33,498.40 | 210 | 1900365 | 432170 |
| Thomas Jefferson Planning District | \$47,076.73 | 210 | 1900366 | 432170 |
| City Match | \$20,143.78 | 210 | CP-0084 | 498010 |
| Program Income | \$26,468.06 | 210 | 1900280 | 451070 |

BE IT FURTHER RESOLVED the amounts so appropriated as grants to other public agencies and private non-profit, charitable organizations (subrecipients) are for the sole purpose stated. The City Manager is authorized to enter into agreements with those agencies and organizations as he may deem advisable to ensure that the grants are expended for the intended purposes, and in accordance with applicable federal and state laws and regulations; and

The City Manager, the Directors of Finance or Neighborhood Development Services, and staff are authorized to establish administrative procedures and provide for mutual assistance in the execution of the programs.

RESOLUTION
Approval of FY 2020-2021 Minor Annual Action Plan Amendment

BE IT RESOLVED, that the Charlottesville City Council hereby approves the FY 2020 - 2021 Minor Action Plan Amendment of the 2018-2022 Consolidated Plan. The corrected CDBG and HOME budget will be added into the 2020-2021 Annual Action Plan.

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



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|------------------|--|
| Agenda Date: | December 21, 2020 |
| Action Required: | Appropriation and Approval |
| Presenter: | Erin Atak, Grants Coordinator |
| Staff Contacts: | Erin Atak, Grants Coordinator |
| Title: | CDBG/HOME Minor Action Plan Amendment FY2020-2021 and Appropriation of CDBG 10th and Page Priority Neighborhood funds. |

Background:

This agenda item includes a minor action plan amendment, and corrected budget for the Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) program for the City of Charlottesville, received from the U.S. Department of Housing and Urban Development (HUD).

Discussion:

On March 14, 2017, the City's Planning Commission held a public hearing for the proposed FY2017-2018 CDBG and HOME Budget Allocations. All proposed projects for the CDBG program underwent an extensive review by the CDBG/HOME Task force as a result of an RFP process. The 10th and Page Priority Neighborhood recommended several projects to improve the streetscape and pedestrian safety along the 10th and Page Corridor within the 10th and Page Neighborhood. As part of the Taskforce discussions, the following priorities were set: 1) Pedestrian improvements at the 10th ST NW and West St Intersection; 2) Pedestrian improvements at the 10th St NW & Page St intersections; 3) Beautification efforts at 8th Street and Hardy Drive; and 4) Lighting improvements on the west end (dead end) of Page Street. A second public hearing was held on July 17, 2017 for the approval and appropriation of the CDBG and HOME Budget for FY17-18. City Council received recommendations for the expenditure of funds from the CDBG Taskforce, and the 10th and Page Priority Neighborhood Taskforce, and approved allocation of funds for the 10th and Page Pedestrian Safety and accessibility improvement project at \$282,000.31.

Funds were proposed to improve an area located at the corner of 8th ST NW and Hardy Drive which serves as the entry point into the 10th and Page Neighborhood by creating a passive neighborhood park and enhancing the aesthetic and safety of the area. The project consists of drainage and grading work, installation of benches, a guardrail, green infrastructure (planting of trees and plants), removal or architectural barriers with ADA improvements to enhance pedestrian accessibility, and the project involves acquisition of property adjacent to the project site.

Per the City's CDBG Contingency Plan dated September 18, 2019, the 10th and Page Priority

Project has commenced. The Park project has completed the following improvements: 100% of the park walls and stairs, 100% of the stormwater construction, 80% of the sidewalk and concrete plaza work, and most of the site grading. Remaining work to be done includes final grading, trees, landscaping, installation of bench and chess boards, and addition of the guardrail.

Per HUD 24 CFR 570.902(a) the City's 10th and Page budget requires minor modifications to remain within timeliness compliance to allow for final park completion work. All budgetary changes require a 2020-2021 Action Plan amendment.

Community Engagement:

All 10th and Page Priority Neighborhood Meetings were held publicly and noticed. A public hearing was held for the CDBG and HOME FY17-18 Budget on May 1st 2017. There were no comments provided by the public.

The Action Plan was advertised for a thirty-day comment period (March 26th – April 26th 2020) before being sent to HUD for approval. The Action Plan was sent to Charlottesville Neighborhood community members for comment. The Housing Directors Council had an opportunity to make comments on the Action Plan virtually during the thirty-day comment period. Comments received from Housing Directors were incorporated into the Action Plan. HUD approved the Action Plan on August 14, 2020.

In accordance with the CDBG/HOME Citizen Participation Plan, staff reviewed and made changes to the new CDBG and HOME budget. A minor Action Plan Amendment will be submitted for the 2020-2021 fiscal year. The minor Action Plan Amendment was advertised for five days under the covid-19 public notice waiver between December 14 and December 18, 2020. The full action plan can be viewed on the City Website through the following [link](#).

Alignment with City Council's Vision and Strategic Plan:

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

Budgetary Impact:

Proposed CDBG projects will be carried out using only the funds to be received by the City of Charlottesville from the U.S. Department of Housing and Urban Development (HUD) for the City's CDBG program. There will be no impact to the City of Charlottesville budget.

The minor modification to the 10th and Page budget will affect the 2020-2021 Ridge Street Priority Neighborhood funding. CDBG funds awarded by HUD for the fiscal year FY22-23 will supplant the transfer of funds from Ridge Street Priority Neighborhood budget to the 10th and Page Priority Neighborhood budget.

Recommendation:

Staff recommends approval of the CDBG budgets, as well as approval of the minor 2020-2021 Action Plan Amendment of the 2018-2022 Consolidated Plan.

Alternatives:

No alternatives are proposed.

Attachments:

Appropriation for CDBG funds – 10th and Page

Resolution for CDBG funds – Ridge Street

Resolution for Minor 2020-2021 Action Plan Amendment

**APPROPRIATION OF FUNDS FOR
THE CITY OF CHARLOTTESVILLE'S 2020-2021
CDBG 10TH AND PAGE PRIORITY NEIGHBORHOOD**

WHEREAS, the City of Charlottesville has been advised of the approval by the U.S Department of Housing and Urban Development of a Community Development Block Grant (CDBG) for the 2020-2021 fiscal year in the total amount of \$432,303 that includes the new entitlement from HUD, dated October 22, 2020;

WHEREAS, City Council has received recommendations for the expenditure of funds from the 10th and Page Priority Neighborhood Taskforce, CDBG/HOME Taskforce, the SAT; and has conducted a public hearing thereon as provided by law;

WHEREAS, the City of Charlottesville must carry out its program in a timely manner, as measured by the rate of expenditure of funds from the grantee's line of credit (LOC) in accordance to 24 CFR 570.902(a);

BE IT RESOLVED by the City Council of Charlottesville, Virginia, that the sums hereinafter set forth are hereby appropriated from funds received from the aforesaid grant to the following individual expenditure accounts in the Community Development Block Grant Funds for the respective purposes set forth; provided, however, that the City Manager is hereby authorized to transfer funds between among such individual accounts as circumstances may require, to the extent permitted by applicable federal grant regulations.

| | |
|---|--------------|
| Priority Neighborhood | |
| Ridge Street Priority Neighborhood | \$85,830.95 |
| Priority Neighborhood | |
| 10 th and Page Priority Neighborhood | \$116,053.17 |
| Program Income | |
| CDBG Program Income | \$17,952.83 |

Expenditures

| <i>Program</i> | <i>Amount</i> | <i>Fund</i> | <i>Internal order/Cost center</i> | <i>G/L Account</i> |
|---|---------------|-------------|-----------------------------------|--------------------|
| Ridge Street Priority Neighborhood | \$85,830.95 | 218 | 1900361 | 530670 |
| 10 th and Page Priority Neighborhood | \$134,006 | 218 | P-0001-05-19 | 530670 |

Revenue

| <i>Program</i> | <i>Amount</i> | <i>Fund</i> | <i>WBS Element</i> | <i>G/L Account</i> |
|---|---------------|-------------|--------------------------------|--------------------|
| Ridge Street Priority Neighborhood | \$85,830.95 | 218 | P-0001 HUD IDIS Drawdown | 431110 |
| 10 th and Page Priority Neighborhood | \$116,053.17 | 218 | P-0001 HUD IDIS Drawdown | 431110 |
| CDBG Program Income | \$17,952.83 | 218 | P-0001-05-19 | 451070 |

BE IT FURTHER RESOLVED that the amounts so appropriated as grants to other public agencies and private non-profit, charitable organizations (subrecipients) are for the sole purpose stated. The City Manager is authorized to enter into agreements with those agencies and organizations as he may deem advisable to ensure that the grants are expended for the intended purposes, and in accordance with applicable federal and state laws and regulations; and The City Manager, the Directors of Finance or Neighborhood Development Services, and staff are authorized to establish administrative procedures and provide for mutual assistance in the execution of the programs.

RESOLUTION
THE CITY OF CHARLOTTESVILLE'S 2022-2023
CDBG RIDGE STREET PRIORITY NEIGHBORHOOD

WHEREAS, the City of Charlottesville is an U.S Department of Housing and Urban Development entitlement community and is provided Community Development Block Grant (CDBG) formula based grants each year to develop viable urban communities by providing decent housing and a suitable living environment, and by expanding economic opportunities, principally for low- and moderate-income persons;

WHEREAS, City Council on December 21, 2020, approved for a minor budgetary modification to the 2020-2021 Ridge Street Priority Neighborhood Budget to remain within HUD 24 CFR 570.902(a) timeliness compliance rule and to allow for final completion work at the 10th and Page neighborhood park;

BE IT RESOLVED by the City Council of Charlottesville, Virginia, that a portion of the 2022-2023 CDBG sums totaling \$116,053.17, hereinafter set forth are appropriated to supplant the budget transfer from the 2020-2021 Ridge Street Priority Neighborhood budget; provided, however, that the City Manager is hereby authorized to transfer funds between among such individual accounts as circumstances may require, to the extent permitted by applicable federal grant regulations.

RESOLUTION

Approval of FY 2020-2021 Minor Annual Action Plan Amendment

BE IT RESOLVED, that the Charlottesville City Council hereby approves the FY 2020 - 2021 Minor Action Plan Amendment of the 2018-2022 Consolidated Plan. The corrected CDBG budget will be added into the 2020-2021 Annual Action Plan. No changes to the HOME budget will be made at this time.

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



| | |
|------------------|--|
| Agenda Date: | December 21, 2020 |
| Action Required: | Approval of Franchise Ordinance |
| Presenter: | John Blair, Acting City Manager |
| Staff Contacts: | Lisa Robertson, Acting City Attorney |
| Title: | Proposed Extension of Franchise Agreement |

Background:

Eagle Real Estate, LLC has occupied public right of way within the City pursuant to a franchise agreement last approved by the City in 2015. Eagle has requested a new 5-year franchise term.

Discussion:

Eagle's existing Facilities have been in place since at least 2015. Eagle is not requesting additional Facilities and staff is not aware of any instances of noncompliance with the previously-granted franchise terms and conditions. Eagle is requesting a reduction of their Bond from \$25,000 to \$10,000. We recommend approval of this request, since Eagle has demonstrated its ability to comply with the franchise terms, and no new Facilities are proposed (the reduced bond amount is programmed into the proposed franchise ordinance).

Alignment with Council Vision Areas and Strategic Plan:

Communications infrastructure promotes economic sustainability and quality education.

Community Engagement: N/A

Budgetary Impact: N/A

Recommendation: Approval

Alternatives: None

Attachments:

- (1) Proposed 2020 Franchise Agreement (5-year Term)
- (2) Correspondence, Insurance Certificate, Bond Renewal

Attorneys Office

EAGLE CORPORATION
P. O. Box 1648
CHARLOTTESVILLE, VIRGINIA 22902
TELEPHONE (434) 971-2686

City of Charlottesville
Department of Neighborhood Development Services
605 E Main St
Charlottesville, VA 22902

Date: September 1, 2020

RE: Renewal of Telecommunications Franchise Agreement by Eagle Real Estate, LLC

Eagle Real Estate, LLC is requesting a renewal of the existing Telecommunications Franchise agreement for five (5) additional years to run through 2025. The company has complied with the terms of the existing agreement and wishes to extend the same terms with this renewal. A copy of the existing agreement is attached for your ease of reference.

Based on recent email communications with Lisa A. Robertson, Chief Deputy City Attorney, we are submitting this request along with the following information to support this renewal request.

It is our understanding that the mapping data referenced in section 305 of the agreement was provided previously and has not changed in the past 5 years.

An attached copy of our proof of insurance is included with this letter.

The company's account is in good standing with the City of Charlottesville and as of this letter has paid invoices that were presented to the company by the City.

Eagle Real Estate, LLC remains an operating business and legal entity at the same address as associated with the company for the original franchise agreement which is 1020 Harris St, Charlottesville VA 22903

The company would request a reduction to \$10,000.00 for the amount of the performance bond required in section 701 of the agreement. The company and its related business entities of Eagle Corporation and Allied Concrete Company continue to operate within the city contributing strongly to the tax revenues of the city. The company has complied with the matters of this agreement. There is no plans for any changes or additional installations of additional telecommunication facilities beyond what was installed 5 years ago. Given such considerations we requesting the above reduction.

If you have any questions regarding this renewal you may contact Larion Hostetler via email me L.Hostetler@EagleCorpUSA.com or by phone at (434) 971-2686.

We thank you for your consideration of this renewal.



David T. Paulson, President

Eagle Real Estate, LLC



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
9/1/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

| | | |
|--|--|---|
| PRODUCER Scott Insurance 3900 Westerre Parkway Suite 200 Richmond VA 23233 | CONTACT NAME: Stacey Hall PHONE (A/C, No, Ext): 804-545-2216 E-MAIL ADDRESS: shall@scottins.com | FAX (A/C, No): 434-455-8938 |
| | INSURER(S) AFFORDING COVERAGE | |
| INSURED Eagle Real Estate Amy Ezell 1020 Harris Street Charlottesville VA 22903 | EAGL-COR-01 | INSURER A: Hartford Fire Ins Company (A+) NAIC # 19682 |
| | | INSURER B: Twin City Fire Insurance Company (A+) 29459 |
| | | INSURER C: Property & Casualty Insurance Company of Hartford 34690 |
| | | INSURER D: |
| | | INSURER E: |
| | INSURER F: | |

COVERAGES **CERTIFICATE NUMBER:** 2006315351 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR LTR | TYPE OF INSURANCE | ADDITIONAL INSURED | SUBR VVVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS | |
|----------|--|--------------------|-----------|---------------|-------------------------|-------------------------|---|--|
| | | | | | | | | |
| A | X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC <input checked="" type="checkbox"/> OTHER: | Y | | 14 CSE S47401 | 12/1/2019 | 12/1/2020 | EACH OCCURRENCE | \$ 1,000,000 |
| | | | | | | | DAMAGE TO RENTED PREMISES (Each occurrence) | \$ 300,000 |
| | | | | | | | MED EXP (Any one person) | \$ 10,000 |
| | | | | | | | PERSONAL & ADV INJURY | \$ 1,000,000 |
| | | | | | | | GENERAL AGGREGATE | \$ 2,000,000 |
| | | | | | | | PRODUCTS - COMP/OP AGG | \$ 2,000,000 |
| | | | | | | | | \$ |
| A | X AUTOMOBILE LIABILITY X ANY AUTO OWNED AUTOS ONLY X HIRED AUTOS ONLY SCHEDULED AUTOS X NON-OWNED AUTOS ONLY | | | 14 CSE S47403 | 12/1/2019 | 12/1/2020 | COMBINED SINGLE LIMIT (Each accident) | \$ 3,000,000 |
| | | | | | | | BODILY INJURY (Per person) | \$ |
| | | | | | | | BODILY INJURY (Per accident) | \$ |
| | | | | | | | PROPERTY DAMAGE (Per accident) | \$ |
| | | | | | | | | \$ |
| B | X UMBRELLA LIAB X EXCESS LIAB DEF: RETENTIONS | X | | 14 XS ON 1216 | 12/1/2019 | 12/1/2020 | EACH OCCURRENCE | \$ 5,000,000 |
| | | | | | | | AGGREGATE | \$ 5,000,000 |
| | | | | | | | | \$ |
| C | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under: DESCRIPTION OF OPERATIONS below | Y/N N | N/A | 14 WNS47400 | 12/1/2019 | 12/1/2020 | X PER STATUTE OTH-ER | E.L. EACH ACCIDENT \$ 1,000,000 |
| | | | | | | | | E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 |
| | | | | | | | | E.L. DISEASE - POLICY LIMIT \$ 1,000,000 |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
City of Charlottesville is included as additional insured as respects to General Liability if required by written contract. 30 day notice of cancellation will be provided to the certificate holder except for nonpayment of premium.

| | |
|--|---|
| CERTIFICATE HOLDER City of Charlottesville Attn: City Manager 605 E. Main St Charlottesville VA 22902 | CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. |
| | AUTHORIZED REPRESENTATIVE <i>Stacey W. Hall</i> |

Continuation Certificate

The Hartford Insurance Group

Surety - Miscellaneous



The Hartford Fire Insurance Company, (hereinafter called the Company), hereby continues in force its Bond No. 14BSBHF2794 in the sum of Twenty-Five Thousand (\$25,000.00) Dollars on behalf of Eagle Real Estate, LLC 1020 Harris Street, Charlottesville, VA 22903 in favor of City of Charlottesville for the (extended) term beginning on September 28, 2020 and ending on September 28, 2021. subject to all the covenants and conditions of said Bond, said Bond and this and all continuations thereof being one continuous contract.

This Continuation is executed upon the express condition that the Company's liability under said Bond and this and all continuations thereof shall not be cumulative and shall in no event exceed the sum of Twenty-Five Thousand (\$25,000.00) Dollars.

IN WITNESS THEREOF, the Company has caused this instrument to be signed by its officers proper for the purpose and its corporate seal to be hereto affixed on August 30, 2020.

Hartford Fire Insurance Company

By: Joelle L. LaPierre
Joelle L. LaPierre, Attorney in Fact



Attest: Shelby Wiggins

POWER OF ATTORNEY

Direct Inquiries/Claims to:

THE HARTFORD
 BOND, T-11
 One Hartford Plaza
 Hartford, Connecticut 06155
 Bond.Claims@thehartford.com

call: 888-266-3488 or fax: 860-757-5835

KNOW ALL PERSONS BY THESE PRESENTS THAT:

Agency Name: JAMES A SCOTT & SON INC
 Agency Code: 14-730214

- Hartford Fire Insurance Company, a corporation duly organized under the laws of the State of Connecticut
- Hartford Casualty Insurance Company, a corporation duly organized under the laws of the State of Indiana
- Hartford Accident and Indemnity Company, a corporation duly organized under the laws of the State of Connecticut
- Hartford Underwriters Insurance Company, a corporation duly organized under the laws of the State of Connecticut
- Twin City Fire Insurance Company, a corporation duly organized under the laws of the State of Indiana
- Hartford Insurance Company of Illinois, a corporation duly organized under the laws of the State of Illinois
- Hartford Insurance Company of the Midwest, a corporation duly organized under the laws of the State of Indiana
- Hartford Insurance Company of the Southeast, a corporation duly organized under the laws of the State of Florida

having their home office in Hartford, Connecticut (hereinafter collectively referred to as the "Companies") do hereby make, constitute and appoint Joelle L LaPierre of Lake Mary, Florida, its true and lawful Attorney-in-Fact, to sign its name as surety(ies) only as delineated above by , and to execute, seal and acknowledge the following bond, undertaking, contract or written instrument:

Bond No. 14BSBHF2794

Naming Eagle Real Estate, LLC as Principal, and City of Charlottesville as Obligee,

in the amount of See Bond Form(s) on behalf of Company in its business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

In Witness Whereof, and as authorized by a Resolution of the Board of Directors of the Companies on May 23, 2016 the Companies have caused these presents to be signed by its Assistant Vice President and its corporate seals to be hereto affixed, duly attested by its Assistant Secretary. Further, pursuant to Resolution of the Board of Directors of the Companies, the Companies hereby unambiguously affirm that they are and will be bound by any mechanically applied signatures applied to this Power of Attorney.



Shelby Wiggins

Shelby Wiggins, Assistant Secretary

Joelle L. LaPierre

Joelle L. LaPierre, Assistant Vice President

STATE OF FLORIDA

COUNTY OF SEMINOLE

ss. Lake Mary

On this 13th day of February, 2020, before me personally came Joelle LaPierre, to me known, who being by me duly sworn, did depose and say: that (s)he resides in Seminole County, State of Florida; that (s)he is the Assistant Vice President of the Companies, the corporations described in and which executed the above instrument; that (s)he knows the seals of the said corporations; that the seals affixed to the said instrument are such corporate seals; that they were so affixed by authority of the Boards of Directors of said corporations and that (s)he signed his/her name thereto by like authority.



Jessica Ciccone

Jessica Noelle Ciccone
 My Commission #FP029702
 Expires June 20, 2021

I, the undersigned, Assistant Vice President of the Companies, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is still in full force effective as of August 30, 2020.

Signed and sealed in Lake Mary, Florida.



Keith D. Dozois

Keith D. Dozois, Assistant Vice President

FRANCHISE

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**AN ORDINANCE
GRANTING A 5-YEAR FRANCHISE TO
EAGLE REAL ESTATE, LLC
TO USE THE STREETS AND OTHER PUBLIC PLACES
OF THE CITY OF CHARLOTTESVILLE, VIRGINIA
TO INSTALL POLES, WIRES, CONDUITS, CABLES AND FIXTURES WITHIN
PUBLIC STREET RIGHTS OF WAY**

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia, that **EAGLE REAL ESTATE, LLC**, (“Company”), its successors and assigns, is hereby granted a franchise for a period of five (5) years from the effective date hereof and is hereby authorized and empowered to erect, maintain and operate certain facilities and equipment within public rights of way owned by the City of Charlottesville, Virginia (the “City”) as further set forth within this franchise its business may from time to time require; provided that:

ARTICLE I

SECTION 101 PURPOSE AND SCOPE

To provide for the health, safety and welfare of its citizens and to ensure the integrity of its roads and streets and the appropriate use of the Public Rights-of-Way, the City strives to keep the right-of-way under its jurisdiction in a state of good repair and free from unnecessary encumbrances.

Accordingly, the City hereby enacts this Ordinance relating to authorize use of the City’s public right-of-way by the Company for communications infrastructure. This Ordinance imposes regulations on the placement and maintenance of Company’s Facilities within the City’s PROW and requires the Company to bear financial responsibility for their Facilities. This Ordinance is intended to complement, and not replace, the regulatory roles of state and federal agencies.

SECTION 102 AUTHORITY TO MANAGE THE RIGHT OF WAY

This Ordinance is enacted pursuant to the authority granted to the City under its Charter as well as the authority conferred within Virginia Code Sections 15.2-2015, 15.2-2100, 56-460, 56-462(A), and other applicable federal and state statutory and administrative law provisions.

This Ordinance and any right, privilege or obligation of the City or Company hereunder, shall be interpreted consistently with federal and state statutory, administrative and common law, and such statutory, administrative or common law shall govern in the case of conflict. This Ordinance shall not be interpreted to limit the regulatory and police powers of the City to adopt and enforce other general ordinances necessary to protect the health, safety, and welfare of the public.

SECTION 103 DEFINITIONS

103.1 CITY means the City of Charlottesville, Virginia, a municipal corporation.

103.2 COMPANY means Eagle Real Estate, LLC, including its successors and assigns.

103.3 DIRECTOR means the Charlottesville City Manager, including any public officials or City employees to whom the City Manager delegates any responsibilities for administration or enforcement of this Ordinance.

103.4 FACILITY means any infrastructure, equipment or other tangible asset required to provide a utility service, which includes but is not limited to: cable television, electric, natural gas, communications, water, sanitary sewer and storm sewer services.

103.5 PATCH means a method of pavement replacement that is temporary in nature.

103.6 PAVEMENT means any type of improved surface that is within the PROWincluding but not limited to any improved surface constructed with bricks, pavers, bituminous, concrete, aggregate, or gravel or some combination thereof.

103.7 PUBLIC RIGHTS-OF-WAY or PROW means the entire width between the boundary lines of land owned by the City of Charlottesville, or in which the City has a property interest, that is used or dedicated for use for purposes of vehicular, bicycle, or pedestrian travel, regardless of whether such area is paved or unpaved, including airspace above and ground below such land. This definition does not include any state highway system owned or regulated by the Commonwealth Transportation Board.

ARTICLE II

SECTION 201 INITIAL INSTALLATION

The initial installation of Company's Facilities shall be in the locations shown on a PROW Drawing approved by the Director. Any additional installation of equipment, lines, cables or other Facilities shall be underground unless it shall be determined by the Director that it is not feasible to do so, in accordance with Article III.

SECTION 202 SUBSEQUENT INSTALLATION

202.1 SUBSEQUENT INSTALLATION MADE PURSUANT TO AN APPROVED PROW PLAN:

Additional Facilities installed within the PROW may be placed overhead or underground pursuant to an approved request by the Company made pursuant to Article III.

202.2 GENERAL PREFERENCE FOR UNDERGROUND FACILITIES: Company's Facilities shall be installed underground; however, the City recognizes that in some circumstances the placement of Facilities underground may not be feasible. In appropriate circumstances the Director may, in accordance with Article III, approve an above-ground installation.

202.3 INSTALLATION OF OVERHEAD FACILITIES: Whenever Company proposes new above ground Facilities, those Facilities shall be attached to or otherwise incorporated into existing above-ground Facilities, either the Company's or those of another utility. If the PROW Plan calls for overhead installation and existing Facilities cannot accommodate the proposed installation, the Company will clearly indicate in the PROW Plan its intended placement of new above-ground Facilities, and explanation of why undergrounding is not appropriate or feasible, in accordance with Article III.

202.4 FUTURE ORDINANCES: Nothing herein shall be construed to limit the authority of the city to adopt an ordinance that will restrict the placement of overhead lines for all utilities using the PROW within a defined area of the City.

202.5 CONDITIONS FOR RELOCATING UNDERGROUND: Company agrees that if, at some future time, the telephone and other utility lines on the posts, poles, and other overhead apparatus upon which the Company has placed some or all of its Facilities in the City's PROWs are relocated underground, the Company will also, at such time, relocate its Facilities on those posts, poles, and other overhead apparatus underground at its expense. Notwithstanding the foregoing, the City shall reimburse Company for any such relocation expense if such reimbursement is required by Section 56-468.2 of the Code of Virginia, or other applicable state law.

SECTION 203 INSPECTION BY THE CITY

The Company shall make work within the PROW available to the City and other government authorities for inspection at all reasonable times.

SECTION 204 AUTHORITY OF THE CITY TO ORDER CESSATION OF EXCAVATION

At the time of inspection, or any other time as necessary, the City may order the immediate cessation and correction of any work within the PROW which poses a serious threat to the life, health, safety or well being of the public.

SECTION 205 LOCATION OF POSTS, POLES, CABLES AND CONDUITS

Company's Facilities shall be placed in a manner that will not interfere with other utilities, public or privately-owned, and that will not adversely affect the safety and convenience of persons traveling through, on, or over, the City's Public Rights-of-Way.

SECTION 206 OBSTRUCTION OF THE PROW

The nature and placement of all Facilities within the PROW shall be limited to the details and information clearly specified within an approved PROW plan.

206.1 REMOVAL OF OBSTRUCTIONS: Any use or occupancy of the PROW that is not in accordance with an approved PROW plan shall be deemed an Obstruction that shall be promptly removed by the Company upon receipt of notice from the City. The City's

notice of the Obstruction will include a specified reasonable amount of time determined by the Director for the Company's removal of the obstruction, given the location of the obstruction and its potential for an adverse effect on the public's safety and the public's use of the PROW. If the Company has not removed the Obstruction from the PROW within the time designated within the notice, the City, at its election, will make such removal and the Company shall pay to the City its reasonable costs within thirty (30) days of billing accompanied by an itemized statement of the City's reasonable costs. If payment is not received by the City within the thirty (30) day period, the City Attorney may bring an action to recover the reasonable costs of the removal and reasonable attorney's fees in a court of competent jurisdiction pursuant to Section 56-467 of the Virginia Code. Reasonable costs may include, but are not limited to administrative, overhead mobilization, material, labor, and equipment related to removing the obstruction.

206.2 NO OBSTRUCTION OF WATER: The Company shall not obstruct the PROW in a manner that interferes with the natural free and clear passage of water in and through natural waterways, or through any gutters, culverts, ditches tiles or other conveyance.

206.3 PARKING, LOADING AND UNLOADING OF VEHICLES SHALL NOT OBSTRUCT THE PROW: Private vehicles of those doing work for the Company in the PROW must be parked in a manner that conforms to the City's applicable parking regulations. The loading or unloading of trucks must be done in a manner that will not obstruct normal traffic within the PROW, or jeopardize the safety of the public who use the PROW.

ARTICLE III

SECTION 301 ADMINISTRATION OF THE PUBLIC RIGHTS OF WAY

The City Manager is the public official charged with general supervision and control of City streets and PROW. The City Manager may delegate to appropriate public officials and personnel responsibility for administration and enforcement of this Ordinance.

SECTION 302 SUBMISSION OF PROW PLAN

At least thirty (30) days before beginning any installation, removal or relocation of its Facilities, the Company shall submit detailed construction plans to the Director for review and approval, which approval shall not unreasonably be withheld, conditioned, or delayed.

SECTION 303 GOOD CAUSE EXCEPTION

303.1 WAIVER: The Director, at his or her sole judgment, is authorized to waive the thirty (30) day requirement in Section 302 for good cause shown.

303.2 EMERGENCY WORK: The Company shall immediately notify the Director of any event

regarding its facilities that it considers to be an emergency. The Company will proceed to take whatever actions are necessary to respond to the emergency, or as directed by the Director.

If the City becomes aware of an emergency regarding the Company's facilities, the City will attempt to contact the Company's emergency representative as indicated in Section 1202. In any event, the City shall take whatever action it deemed necessary by the Director to make an appropriate and reasonable response to the emergency. The costs associated with the City's response shall be borne by the person whose facilities occasioned the emergency.

SECTION 304 DECISION ON PROW PLAN BY THE DIRECTOR

304.1 DECISION: The Director shall, within thirty (30) days, either approve the Company's construction plans or inform the Company of the reasons for disapproval. The Company shall designate a responsible contact person with whom the Director can communicate on all matters relating to the Company's Facilities.

SECTION 305 MAPPING DATA

Within thirty (30) days of the installation, relocation or removal of its Facilities within the PROW, Company shall provide to the City such geographic information as the City may deem necessary for its records, including but not limited to:

- (a) location and elevation of the mains, cables, conduits, switches, and related equipment and other Facilities owned by the Company located in the PROW, with the location based on (i) offsets from property lines, distances from the centerline of the Public Rights-of-Way, and curb lines; (ii) coordinates derived from the coordinate system being used by the City; or (iii) any other system agreed upon by the Company and the City;
- (b) the outer dimensions of such Facilities; and
- (c) a description of all appurtenances.

ARTICLE IV

SECTION 401 COMPLIANCE WITH ALL LAW AND REGULATIONS

This Ordinance shall in no way relieve the Company of its duty to obtain all other necessary permits, licenses, and permissions, or to pay all fees required by any applicable state or federal rule, law or regulation. Company shall comply with and fulfill all applicable federal, state and local laws and regulations, including ordinances, regulations and requirements of the City, regarding excavations and any other work in or affecting the PROW. The Company shall

perform all work in conformance with all applicable safety codes and regulations of governmental authorities having jurisdiction over the Facilities. By installing its Facilities within the PROW Company assumes responsibility for all work conducted by the Company, or any entity or person acting on its behalf.

ARTICLE V

SECTION 501 RELOCATION OF COMPANY FACILITIES WITHIN THE PUBLIC RIGHTS-OF WAY

Upon written notice from the Director of a planned improvement or alteration of the PROW, including, without limitation, any proposed relocation of City-owned utilities that will necessitate relocation of Company's Facilities, the Company shall relocate its Facilities, at its own expense, and shall complete the required relocation within one hundred eighty (180) days of receipt of the notice. At Company's request, the City may consent to a longer period, such consent not to be unreasonably or discriminatorily withheld, conditioned or delayed. Notwithstanding the foregoing, the City shall reimburse Company for any such relocation expense if such reimbursement is required by Section 56-468.2 of the Code of Virginia, or other applicable law.

SECTION 502 RIGHTS-OF WAY PATCHING AND RESTORATION

502.1 RESTORATION STANDARD: Where the Company disturbs or damages the PROW, the Director shall have the authority to determine the manner and extent of the restoration of the PROW. In exercising this authority, the Director shall be guided by the following considerations:

- (a) the number, size, depth and duration of the excavations, disruptions or damage to the PROW;
- (b) the traffic volume carried by the PROW; the character of the neighborhood surrounding the PROW;
- (c) the pre-excavation condition of the PROW and its remaining life expectancy;
- (d) the relative cost of the method of restoration to the Company balanced against the prevention of an accelerated deterioration of the right-of-way resulting from the excavation, disturbance or damage to the PROW; and
- (e) the likelihood that the particular method of restoration would be effective in slowing the depreciation of the PROW that would otherwise take place.

502.2 TEMPORARY SURFACING: The Company shall perform temporary surfacing patching and restoration including, backfill, compaction, and landscaping according to standards determined by, and with the materials determined by, the Director.

502.3 TIMING: After any excavation by the Company pursuant to this Ordinance, the patching and restoration of the PROW must be completed promptly. Unless otherwise specified by the Director, patching and restoration shall be performed in accordance with requirements of the City's Standards and Design Manual.

502.4 GUARANTEES: The Company guarantees its restoration work and shall maintain it for twenty-four (24) months following its completion. The previous statement notwithstanding, the Company will guarantee and maintain plantings and turf for twelve (12) months. During these maintenance periods, the Company shall, upon notification by the City, correct all restoration work to the extent necessary, using the method determined by the Director. Such work shall be completed after receipt of notice from the Director, within a reasonably prompt period, with consideration given for days during which work cannot be done because of circumstances constituting force majeure. Notwithstanding the foregoing, the Company's guarantees set forth hereunder concerning restoration and maintenance, shall not apply to the extent another company, franchisee, licensee, permittee, other entity or person, or the City disturbs or damages the same area, or a portion thereof, of the PROW.

502.5 DUTY TO CORRECT DEFECTS: The Company shall correct defects in patching, or restoration performed by it or its agents. Upon notification from the Director, the Company shall correct all restoration work to the extent necessary, using the method determined by the Director. Such work shall be completed after receipt of the notice from the Director within a reasonably prompt period, with consideration given for days during which work cannot be done because of circumstances constituting force majeure.

502.6 FAILURE TO RESTORE: If the Company fails to restore the PROW in the manner and to the condition required by the Director pursuant to Section 502.5, or fails to satisfactorily and timely complete all restoration required by the Director, the Director shall notify the Company in writing of the deficiency and shall allow the Company at least ten (10) days from receipt of the notice to cure the deficiency, or to respond with a plan to cure. In the event that the Company fails to cure, or fails to respond to the Director's notice as provided above, the City may, at its election, perform the necessary work and the Company shall pay to the City its reasonable costs for such restoration within thirty (30) days of billing accompanied by an itemized statement of the City's reasonable costs. If payment is not received by the City within the thirty (30) day period, the Director may bring an action in the name of the City for the recovery of reasonable costs of the restoration and reasonable attorney's fees in a court of competent jurisdiction pursuant to Section 56-467 of the Virginia Code. Reasonable costs may include, but are not limited to, administrative, overhead mobilization, material, labor, and equipment related to such restoration.

502.7 DAMAGE TO OTHER FACILITIES WITHIN THE PUBLIC RIGHTS-OF-WAY: The Company shall be responsible for the cost of repairing any damage to land or improvement within the ROW caused by its actions or Facilities. If the Company damages City-owned facilities or improvements (such as, but not limited to: culverts, road surfaces, curbs and gutters, or tile lines) the Company shall correct the damage promptly after receiving

written notification from the Director. If the Company does not promptly correct the damage to the satisfaction of the Director, the Director may make such repairs as necessary and may charge all of the reasonable costs of such repairs to the Company. The Director shall provide the Company with an itemized statement of the City's reasonable costs incurred to repair the damage and a demand for payment. If payment is not received from the Company within thirty (30) days after sending the itemized statement and demand for payment, the City Attorney may bring an action to recover the reasonable costs of the restoration and reasonable attorney's fees in a court of competent jurisdiction pursuant to Section 56-467 of the Virginia Code. Reasonable costs may include, but are not limited to, administrative, overhead mobilization, material, labor, and equipment related to such repair.

502.8 DIRECTOR'S STANDARD: All determinations to be made by the Director with respect to the manner and extent of restoration, patching, repairing and similar activities under the franchise granted by this Ordinance, shall be reasonable and shall not be unreasonably conditioned, withheld, or delayed. The Company may request additional time to complete restoration, patching, repair, or other similar work as required under the franchise granted by this Ordinance, and the Director shall not unreasonably withhold, condition, or delay consent to such requests.

ARTICLE VI

SECTION 601 INDEMNIFICATION AND LIABILITY

601.1 SCOPE OF INDEMNIFICATION: Subject to the following, the Company agrees and binds itself to indemnify, keep and hold the City, City Council members, City officials and employees free and harmless from liability on account of injury or damage to persons, firms or corporations or property growing out of or directly or indirectly resulting from:

- (a) the Company's use of the City's PROW pursuant to this Ordinance;
- (b) the acquisition, erection, installation, maintenance, repair, operation and use of any poles, wires, cables, conduits, lines, manholes, facilities and equipment by the Company, its authorized agents, subagents, employees, contractors or subcontractors; or
- (c) the exercise of any right granted by this Ordinance or the failure, refusal or neglect of the Company to perform any duty imposed upon or assumed by the Company by or under this Ordinance.

601.2 DUTY TO INDEMNIFY, DEFEND AND HOLD HARMLESS: If a suit arising out of subsection (a), (b), (c) of Section 601.1, claiming such injury, death, or damage shall be brought or threatened against the City, its officers, or employees, either independently or jointly with the Company, the Company will defend, indemnify and hold the City harmless from and against any liability, cost, expense or judgment, of any nature whatsoever, resulting from

or in connection with any such suit, at the cost of the Company, provided that the City promptly provides written notice of the commencement or threatened commencement of the action or proceeding involving a claim in respect of which the City will seek indemnification hereunder. The Company shall be entitled to defend the suit through counsel of its own choosing provided that the Company must obtain the prior written approval of City of any settlement of such claims against the City, which approval shall not be unreasonably withheld or delayed more than thirty (30) days. If, in such a suit, a final judgment is obtained against the City, its officers, or employees, either independently or jointly with the Company, the Company will pay the judgment, including all reasonable costs, and will hold the City harmless therefrom.

SECTION 602 WAIVER BY THE CITY

The City waives the applicability of these indemnification provisions in their entirety if it:

- (a) elects to conduct its own defense against such claim;
- (b) fails to give prompt notice to the Company of any such claim such that the Company's ability to defend against such claim is compromised;
- (c) denies approval of a settlement of such claim for which the Company seeks approval; or
- (d) fails to approve or deny a settlement of such claim within thirty (30) days of the Company seeking approval.

SECTION 603 INSURANCE

603.1 The Company shall also maintain in force a comprehensive general liability policy in a form satisfactory to the Director and City Attorney, which at minimum must provide:

- (a) verification that an insurance policy has been issued to the Company by an insurance company licensed to do business in the Commonwealth of Virginia, or a form of self insurance acceptable to the City Attorney;
- (b) verification that the Company is insured against claims for personal injury, including death, as well as claims for property damage arising out of (i) the use and occupancy of the PROW by the Company, its agents, employees and permittees, and (ii) placement and use of Facilities owned by the Company in the PROW by the Company, its officers, agents, employees and permittees, including, but not limited to, protection against liability arising from completed operations, damage of underground Facilities and collapse of property;
- (c) verification that the City Attorney will be notified thirty (30) days in advance of cancellation of the policy or material modification of a coverage term;

- (d) verification that comprehensive liability coverage, automobile liability coverage, workers compensation and umbrella coverage established by the City Attorney in amounts sufficient to protect the City and the public and to carry out the purposes and policies of this Ordinance; and
- (e) verification that the policy has a combined single limit coverage of not less than two million dollars (\$2,000,000).

The policy shall include the City as an additional insured party, and the Company shall provide the City Attorney with a certificate of such coverage before execution of this franchise in a form acceptable to the City Attorney.

603.2 The Company shall also require similar indemnification and insurance coverage from any contractor working on its behalf in the public right-of-way.

SECTION 604 NEGLIGENCE AND INTENTIONAL ACTS

Nothing herein contained shall be construed to render the Company liable for or obligated to indemnify the City, its agents, or employees, for the gross negligence or intentional acts of the City, its Council members, its agents or employees, or another franchisee or permittee of the City.

ARTICLE VII

SECTION 701 GENERAL REQUIREMENT OF A PERFORMANCE BOND

Prior to the Effective Date of this Ordinance, the Company has deposited with the City a Performance Bond made payable to the city in the amount of ten thousand dollars (\$10,000). The bond shall be written by a corporate surety acceptable to the City and authorized to do business in the Commonwealth of Virginia. The Performance Bond shall be maintained at this amount through the term of this franchise.

SECTION 702 CHANGED AMOUNT OF THE PERFORMANCE BOND

At any time during the Term, the City may, acting reasonably, require or permit the Company to change the amount of the Performance Bond if the City finds that new risk or other factors exist that reasonably necessitate or justify a change in the amount of the Performance Bond. Such new factors may include, but not be limited to, such matters as:

- (a) material changes in the net worth of the Company;
- (b) changes in the identity of the Company that would require the prior written consent of the City;
- (c) material changes in the amount and location of Facilities owned by the Company;

- (d) the Company's recent record of compliance with the terms and conditions of this Ordinance; and
- (e) material changes in the amount and nature of construction or other activities to be performed by the Company pursuant to this Ordinance.

SECTION 703 PURPOSE OF PERFORMANCE BOND

The Performance Bond shall serve as security for:

- (a) the faithful performance by the Company of all terms, conditions and obligations of this Ordinance;
- (b) any expenditure, damage or loss incurred by the City occasioned by the Company's failure to comply with all rules, regulations, orders, permits and other directives of the City issued pursuant to this Ordinance;
- (c) payment of compensation required by this Ordinance;
- (d) the payment of premiums for the liability insurance required pursuant to this Ordinance ;
- (e) the removal of Facilities owned by the Company from the Streets at the termination of the Ordinance, at the election of the City, pursuant to this Ordinance;
- (f) any loss or damage to the Streets or any property of the City during the installation, operation, upgrade, repair or removal of Facilities by the Company;
- (g) the payment of any other amounts that become due to the City pursuant to this Ordinance or law;
- (h) the timely renewal of any letter of credit that constitutes the Performance Bond; and
- (i) any other costs, loss or damage incurred by the City as a result of the Company's failure to perform its obligations pursuant to this Ordinance.

SECTION 704 FEES OR PENALTIES FOR VIOLATIONS OF THE ORDINANCE

704.1 FEE OR PENALTY: The Company may be subject to a fee or a penalty for violation of this Ordinance as provided for in applicable law. In addition, the City hereby reserves the right to bring suit for specific performance of Company's obligations hereunder, or other civil remedies as may be available to the City at law or in equity.

704.2 APPEAL: The Company may, upon written request within thirty (30) days of the City's decision to assess a fee or penalty and for reasons of good cause, ask the City to reconsider its imposition of a fee or penalty pursuant to this Ordinance unless another period is provided for in applicable law. The City shall schedule its review of such request to be held within forty-five (45) days of receipt of such request from the Company. The City's decision on the Company's appeal shall be in writing and supported by written findings establishing the reasonableness of the City's decision. During the pendency of the appeal before the City or any subsequent appeal thereafter, the Company shall place any such fee or penalty in an interest-bearing escrow account. Nothing herein shall limit the Company's right to challenge such assessment or the City's decision on appeal, in a court of competent jurisdiction.

ARTICLE VIII

SECTION 801 COMPENSATION/PROW USE FEE.

The City reserves the right to impose at any time on the Company (consistent with Section 253(c) of the Communications Act of 1934, as amended, to the extent said Act applies to Company's Facilities):

- (a) a PROW Use Fee in accordance with Section 56-468.1(G) of the Code of Virginia, and/or
- (b) any other fee or payment that the City may lawfully impose for the right herein conferred upon Company allowing it to use and occupy the City's PROW.

The Company shall be obligated to remit the PROW Use Fee and/or any other lawful fee enacted by the City, so long as the City provides the Company (and all other affected certificated providers of local exchange telephone service, as required by Section 56-468.1(G) of the Code of Virginia) appropriate notice of the PROW Use Fee. If the PROW Use Fee is eliminated, discontinued, preempted or otherwise is declared or becomes invalid, the Company and the City shall negotiate in good faith to determine fair and reasonable compensation to the City for Company's use of the PROW.

SECTION 802 RESERVED

SECTION 803 NO CREDITS OR DEDUCTIONS

The compensation and other payments to be made pursuant to Article VIII: (a) shall not be deemed to be in the nature of a tax, and (b) except as may be otherwise provided by Section 56-468.1 of the Code of Virginia, shall be in addition to any and all taxes or other fees or charges that the Company shall be required to pay to the City or to any state or federal agency or authority, all of which shall be separate and distinct obligations of the Company.

**SECTION 804 REMITTANCE OF COMPENSATION/LATE PAYMENTS,
INTEREST ON LATE PAYMENTS**

(1) If any payment required by this Ordinance is not actually received by the City on or before the applicable date fixed in this Ordinance, or (2), in the event the City adopts an ordinance imposing a PROW Use Fee, if such Fee has been received by the Company from its customers, and has not been actually received by the City on or before the applicable date fixed in this Ordinance or thirty (30) days after receipt of the PROW Use Fee from its customers, whichever is later, then the Company shall pay interest thereon, to the extent permitted by law, from the due date to the date paid at a rate equal to the rate of interest then charged by the City for late payments of real estate taxes.

ARTICLE IX

SECTION 901 RESERVATION OF ALL RIGHTS AND POWERS

The City reserves the right by ordinance or resolution to establish any reasonable regulations for the convenience, safety, health and protection of its inhabitants under its police powers, consistent with state and federal law. The rights herein granted are subject to the exercise of such police powers as the same now are or may hereafter be conferred upon the City. Without limitation as to the generality of the foregoing the City reserves the full scope of its power to require by ordinance substitution of underground service for overhead service, or the transfer of overhead service from the front to the rear of property whenever reasonable in all areas in the City and with such contributions or at such rates as may be allowed by law.

Notwithstanding anything herein to the contrary, nothing herein shall be construed to extend, limit or otherwise modify the authority of the City preserved under Sections 253 (b) and (c) of the Communications Act of 1934, as amended. Nothing herein shall be construed to limit, modify, abridge or extend the rights of the Company under the Communications Act of 1934, as amended.

SECTION 902 SEVERABILITY

If any portion of this Ordinance is for any reason held to be invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

ARTICLE X

SECTION 1001 MAINTENANCE OBLIGATION

The Company will maintain all of its Facilities in good order and operating condition throughout the term of the franchise granted by this Ordinance.

SECTION 1002 TREE TRIMMING

Should the Company install any overhead lines, it shall have the authority to trim trees upon or overhanging the streets, alleys, walkways or PROW to prevent the branches of such trees from interfering with its lines or other Facilities. However, all such trimmings shall be performed in a safe and orderly manner and in compliance with the pruning standards of the National Arborists Association, as currently in effect, or other standard required by the Director.

ARTICLE XI

SECTION 1101 INITIAL TERM OF FRANCHISE

The term of the franchise granted by this Ordinance shall be for a period of five (5) years from the effective date of this Ordinance.

SECTION 1102 APPLICATION FOR NEW FRANCHISE

If the Company wishes to maintain its equipment within the City and to continue the operation of the system beyond the term referenced in Section 1101, then Company shall give written notice to the Director at least one hundred twenty (120) days before expiration of the term. Such written notice shall include a report verifying the location of all of the Facilities owned by the Company within the City's PROW, and shall contain sufficient information necessary to allow the Director to verify the financial responsibility of the Company at the time of said request.

SECTION 1103 OPERATION OF FACILITIES OWNED BY THE COMPANY WHILE RENEWAL IS PENDING

While an application pursuant to Section 1102 is pending the Company may continue operations of its existing Facilities under this franchise Ordinance, until such time as final action is taken by City Council upon the application. Nothing herein shall be construed to grant the Company a perpetual franchise.

ARTICLE XII

SECTION 1201 NOTICE

All notices, except for in cases of emergencies, required by this Ordinance shall be in writing and shall be mailed or delivered to the following address:

To the Company:
Eagle Real Estate, LLC
1020 Harris Street
Charlottesville, VA 22903

To the City:
City of Charlottesville
Attn: City Manager
605 East Main Street
Charlottesville, VA 22902

All correspondences shall be by U.S. mail, with return receipt requested; and shall be deemed delivered when received or refused by the addressee. Each Party may change its address above by written notice given in accordance with this Ordinance.

SECTION 1202 EMERGENCY NOTIFICATION

Notices required pursuant to Section 303.2 shall be made orally and by facsimile to the following:

To the Company:
Amy Ezell or David Paulson
(434) 971-2686 (office)

To the City:
Gas Dispatchers
(434) 970-3800 (office)
Emergency (434)293-9164 (leaks)
(434) 970-3817 (facsimile)

Paul Oberdorfer
Director of Public Works
(434) 970-3301 (office)
(434) 970-3817 (facsimile)

SECTION 1203 REGISTRATION OF DATA

The Company, including any subleasee or assigns, must keep on record with the City the following information:

- (a) Name, address and e-mail address if applicable, and telephone and facsimile numbers;
- (b) Name, address and e-mail address if applicable, and telephone and facsimile numbers of a local representative that is available for consultation at all times. This information must include how to contact the local representative in an emergency; and
- (c) A certificate of insurance as required under Article VI, Section 603 of this franchise, and a copy of the insurance policy.

The Company shall keep update all of the above information with the City within fifteen (15) days following its knowledge of any change.

ARTICLE XIII

SECTION 1301 TERMINATION OF FRANCHISE

The franchise granted by this Ordinance may be terminated:

- (a) by the Company, at its election and without cause, by written notice to the City at least sixty (60) days prior to the effective date of such termination; or
- (b) by either the Company or the City, after thirty (30) days written notice to the other party of the occurrence or existence of a default of the franchise granted by this Ordinance, if the defaulting party fails to cure or commence good faith efforts to cure, such default within sixty (60) days after delivery of such notice.

Notwithstanding the provisions of this Section, the terms and conditions of the franchise granted by this Ordinance pertaining to indemnification shall survive a termination under this Section.

ARTICLE XIV

SECTION 1401 REMOVAL OF FACILITIES FROM THE PROW

The Company shall remove all Facilities owned by the Company from the streets, alleys and public places of the City at the expense of the Company, within six (6) months after the termination, abandonment, or expiration of the franchise granted by this Ordinance, or by such other reasonable time prescribed by the Director, whichever is later. No such removal will be required while any application provided for in Section 1102 is pending. If an application pursuant to Section 1102 is denied, the six (6) month period provided above shall commence on the date of denial or the expiration of the term of this franchise, whichever date is later. The City reserves the right to waive this requirement, as provided for in Section 1402 herein. The City shall grant the Company access to the PROW for the purpose of removing its Facilities pursuant to this paragraph.

SECTION 1402 ABANDONMENT OF FACILITIES OWNED BY THE COMPANY IN THE PUBLIC RIGHTS-OF-WAY

The Facilities owned by the Company may be abandoned in place, without removal, upon request by the Company and approval by the City. The City's approval may be granted subject to conditions deemed by the Director to be in the best interests of the City. This Section survives the expiration or termination of this franchise granted by this Ordinance.

ARTICLE XV

SECTION 1501 PRIOR WRITTEN CONSENT FOR ASSIGNMENT

The franchise granted by this Ordinance shall not be assigned or transferred without the advance written approval of the City, which shall not be unreasonably or discriminatorily conditioned, withheld or delayed.

In addition, the City agrees that nothing in this Ordinance shall be construed to require the Company to obtain approval from the City in order to lease any Facilities owned by the Company or any portion thereof in, on, or above the PROW, or grant an indefeasible right of use (“IRU”) in the Facilities owned by the Company, or any portion thereof, to any entity or person. The lease or grant of an IRU in such Facilities owned by the Company, or any portion or combination thereof, shall not be construed as the assignment or transfer of any franchise rights granted under this Ordinance. Notwithstanding the foregoing, Company shall grant no lease or right of use that is in conflict with the terms of this Ordinance.

SECTION 1502 SUCCESSORS AND ASSIGNS

Notwithstanding Section 1501, the Company may assign, transfer, or sublet its rights, without the consent of the City, to any person or entity that controls, is controlled by or is under common control with the Company, any company or entity with which or into which the Company may merge or consolidate, to any lender of the Company provided the City is advised of the action prior to enactment. Any successor(s) of the Company shall be entitled to all rights and privileges of this franchise granted by this Ordinance and shall be subject to all the provisions, obligations, stipulations and penalties herein prescribed.

ARTICLE XVI

SECTION 1601 NONEXCLUSIVE FRANCHISE

Nothing in the franchise granted by this Ordinance shall be construed to mean that this is an exclusive franchise, as the City Council reserves the right to grant additional franchises to other parties.

ARTICLE XVII

SECTION 1701 ALL WAIVERS IN WRITING AND EXECUTED BY THE PARTIES

Subject to the foregoing, no waiver of any provisions of the franchise granted by this Ordinance shall be effective and binding only if it is made in writing and signed by duly authorized representatives of the City and the Company.

SECTION 1702 NO CONSTRUCTIVE WAIVER RECOGNIZED

If either Party fails to enforce any right or remedy available under the franchise granted by this Ordinance, that failure shall not be construed as a waiver of any right or remedy with respect to any breach or failure by the other Party. Nothing herein shall be construed as a waiver of any rights, privileges or obligations of the City or the Company, nor constitute a waiver of any remedies available at equity or at law.

ARTICLE XVIII

SECTION 1801 NO DISCRIMINATION

The Company’s rights, privileges and obligations under the franchise granted by this Ordinance shall be no less favorable than those granted by the City to and shall not be interpreted by the City in a less favorable manner with respect to any other similarly situated entity or person or user of the City’s Public Rights-of-Way.

ARTICLE XIX

SECTION 1901 FORCE MAJEURE

Neither the Company nor the City shall be liable for any delay or failure in performance of any part of the franchise granted by this Ordinance from any cause beyond its control and without its fault or negligence including, without limitation, acts of nature, acts of civil or military authority, government regulations, embargoes, epidemics, terrorist acts, riots insurrections, fires, explosions, earthquakes, nuclear accidents, floods, work stoppages, equipment failure, power blackouts, volcanic action, other major environmental disturbances, or unusually severe weather conditions.

ARTICLE XX

SECTION 2001 EFFECTIVE DATE

This Ordinance shall be effective upon its passage.

Adopted by the Council of the City of Charlottesville on the ___ day of _____, 20___.

Clerk of Council

ACCEPTED: This franchise is accepted, and we agree to be bound by its terms and conditions.

EAGLE REAL ESTATE, LLC

By: _____

Its Member/ Managing Member

Date _____

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



| | |
|------------------|---|
| Agenda Date: | January 19, 2021 |
| Action Required: | Resolution Adoption |
| Staff Contacts: | John C. Blair, Acting City Manager |
| Presenters: | Sena Magill, Vice-Mayor |
| Title: | Resolution Endorsing Letter for No/Low Emission Vehicles |

Background:

Virginia Delegate Lamont Bagby has introduced HB1965 in order to have the State Air Control Board to implement a low/no emissions vehicle program for motor vehicles with a model year of 2025 or later.

Discussion:

The local Community Climate Collaborative is asking the City Council to list Charlottesville as a signatory to the attached letter. The letter urges the General Assembly to enact Delegate Bagby's legislation.

Attachments: Resolution
Letter

**RESOLUTION ENDORSING CORRESPONDENCE
SUPPORTING HB1965**

WHEREAS, Delegate Lamont Bagby has introduced HB 1965 in the Virginia House of Delegates to increase the availability of low and zero emissions vehicles; and

WHEREAS, a group of localities is endorsing a letter urging the Virginia General Assembly to enact legislation similar to HB 1965.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Charlottesville, Virginia hereby agrees to add its endorsement of the letter attached to this Resolution.

January 4, 2021

RE: Supporting policy which expands access to low and zero emissions vehicles

Dear Members of the Virginia General Assembly,

As a community of Virginia municipalities, we urge lawmakers to empower our localities and businesses to usher in a clean economy, reduce air pollution, and improve public health by supporting policy which expands access to low and zero emissions vehicles.

Fossil fuel based transportation threatens our air quality and significantly increases community healthcare costs. A recent study from Virginia Clinicians for Climate Action (VCCA) found that the health impacts attributable to Virginia-specific transportation emissions are valued at \$750 million annually.¹ Moreover, air pollution and the associated costs disproportionately impact low-income and minority communities, where respiratory illness is correlated with higher exposure to emissions from fossil fuel vehicles. The VCCA study found that Virginia could significantly reduce healthcare costs by implementing low and zero emissions vehicle standards.

Climate change also poses a significant risk to the health, livelihood, and economic stability of our communities. Recognizing these risks, our communities are making ambitious commitments and taking action to improve energy efficiency, adopt clean energy, and reduce greenhouse gas (GHG) emissions. Transportation is responsible for 48% of climate emissions statewide² and is a significant contributor to each of our community-wide emissions as well. Vehicle electrification is essential to our ability to reduce emissions at the community level.

Despite the significant health and climate benefits of vehicle electrification, unfortunately, auto manufacturers do not provide Virginia automotive dealers with many low and zero emission vehicles, leaving our citizens with little from which to choose. Sixteen states have already passed standards requiring manufacturers to increase the availability of low-emission and zero-emission vehicles. Combining these standards with tax incentives for purchase of these vehicles will accelerate transportation electrification, improve public health, and support Virginia's continued leadership on climate change.

We ask the General Assembly to pass legislation which increases the availability of low and zero emissions vehicles in Virginia and provides consumers financial incentives to choose them. Our localities want to ensure that all Virginians can enjoy a thriving economy, a clean environment, and healthy communities for the many generations to come. We hope that the General Assembly will partner with us to turn this vision into reality.

Sincerely,

¹ <https://www.virginiaclinicians.org/transportation>

² U.S. Energy Information Administration

[Names of Local Governments]

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



| | |
|------------------|---|
| Agenda Date: | January 19, 2021 |
| Action Required: | Resolution Adoption |
| Staff Contacts: | John C. Blair, Acting City Manager |
| Presenters: | Sena Magill, Vice-Mayor |
| Title: | Resolution of Remembrance for COVID-19 Victims |

Background:

The novel coronavirus (COVID-19) has taken over 385,000 lives in the United States since January 2020. President-elect Biden has requested that January 19, 2021 be a day of remembrance for the lives lost to COVID-19.

Discussion:

Locally, the Blue Ridge Health District has seen 97 residents' lives lost due to COVID-19 and the City of Charlottesville has seen 34 residents' lives lost due to COVID-19. (Numbers are current as of January 12, 2021).

The attached Resolution would designate January 19, 2021 as a local day of remembrance for the lives lost to COVID-19.

Attachment: Resolution

**RESOLUTION OF REMEMBRANCE FOR
THOSE LOST TO COVID-19**

WHEREAS, the Centers for Disease Control and Prevention (CDC) reported the first case of the 2019 Novel Coronavirus (COVID-19) in the United States on January 21, 2020; and

WHEREAS, COVID-19 has taken the lives of 385,000 Americans since January 21, 2020; and

WHEREAS, COVID-19 has taken the lives of over 30 Charlottesville residents since January 21, 2020; and

WHEREAS, President-elect Joe Biden has asked the nation to come together on January 19, 2021 in a nationwide public moment of recognition of lives lost to COVID-19.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that it hereby honors the memory of all the lives lost to the COVID-19 global pandemic and recognized January 19, 2021 as a citywide Day of Remembrance in honor of those who have perished since the pandemic began.

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



| | |
|------------------|---|
| Agenda Date: | January 19, 2021 |
| Action Required: | Appropriation and Approval |
| Presenter: | Erin Atak, Grants Coordinator |
| Staff Contacts: | Erin Atak, Grants Coordinator Symia Tabron, |
| Title: | Public Hearing of the FY 2020-2021 Substantial Action Plan Amendment, Budget Appropriation and Approval of CDBG-CV3 Budget |

Background:

The City of Charlottesville has been authorized to receive a special allocation of Community Development Block Grant Coronavirus (CDBG-CV3) funding from the United States Department of Housing and Urban Development (HUD) through the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law 116-136; to respond to the growing effects of the historic public health crisis. Funds are aimed to prevent, prepare for, and respond to the coronavirus. The City of Charlottesville CDBG-CV3 program total has been granted \$335,024 for the 2020-2021 program year. It is important to note that all projects underwent an extensive review as a result of the RFP process.

Discussion:

Each year localities are required to complete an Action Plan that details the goals and objectives to be carried out in the upcoming program year. City of Charlottesville City Council members approved the Action Plan on May 4, 2019 for HUD submittal, outlining all CDBG and HOME activities for the FY2020-2021 program year. In accordance with the CDBG/HOME Citizen Participation Plan, any addition to the 2020-2021 Action Plan with new CDBG programs and federal budgets require a Substantial Action Plan Amendment. The City of Charlottesville’s Action Plan can be located [here](#).

CDBG-CV3 funding is separate from the regular, annual CDBG funds that the City receives every year. Between October 1 and October 16, 2020, the City of Charlottesville advertised a Request for Proposals (RFP) based on [HUD](#) guidance regarding eligible CDBG-CV3 activities, and the Council priorities set on September 21, 2020. The Council priorities were for affordable housing (priority for persons who are 0-50 percent AMI, including but not limited to low income housing redevelopment), support for the homelessness and those at risk of homelessness, workforce development (including but not limited to efforts to bolster Section 3 training opportunities and partnerships with the City’s GO programs, support for programs that aid in self-sufficiency,

including but not limited to quality childcare), microenterprise assistance, and mental health and substance abuse services. HUD has waived certain standard procedures, including the timeframe for community engagement.

The City received three CDBG-CV3 public service applications totaling \$542,384 and one CDBG-CV3 economic development application totaling \$130,970. A summary of applications received is included in this packet.

On November 12, 2020, the CDBG/HOME Task Force reviewed and recommended two public service projects for funding and the Strategic Action Team reviewed and recommended one economic development project for funding.

CDBG-CV3 Project Recommendations for FY 2020-2021:

The CDBG-CV3 program total has \$335,024 for the 2020-2021 program year. Entitlement funds were divided into three categories: Public Services, Economic Development, and Administrative/Planning to respond to the growing effects of the coronavirus.

All applications for potential funding must be able to demonstrate that the program/project to be conducted meets federal income requirements that benefit low to moderate income individuals. Additionally, applications must clearly demonstrate project/program readiness or that the project or program that the funding is being requested for will be ready to begin providing services immediately after HUD approves the amended Action Plan. Potential applicants are required to demonstrate organizational capacity, the ability to meet HUD timeliness requirement (§ 570.902) and fully meet projected outcomes in previous grant years. Staff organizational capacity scores are not included into the final total score averages.

The eligibility of all subrecipients, pursuant to HUD guidelines, will be verified prior to contract award on-line at System for Award Management (SAMs). In addition to City requirements, the subrecipient will comply with Section 3, and Davis-Bacon requirements.

Economic Development – In accordance to [*HUD's Quick Guide to CDBG Eligible Activities to Support Infectious Disease Response*](#), \$134,009.60 in FY 20-21 CDBG-CV3 funds were set aside for Economic Development activities in accordance with Council CDBG priorities. Members of the Strategic Action Team reviewed one application for Economic Development and made a recommendation of \$130,970 to the Community Investment Collaborative (CIC) Microenterprise Covid Response program. Funds are proposed to be used to administer 24 grants and technical support to eligible microenterprises. Grants will help businesses cover expenses including rent, payroll, replacing inventory, etc. Technical support will help owners access services to adapt to the economic environment: support in bringing businesses online, financial planning, additional cleaning, etc.

Public Service Programs – \$134,009.60 in FY 20-21 CDBG-CV3 funds were set aside for Public Service Program activities. The CDBG/HOME Task Force has recommended two public service programs. Programs were evaluated based on [*HUD's Quick Guide to CDBG Eligible Activities to Support Coronavirus and Other Infectious Disease Response*](#) and City Council CDBG priorities. Programs were also evaluated based upon metrics included in the RFP evaluation scoring rubric. Funding will enable the organizations to prevent and respond to the spread of infectious diseases such as the coronavirus.

The Taskforce made a funding recommendation of \$91,485.94 for the Charlottesville Redevelopment Housing Authority (CRHA) Eviction Diversion Program. Estimated benefits include hiring one full-time Housing Stabilization Coordinator to assist with providing support services to residents to reduce the risk of homelessness and providing rental relief to 100 CRHA residents.

The Taskforce also made a funding recommendation of \$45,563.26 to Habitat for Humanity for Greater Charlottesville for the COVID-19 Response Program. Estimated benefits include mortgage/rental/utility relief due to covid-19 and providing 10-15 households with emergency financial assistance such as transportation and childcare costs, and financial counseling.

Administration and Planning: To pay for the costs of staff working with CDBG-CV3 projects, citizen participation, and other grant related costs directly related to CDBG-CV3 funds, \$67,004.80 is budgeted.

On December 8, 2020, the Planning Commission held a public hearing and reviewed the CDBG/HOME Taskforce CDBG-CV3 proposed budget. The motion passed unanimously with Planning Commission supporting the Taskforce recommendations for City Council approval on January 19th, 2021. No public comments were received during the public hearing.

Community Engagement:

A request for proposals was held for economic development, public facilities, and public service programs. Applications received were reviewed by the CDBG Task Force or the Strategic Action Team (SAT). Twelve interested applicants inquired about the program, and a total of eight applicants submitted a final application for review.

A notice of the December 8, 2020 Planning Commission Public Hearing was placed in the Daily Progress for a 15-day public comment period on November 24, 2020.

Members of the public were given the opportunity to voice their opinions during the HUD authorized expedited 5-day public comment period between January 4, 2021 through January 8, 2021; and the joint virtual CDBG/HOME and Strategic Action Team public meeting on November 12, 2020; and at the virtual public hearing at City Council on January 19, 2021. HUD authorized an expedited 5-day public comment period on April 2, 2020 to prevent, prepare for, and respond to the coronavirus with the goal to quickly appropriate funds to eligible activities.

Alignment with City Council's Vision and Strategic Plan:

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

Budgetary Impact: None

Recommendation: Staff recommends approval of the proposed CDBG-CV3 funding recommendations and approval of the FY 2020-2021 Substantial Action Plan amendment of the 2018-2023 Consolidated Plan. Funds included in this budget will not be spent until after HUD authorizes the approved FY 2020 amended Action Plan.

Alternatives:

City Council may reappropriate the funds among the scored public service and economic development applicants. Staff recommends taking into consideration the RFP application scores if funds are to be reappropriated.

Attachments:

- A. HUD's *Quick Guide to Eligible CDBG Activities to Support Coronavirus and Other Infectious Disease Response*
- B. Substantial Action Plan Amendment, Resolution
- C. Appropriation Resolution for CDBG-CV3 Funds
- D. 2020-2021 Proposed CDBG-CV3 Budget
- E. Summary of RFPs submitted
- F. RFP Scoring Template
- G. Minutes from CDBG Task Force meetings

Quick Guide to CDBG Eligible Activities to Support Coronavirus and Other Infectious Disease Response
REVISED April 6, 2020

Grantees should coordinate with local health authorities before undertaking any activity to support state or local pandemic response. Grantees may use Community Development Block Grant (CDBG) funds for a range of eligible activities that prevent and respond to the spread of infectious diseases such as the coronavirus.

Examples of Eligible Activities to Support Coronavirus and Other Infectious Disease Response

| | |
|--|---|
| <i>For more information, refer to applicable sections of the Housing and Community Development Act of 1974 (for State CDBG Grantees) and CDBG regulations (for Entitlement CDBG grantees).</i> | |
| Buildings and Improvements, Including Public Facilities | |
| Acquisition, construction, reconstruction, or installation of public works, facilities, and site or other improvements. <i>See section 105(a)(2) (42 U.S.C. 5305(a)(2)); 24 CFR 570.201(c).</i> | Construct a facility for testing, diagnosis, or treatment. |
| | Rehabilitate a community facility to establish an infectious disease treatment clinic. |
| | Acquire and rehabilitate, or construct, a group living facility that may be used to centralize patients undergoing treatment. |
| Rehabilitation of buildings and improvements (including interim assistance). <i>See section 105(a)(4) (42 U.S.C. 5305(a)(4)); 24 CFR 570.201(f); 570.202(b).</i> | Rehabilitate a commercial building or closed school building to establish an infectious disease treatment clinic, e.g., by replacing the HVAC system. |
| | Acquire, and quickly rehabilitate (if necessary) a motel or hotel building to expand capacity of hospitals to accommodate isolation of patients during recovery. |
| | Make interim improvements to private properties to enable an individual patient to remain quarantined on a temporary basis. |
| Assistance to Businesses, including Special Economic Development Assistance | |
| Provision of assistance to private, for-profit entities, when appropriate to carry out an economic development project. <i>See section 105(a)(17) (42 U.S.C. 5305(a)(17)); 24 CFR 570.203(b).</i> | Provide grants or loans to support new businesses or business expansion to create jobs and manufacture medical supplies necessary to respond to infectious disease. |
| | Avoid job loss caused by business closures related to social distancing by providing short-term working capital assistance to small businesses to enable retention of jobs held by low- and moderate-income persons. |
| Provision of assistance to microenterprises. <i>See section 105(a)(22) (42 U.S.C. 5305(a)(22)); 24 CFR 570.201(o).</i> | Provide technical assistance, grants, loans, and other financial assistance to establish, stabilize, and expand microenterprises that provide medical, food delivery, cleaning, and other services to support home health and quarantine. |

| Provision of New or Quantifiably Increased Public Services | |
|--|--|
| <p>Following enactment of the CARES Act¹, the public services cap² has no effect on CDBG-CV grants and no effect on FY 2019 and 2020 CDBG grant funds used for coronavirus efforts.</p> <p><i>See section 105(a)(8) (42 U.S.C. 5305(a)(8)); 24 CFR 570.201(e).</i></p> | Carry out job training to expand the pool of health care workers and technicians that are available to treat disease within a community. |
| | Provide testing, diagnosis or other services at a fixed or mobile location. |
| | Increase the capacity and availability of targeted health services for infectious disease response within existing health facilities. |
| | Provide equipment, supplies, and materials necessary to carry-out a public service. |
| | Deliver meals on wheels to quarantined individuals or individuals that need to maintain social distancing due to medical vulnerabilities. |
| Planning, Capacity Building, and Technical Assistance | |
| <p>States only: planning grants and planning only grants.</p> <p><i>See section 105(a)(12).</i></p> | Grant funds to units of general local government may be used for planning activities in conjunction with an activity, they may also be used for planning only as an activity. These activities must meet or demonstrate that they would meet a national objective. These activities are subject to the State's 20 percent administration, planning and technical assistance cap. |
| <p>States only: use a part of to support TA and capacity building.</p> <p><i>See section 106(d)(5) (42 U.S.C. 5306(d)(5)).</i></p> | Grant funds to units of general local government to hire technical assistance providers to deliver CDBG training to new subrecipients and local government departments that are administering CDBG funds for the first time to assist with infectious disease response. This activity is subject to the State's 3 percent administration, planning and technical assistance cap. |
| <p>Entitlement only: data gathering, studies, analysis, and preparation of plans and the identification of actions that will implement such plans. <i>See 24 CFR 570.205.</i></p> | Gather data and develop non-project specific emergency infectious disease response plans. |

Planning Considerations

Infectious disease response conditions rapidly evolve and may require changes to the planned use of funds:

- CDBG grantees must amend their Consolidated Annual Action Plan (Con Plan) when there is a change to the allocation priorities or method of distribution of funds; an addition of an activity not described in the plan; or a change to the purpose, scope, location, or beneficiaries of an activity (24 CFR 91.505).
- If the changes meet the criteria for a “substantial amendment” in the grantee’s citizen participation plan, the grantee must follow its citizen participation process for amendments (24 CFR 91.105 and 91.115).
- Under the CARES Act, CDBG grantees may amend citizen participation and Con Plans concurrently in order to establish and implement expedited procedures with a comment period of no less than 5-days.

Resources

The Department has technical assistance providers that may be available to assist grantees in their implementation of CDBG funds for activities to prevent or respond to the spread of infectious disease. Please contact your local CPD Field Office Director to request technical assistance from HUD staff or a TA provider.

- Submit your questions to: CPDQuestionsAnswered@hud.gov
- Coronavirus (COVID-19) Information and Resources: <https://www.hud.gov/coronavirus>
- CPD Program Guidance and Training: <https://www.hudexchange.info/program-support/>

¹ On March 27, 2020, President Trump approved the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136) (CARES Act). The CARES Act makes available \$5 billion in CDBG coronavirus response (CDBG-CV) funds to prevent, prepare for, and respond to coronavirus.

² Section 105(a)(8) of the HCD Act caps public service activities at 15 percent of most CDBG grants. Some grantees have a different percentage cap.

RESOLUTION
Approval of FY 2020-2021 Substantial Action Plan Amendment

BE IT RESOLVED, that the Charlottesville City Council hereby approves the FY 2020-2021 Substantial Action Plan Amendment of the 2018-2022 Consolidated Plan as presented at the May 4, 2020 City Council Meeting. All CDBG-CV3 projects shall be included into City of Charlottesville CDBG/HOME 2020-2021 Program.

Approved by Council
January 19, 2021

Kyna Thomas
Clerk of Council, CMC

**APPROPRIATION OF FUNDS FOR
THE CITY OF CHARLOTTESVILLE'S 2020-2021
COMMUNITY DEVELOPMENT BLOCK GRANT CORONAVIRUS 3: \$335,024**

WHEREAS, the City of Charlottesville has been advised of the approval by the U.S. Department of Housing and Urban Development of a Community Development Block Grant Coronavirus (CDBG-CV3) authorized by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) to respond to the growing effects of the historic public health crisis for the fiscal year in the total amount of \$335,024;

WHEREAS, City Council has received recommendations for the expenditure of funds from the CDBG/HOME Task Force, the Strategic Action Team (SAT), and the Planning Commission; and has conducted a public hearing thereon as provided by law; now, therefore;

BE IT RESOLVED, by the City Council of Charlottesville, Virginia, that the sums hereinafter set forth are hereby appropriated from funds received from the aforesaid grant to the following individual expenditure accounts in the Community Development Block Grant Coronavirus Fund for the respective purposes set forth; provided, however, that the City Manager is hereby authorized to transfer funds between and among such individual accounts as circumstances may require, to the extent permitted by applicable federal grant regulations.

ECONOMIC DEVELOPMENT

| | |
|---|---------------------|
| Community Investment Collaborative: COVID Response Microenterprise Assistance | \$130,970.00 |
|---|---------------------|

PUBLIC SERVICE PROGRAMS

| | |
|---|--------------------|
| CRHA Eviction Diversion Program | \$91,485.94 |
| Habitat for Humanity COVID Response Program | \$45,563.26 |

ADMINISTRATION AND PLANNING

| | |
|--------------------|--------------------|
| Admin and Planning | \$67,004.80 |
|--------------------|--------------------|

| | |
|--------------|------------------|
| TOTAL | \$335,024 |
|--------------|------------------|

BE IT FURTHER RESOLVED that this appropriation is conditioned upon the receipt of \$335,024 from the Department of Housing and Urban Development authorized by the CARES Act. Funds authorized will be used to prevent, prepare for, and respond to the coronavirus (COVID-19).

The amounts so appropriated as grants to other public agencies and private non-profit, charitable organizations (sub-recipients) are for the sole purpose stated. The City Manager is authorized to enter into agreements with those agencies and organizations as he may deem advisable to ensure that the grants are expended for the intended purposes, and in accordance with applicable federal and state laws and regulations; and

The City Manager, the Directors of Finance or Neighborhood Development Services, and staff are authorized to establish administrative procedures and provide for mutual assistance in the execution of the programs.

Expenditures

| <i>Program</i> | <i>Amount</i> | <i>Fund</i> | <i>Internal Order/Cost Center</i> | <i>G/L Account</i> |
|---|---------------|-------------|-----------------------------------|--------------------|
| Community Investment Collaborative: Covid Response Microenterprise Assistance | \$130,970.00 | 218 | 1900395 | 530670 |
| CRHA Eviction Diversion Program | \$91,485.94 | 218 | 1900396 | 530670 |
| Habitat for Humanity COVID Response Program | \$45,563.26 | 218 | 1900397 | 530670 |
| Admin and Planning | \$67,004.80 | 218 | 3914004000 | 530670 |

Revenue

| <i>Program</i> | <i>Amount</i> | <i>Fund</i> | <i>WBS Element</i> | <i>G/L Account</i> |
|---|---------------|-------------|-------------------------|--------------------|
| Community Investment Collaborative: Covid Response Microenterprise Assistance | \$130,970.00 | 218 | P-001 HUD IDIS Drawdown | 431110 |
| CRHA Eviction Diversion Program | \$91,485.94 | 218 | P-001 HUD IDIS Drawdown | 431110 |
| Habitat for Humanity COVID Response Program | \$45,563.26 | 218 | P-001 HUD IDIS Drawdown | 431110 |
| Admin and Planning | \$67,004.80 | 218 | P-001 HUD IDIS Drawdown | 431110 |

Approved by Council
January 19, 2021

Kyna Thomas
Clerk of Council, CMC

2020-2021 CDBG-CV3 BUDGET ALLOCATIONS
RECOMMENDED BY CDBG/HOME TASK FORCE and SAT: 11/12/2020
RECOMMENDED BY PLANNING COMMISSION: 12/08/2020
APPROVED BY CITY COUNCIL:

A. ECONOMIC DEVELOPMENT PROJECTS

A. Community Investment Collaborative – Microenterprise Covid Response \$130,970.00
ECONOMIC DEVELOPMENT TOTAL: \$130,970.00

B. PUBLIC SERVICE PROJECTS

A. CRHA – Eviction Diversion \$91,485.94
B. Habitat for Humanity – Covid Response Program \$45,563.26

SOCIAL PROGRAMS TOTAL: \$137,049.20

C. ADMINISTRATION AND PLANNING:

A. Admin and Planning \$67,004.80 (20%
EN)

GRAND TOTAL: \$335,024

ESTIMATED NEW ENTITLEMENT AMOUNT: \$335,024

CDBG-CV3 + CDBG + HOME RFP Submissions

| | | Organization, Program Title | Project Contact | Program Description | Funding Requested | |
|-------------------------------|--|---|-------------------------|---|--|--------------------------|
| CDBG-CV3 | Public Service | Pearl Transit | Jael Watts | 24-hr Transportation and Non-perishable Food Delivery | \$ 132,384.00 | |
| | | Habitat for Humanity | Ruth Stone | COVID Response Program | \$ 90,000.00 | |
| | | Charlottesville Redevelopment Housing Authority | Kathleen Glenn-Matthews | CRHA Eviction Diversion Program | \$ 320,000.00 | |
| | Econ | Community Investment Collaborative (CIC) | Stephen Davis | COVID Response Microenterprise Assistance | \$ 130,970.00 | |
| | Total Amount of Request (Public Services) | | \$ 542,384.00 | Total Amount of Request (Econ) | | \$ 130,970.00 |
| | Total Projected Budget (Public Services) | | \$ 134,009.60 | Total Projected Budget (Econ) | | \$ 134,009.60 |
| | Request Overage (Public Services) | | \$ (408,374.40) | Request Overage (Econ) | | \$ (3,039.60) |
| CDBG | Econ | Organization, Program Title | | Project Contact | Program Description | Funding Requested |
| | | Local Energy Alliance Program (LEAP) | | Chris Meyer | Assisted Home Performance Worforce Development | \$ 29,238.00 |
| | | Community Investment Collaborative (CIC) | | Stephen Davis | Financial Management Program | \$ 15,000.00 |
| | | Total Amount of Request | | | | \$ 44,238.00 |
| | | Total Projected Budget | | | | \$ 61,294.28 |
| Request Overage | | | | \$ (17,056.28) | | |
| CDBG | Public Services (15% Cap) | Organization, Program Title | | Project Contact | Program Description | Funding Requested |
| | | Public Housing Association of Residents (PHAR) | | Brandon Collins | Resident Involved Redevelopment | \$ 34,000.00 |
| | | Literacy Volunteers Charlottesville/Albemarle | | Ellen Osborne | Beginning Level Workforce Development Tutoring | \$ 25,000.00 |
| | | Total Amount of Request | | | | \$ 59,000.00 |
| | | Total Projected Budget | | | | \$ 62,905.05 |
| Request Overage | | | | \$ (3,905.05) | | |
| CDBG | Housing | Organization, Program Title | | Project Contact | Program Description | Funding Requested |
| | | Local Energy Alliance Prorgam (LEAP) | | Chris Meyer | Cville Low-Income Assisted Home Performance | \$ 57,000.00 |
| | | Total Amount of Request | | | | \$ 57,000.00 |
| | | Total Projected Budget | | | | \$ 61,294.28 |
| Request Overage | | | | \$ (4,294.28) | | |
| HOME | Organization, Program Title | | Project Contact | Program Description | Funding Requested | |
| | Local Energy Alliance Program (LEAP) | | Chris Meyer | Cville Low-Income Assisted Home Performance | \$ 57,000.00 | |
| | Habitat for Humanity | | Ruth Stone | Affordable Housing Downpayment Assistance | \$ 24,000.00 | |
| | Albemarle Housing Improvement Program (AHIP) | | Cory Demchak | Charlottesville Critical Rehab Program | \$ 80,594.00 | |
| | Total Amount of Request | | | | \$ 161,594.00 | |
| Total Projected Budget | | | | \$ 80,594.00 | | |
| Request Overage | | | | \$ (81,000.00) | | |

| CDBG-CV3 | Applicant | Score | Funding request | TF Recommendation 1 |
|--------------------------------------|-------------------|-------|-----------------|---------------------|
| | CRHA | 37.3 | \$ 320,000.00 | \$ 91,485.94 |
| | Habitat | 37.8 | \$ 90,000.00 | \$ 45,563.26 |
| | Pearl Transit | 26.75 | \$ 132,384.00 | \$ - |
| | <i>CIC (ECON)</i> | 34.2 | \$ 130,970.00 | \$ 130,970.00 |
| Total Amount Requested (ps) | | | \$ 542,384.00 | \$ 137,049.20 |
| Total Amount Requested (econ) | | | \$ 130,970.00 | |
| Total projected Budget (econ) | | | \$ 134,009.60 | |
| Total projected Budget (ps) | | | \$ 134,009.60 | |
| Request Overage (ps) | | | \$ (408,374.40) | |
| Requested Overage (econ) | | | \$ 3,039.60 | |

| CDBG Econ | Applicant | Score | Funding request | TF Recommendation 1 |
|-------------------------------|-----------|-------|-----------------|---------------------|
| | LEAP | 29.3 | \$ 29,238.00 | \$ 29,238.00 |
| | CIC | 34.2 | \$ 15,000.00 | \$ 32,056.28 |
| Total Amount Requested | | | \$ 44,238.00 | \$ 61,294.28 |
| Total projected Budget | | | \$ 61,294.28 | |
| Request Overage | | | \$ 17,056.28 | |

| CDBG Public Services | Applicant | Score | Funding request | TF Recommendation 1 |
|-------------------------------------|-------------------------------|-------|-----------------|---------------------|
| | PHAR | 39.33 | \$ 34,000.00 | \$ 34,000.00 |
| | LVCA | 39.33 | \$ 25,000.00 | \$ 25,000.00 |
| | Total Amount Requested | | | \$ 59,000.00 |
| Total projected Budget (15%) | | | \$ 62,905.05 | |
| Request Overage | | | \$ 3,905.05 | |

| CDBG Housing | Applicant | Score | Funding request | TF Recommendation 1 | |
|------------------------|-------------------------------|-------|-----------------|---------------------|--------------|
| | LEAP | 36.5 | \$ 57,000.00 | \$ 65,199.32 | |
| | Total Amount Requested | | | \$ 57,000.00 | \$ 65,199.32 |
| | Total projected Budget | | | \$ 61,294.28 | |
| Request Overage | | | \$ 4,294.28 | | |

| HOME | Applicant | Score | Funding request | TF Recommendation 1 |
|-------------------------------|-------------------------------|-------|-----------------|---------------------|
| | Habitat | 37.67 | \$ 24,000.00 | \$ 24,000.00 |
| | AHIP | 33.67 | \$ 80,594.00 | \$ 37,352.00 |
| | LEAP | 36.5 | \$ 57,000.00 | \$ 19,242.00 |
| | Total Amount Requested | | | \$ 161,594.00 |
| Total projected Budget | | | \$ 80,594.00 | |
| Request Overage | | | \$ (81,000.00) | |

SCORING RUBRIC FOR CDBG-CV3/CDBG/HOME GRANT PROPOSALS

Name of Applicant:

Name of Project:

| | Exemplary (3 Points) | Adequate (2 Points) | Needs Improvement (1 Point) | Missing Information (0 Points) | Score | Comments |
|------------------------------------|--|--|---|---|--------------|-----------------|
| Program/Project Description | Provides a clear description and clearly explains how it will address a Council Priority | Provides a description that adequately explains how it will address a Council Priority | Program/project description needs improvement | Proposal does not describe how it will address a Council Priority | | |
| Program/Project Goal | Provides a clear explanation of the goal. Identifies what will be provided to whom, how many. Provides demographic information of the beneficiaries and how they will meet the income guidelines | Provides an adequate explanation of the goal | Program/Project goal needs improvement. Barely identifies what will be provided to whom and how many. Barely provides demographic information and how the beneficiaries will meet the income guidelines | Goal is missing and/or not explained. Identification of beneficiaries, number of beneficiaries, demographic information, and information about how the beneficiaries will meet the income guidelines is missing | | |
| Need | Clearly describes how the program will directly address the needs. | Adequately describes how the program will directly address the needs using some local | Description of need needs improvement. Only state, regional, or national data | Does not describe how the program will directly address the needs and/or | | |

| | | | | | | |
|---------------------------------|--|--|--|---|--|--|
| | Provides local data to describe the needs of the community <u>and</u> the beneficiaries | data to describe the needs of the community <u>and</u> the beneficiaries | provided, data not specific to clients | does not provide data to describe the needs of the community and the beneficiaries | | |
| Outcomes | Clearly explains how proposed outcomes will be meaningful, client-focused and related to the service | Adequately explains how proposed outcomes will be meaningful, client-focused and related to the service | Explanation of how proposed outcomes will be meaningful, client-focused and related to the service needs improvement | Does not explain how proposed outcomes will be meaningful, client-focused and/or related to the service | | |
| Strategies | Provides evidence-based strategies for how the program/project will address the need | Adequately describes how strategies address need using researched best practices strategies at a minimum | Describes how strategies address need without information about best practices or research | Does not identify how strategies directly address need | | |
| Implementation Timeline | Timeline is detailed and realistic | Timeline is adequate | Timeline is limited or not realistic | No timeline provided and information is missing | | |
| Evaluation Plan | Provides a rigorous evaluation plan which informs ongoing work, explains metrics and why they are used | Provides a solid evaluation plan | Evaluates some elements of its work, but the evaluation is not thorough | Proposal does not provide an evaluation plan or the plan is insufficient | | |
| Demographic Verification | Proposal clearly describes how the agency will collect and verify <u>all</u> required information | Proposal adequately describes how the agency will collect and verify all required information | Proposal describes how the agency will collect and verify <u>some</u> required information | Proposal does not describe how the agency will collect and verify any required information | | |

| | | | | | | |
|---|--|---|--|---|--|--|
| Financial Benefits | Proposal describes how the program fully meets two financial benefits | Proposal describes how the program fully meets one financial benefit | Proposal describes how the program <u>partially</u> meets one to two financial benefits | Proposal does not describe how the program will provide a financial benefit | | |
| Collaboration | Proposal describes how the program collaborates with other organizations to achieve a common goal using defined deliverables and metrics (ex. Clear accountability, shared management, such as MOU's or formal partnership agreements) | Proposal describes formal agreements with more than two organizations describing how they cooperate, but does not share common deliverables or metrics. | Proposal describes collaboration informally with other organizations (ex. information sharing, resource sharing) | Proposal does not describe collaboration with other entities | | |
| Engagement/ Outreach Strategy | Proposal describes complete outreach and engagement strategies and explains how it will serve needy and underserved populations | Proposal describes some outreach and engagement strategies and how it will serve needy and underserved populations | Proposal explains that services are available to needy and underserved populations but program/project does not conduct outreach or engagement | Proposal does not provide strategies for outreach and engagement to needy and underserved populations | | |
| Priority Neighborhood Ridge Street | Proposal describes complete outreach strategies and program/project serves residents in the Priority Neighborhood | Proposal describes some outreach and program/project serves residents in the Priority Neighborhood | Proposal explains that services are available to priority neighborhood residents but program/project does not conduct outreach | Proposal does not provide strategies for outreach to priority neighborhood residents | | |

| | | | | | | |
|---|--|--|---|--|--|--|
| Organizational Capacity (STAFF ONLY – not included in scoring) | Organization demonstrated sufficient capacity and fully met projected outcomes in previous grant year | Organization demonstrated adequate capacity and almost met projected outcomes in previous grant year | Organization capacity needs improvement, did not meet projected outcomes | The organization demonstrated a lack of a capacity | | |
| Outstanding Funding (STAFF ONLY – included in scoring) | Organization expended all previous grant funding or is a new applicant with no prior CDBG/HOME/CDBG-CV dollars unspent. |  |  | Organization has been awarded grant funding from prior fiscal years and has been unable to spend all the funding. | | |
| Organizational Capacity | Proposal provides clear evidence of the capacity and ability to ensure timely performance and reporting | Proposal provides adequate evidence of the capacity and ability to ensure timely performance and reporting | Evidence of capacity and ability needs improvement. Does not address the question fully | Proposal does not provide evidence of the capacity and ability | | |
| Budget | Proposal clearly demonstrates: <ul style="list-style-type: none"> A. How requested funds will be applied to expense line items B. How the amount requested is reasonable C. That the overall program budget shows a direct | Proposal provides an adequate budget. Adequately addresses A, B, and C | Proposed budget needs improvement and barely addresses A, B, and/or C. Proposed budget needs improvement. | The proposal does not demonstrate how the requested funds will be applied to expense line items, how the amount requested is reasonable, and does not show a direct relationship with proposed service items | | |

| | | | | | | |
|----------------------------------|--|--|--|--|--|--|
| | relationship with proposed service items | | | | | |
| TOTAL SCORE (MAX SCORE = 45 PTS) | | | | | | |



CDBG Taskforce and SAT Subcommittee Meeting Minutes

Thursday, November 12th, 2020

3:30-5:30 PM

Virtual Meeting

AGENDA

1. Introductions/Housekeeping/Minutes
 - a. SAT Committee 3:30-4:15pm
 - b. CDBG Taskforce: 4:15-5:30pm
2. Review Application Scores & Create proposal budget.
 - a. CDBG-CV3 2020-2021
 - b. CDBG 2021-2022
 - c. HOME 2021-2022
3. Other Business
4. Public Comment

Staff Contact:

Erin Atak, Grants Coordinator (atake@charlottesville.gov), (434) 970-3093

CDBG Strategic Action Team (SAT) Minutes

ATTENDANCE:

| Taskforce Member | Present | Absent |
|-------------------------|----------------|---------------|
| Sue Moffett | X | |
| Kelley Logan | X | |
| Letitia Shelton | | X |
| Gretchen Ellis | X | |
| Diane Kuknyo | X | |
| Erin Atak | X | |

SAT Minutes

Grants Coordinator Erin Atak (EA) outlines the pre-application technical assistance process for the CDBG, HOME, and CDBG-CV3 grants. All applicants underwent an application workshop and a CDBG/HOME grant workshop session to review how to complete the web application, and the federal requirements for CDBG/HOME/CDBG-CV3.

12 applicants were met with during the mandatory technical assistance pre-application submittal phase, 8 applications were submitted for review.

EA states that one change was made to the coring rubric for all applications. This was to address the HUD timeliness requirement, (24CFR 570.902(a)). Applicants were told during the technical assistance meetings that applicants with outstanding CDBG and HOME funds may not be receiving as strong of a consideration in this review process. This change helps the City and subrecipients stay in compliance with HUD timeliness requirements and promote new applicants to join the CDBG and HOME application process.

EA states to the SAT members that they have the option to fully fund the CDBG econ applications, partially fund the applications, fund one application or not the other, or fund none of the applications.

Gretchen Ellis (GE) asks if the committee can fund an applicant more than what was requested.

EA: Yes – the Taskforce can check with Community Investment Collaborative and Local Energy Alliance Program staff in the audience to see whether they would be able to manage additional funds.

GE: Poses the question of whether the grants being awarded to microenterprises through CIC's application could be increased as we have been in this COVID state for an expended period of time – increasing the grant among would benefit businesses more.

CIC Staff member Anna speaks with the Taskforce and states that CIC would be able administer larger grants and could manage extra funding and could also help more businesses at the same small grant threshold depending on how the Taskforce decided.

GE makes a recommendation to move some of the CDBG econ overage funding into the CIC econ funding recommendation.

Sue Moffett (SM) states that she had difficulty with the LEAP application as there was an absence of data making it hard to measure effectiveness of the project aside from reviewing the purpose of the project.

GE: Poses a question for LEAP about whether that have previous experience with working with previously incarcerated individuals transition to the workforce. GE also mentions that LEAP's application is more focused in the target neighborhood.

Chris Meyer from LEAP addresses GE's questions, states they have experience with working with Home to Hope individuals. States that this is one strategy to build a workforce.

Diane Kuknyo (DK) asks Chris Meyer about whether the homes benefiting from the program will be rental properties with wealthy homeowners or low-income homeowners.

Chris Meyer from LEAP addresses DK's concern and states that this program will benefit low-income homeowners.

GE moves to fully funding LEAP and to funding CIC at the full amount along with adding the \$17,000 overage to CIC so that CIC could increase the number of microloans to the proposed businesses.

Kelly Logan (KL) seconds.

Moving to CDBG-CV3 Econ category

EA explains that the SAT members only review the economic development applications while the CDBG/HOME Taskforce review the public service and housing applications in accordance to the CDBG Citizen Participation Plan.

GE moves to fund CIC CDBG-CV3 application at the full \$130,970.00

SM seconds.

SAT recommends the final budget:

CDBG Econ
LEAP \$29,238

CIC \$32,056.28

CDBG-CV3

CIC \$130,970

SAT Committee is Adjourned.

CDBG/HOME Taskforce Minutes

ATTENDANCE:

| Taskforce Member | Present | Absent |
|----------------------------|----------------|---------------|
| James Bryant | X | |
| Taneaia Dowell | X | |
| Howard Evergreen | X | |
| <i>Belmont Rep: VACANT</i> | | X |
| Nancy Carpenter | | X |
| Emily Cone-Miller | X | |
| Matthew Gillikin | X | |
| Kem Lea Spaulding | X | |
| Helen Kimble | X | |
| Erin Atak | X | |

CDBG Minutes

Grants Coordinator Erin Atak (EA) outlines the pre-application technical assistance process for the CDBG, HOME, and CDBG-CV3 grants. All applicants underwent an application workshop and a CDBG/HOME grant workshop session to review how to complete the web application, and the federal requirements for CDBG/HOME/CDBG-CV3.

12 applicants were met with during the mandatory technical assistance pre-application submittal phase, 8 applications were submitted for review.

EA states that one change was made to the coring rubric for all applications. This was to address the HUD timeliness requirement, (24CFR 570.902(a)). Applicants were told during the technical assistance meetings that applicants with outstanding CDBG and HOME funds may not be receiving as strong of a consideration in this review process. This change helps the City and subrecipients stay in compliance with HUD timeliness requirements and promote new applicants to join the CDBG and HOME application process.

EA states that the SAT committee members made the funding recommendations for the econ applications.

CDBG Taskforce begins to review the CDBG public services applications

Howard Evergreen (HE) asks about how the taskforce can allocate the overage in public services

EA states that the overage can be directed toward another application in housing that may need it or be directed toward the Ridge Street Priority Neighborhood budgeted at \$150,000.

Kem Lea Spaulding (KLS) asks what is needed of the taskforce today.

EA explains that the Taskforce has the option to either fully fund, partially fund, or not fund the applicants, funds can also be moved to the Ridge Street priority neighborhood taskforce and to housing as needed.

Matthew Gillikin (MG) makes a funding recommendation to fully fund PHAR (\$34,000) and LVCA (\$25,000). MG states both applicants received the same score and fit within the 15% funding cap.

Taneaia Dowell (TD) seconds.

HE, KLS, and James Bryant (JB) also agreed.

KLS asks whether all the applications presented today are providing services only for the Ridge Street priority neighborhood.

EA explains that the grant is not exclusive to the Ridge street priority neighborhood. Some applicants are providing services within the target neighborhood, and others are providing services to City residents. The Ridge Street Priority neighborhood portion of the CDBG grant focuses solely in Ridge Street.

Emily Cone Miller (ECM) and MG make a funding recommendation to fully fund LEAP (\$57,000).

JB, TD, and HE second.

KLS asks whether LEAP is hiring Ridge Street residents for the job training program.

Chris Meyer from LEAP addresses this question, staff members come through the Home to Hope program. LEAP is asking for various funds from the CDBG econ and CDBG housing and HOME to service homes with energy efficiency improvements.

MG asks whether funds from the CDBG-CV3 could be moved to different funding categories.

EA answers that CDBG-CV3 is a separate grant and that those funds would need to remain separate from the CDBG and HOME.

HE and MG discuss briefly that Habitat for Humanity submitted two different applications for CDBG-CV3 and HOME, unlike LEAP who submitted the same application for multiple sources of funding. HE explains that Habitat applied for down payment assistance through the HOME grant and applied for a COVID relief rent/mortgage relief program through CDBG-CV3.

TD states a concern that she believes Habitat recruited only members through the Homeownership program.

Ruth Stone from Habitat addresses TD's question and states that the pathways to housing program through Habitat produces an applicant pool that needs financial empowerment that can be aided with CDBG and HOME.

MG makes one funding recommendation to fully fund Habitat (\$24,000) and give the remainder of the budget to AHIP.

HE ask if Habitat has outstanding funds.

EA states that a reasoning would need to be given to HUD as to why the City continues to re-award organizations with outstanding funds dating back to 2018. EA states that Habitat has outstanding down payment funds totaling \$14,813.52.

HE states that AHIP's proposal is to complete one home. Partially funding this application might make this hard to accomplish. He adds that LEAP's application aims to help more people with the funding requested.

TD agrees with HE's comments, and states that Habitat has not spent all the prior funding and is leveraging to complete said projects with some of the other projects that were funded earlier.

Cory Demchak from AHIP typically helps 10-20 homes with federal funds and assisting 1 home eliminates a lot of the admin work.

HE asks LEAP how partially funding their HOME application would affect their program.

Chris Meyer from LEAP states that a partial funding would reduce the number of homes that would get addressed.

The Taskforce moves to vote fully funding Habitat for Humanity (\$24,000).

HE asks EA whether this will work with the unspent funds.

EA states that if the Taskforce moves to recommend fully funding an application, an explanation will be given to HUD. The main concern is addressing the unspent funds with HUD and avoiding having subrecipients having to pay back HUD.

TD asks whether COVID-19 has affected projects.

EA states yes.

Emily Cone Miller (ECM) asks whether HOME funds could get moved to another funding category.

EA states that HOME funds need to remain in HOME (No).

MG makes a funding recommendation to fully fund Habitat (\$24,000) again. MG points out that the AHIP total rehab costs was over \$200,000 and that funding the proposal regardless of the amount would only assist partially.

ECM proposes funding LEAP the remaining 1/3 of the funds, and AHIP with the remaining 2/3 funds.

HE asks if AHIP received partial funding, would this affect the project?

Cory Demchak from AHIP states that receiving partial funding could affect this project specifically, but AHIP could switch to providing homeowner rehabs within the Ridge Street Neighborhood if that was the case.

Helen Kimble (HK) makes a funding recommendation to fund AHIP at 2/3 of the remaining HOME funds and fund LEAP with 1/3 of the remaining funds.

HE adds that the taskforce move to take the overage from the public services and housing category and place it into the LEAP application as they are not receiving full funding in the HOME category.

Taskforce approves: AHIP (\$37,352), LEAP (19,242) for HOME.

Taskforce begins to review CDBG-CV3

MG states that based on the scoring the fund should be divided between CRHA and Habitat. Pearl Transit's application scored significantly lower than the other two.

Members of the Taskforce state that the lack of clarity within the application poses concern.

MG asks if CRHA would be able to accomplish their activity on partial funding.

Kathleen Glen Matthews from CRHA states that the organization can scale back the scope of work offered within the application and pursue other sources of funding.

MG states that the rental assistance portion of the CRHA application was the most appealing given the current health crisis.

John Sales from CRHA speaks with the Taskforce about the eviction diversion program.

JB asks John about the role of the Housing Stabilization Coordinator.

John states that this role would work directly with families to work on repayment agreements and affordability.

JB states that homeowner eviction education during this time is a priority.

The Taskforce discusses on the CRHA application and the Habitat for Humanity covid application.

EA reminds the Taskforce that splitting up funds between organizations means less of the scope of work for both organizations would get accomplished, regarding CRHA and Habitat's application.

HE proposes splitting the funds between the two organizations (CRHA and Habitat). The funding recommendation is made that Habitat and CRHA both receive \$67,004.80.

ME mentions that he does not mind splitting the funds between the organizations and suggests that CRHA prioritize emergency rental relief.

Taskforce members discuss whether the funding recommendation should change.

TD proposes of funding CRHA with 2/3 of the public services covid funding, and the remaining 1/3 of the funding would be recommended to Habitat. TD explains that Habitat received funds in the HOME category.

TD also proposes to move the overage of econ funds to CRHA CDBG-CV3 application as there are no outstanding grant funds unspent with this applicant.

HE agrees.

Taskforce discusses on whether to split the public services funding evenly between CRHA and Habitat, or to divide it into thirds.

EA reminds the Taskforce that HUD needs justification from the Taskforce as to why the committee is recommending awarding an organization with outstanding grant funds.

Taskforce members move to fund CRHA with \$91,485.94 and fund Habitat \$45,563.26. CRHA was recommended to receive the funding overage.

Meeting Adjourned.

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



| | |
|------------------|--|
| Agenda Date: | January 19, 2021 |
| Action Required: | Appropriation and Approval |
| Presenter: | Erin Atak, Grants Coordinator |
| Staff Contacts: | Erin Atak, Grants Coordinator |
| Title: | Approval and Appropriation of CDBG & HOME Budget Allocations for FY 2021-2022 |

Background:

This agenda item includes project recommendations and appropriations for the Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) funds to be received by the City of Charlottesville from the U.S. Department of Housing and Urban Development (HUD).

Discussion:

In Fall 2020, the City of Charlottesville advertised a Request for Proposals (RFP) based on the priorities set by Council on September 21, 2020. The priorities were for affordable housing (priority for persons who are 0-50 percent AMI, including but not limited to low income housing redevelopment), support for the homelessness and those at risk of homelessness, workforce development (including but not limited to efforts to bolster section 3 training opportunities and partnerships with the City’s GO programs, support for programs that aid in self-sufficiency, including but not limited to quality childcare), microenterprise assistance, and mental health and substance abuse services. The City received three applications totaling \$161,594 for HOME housing projects; one application totaling \$57,000 for CDBG housing projects, three applications totaling \$59,000 for public service projects; and two applications totaling \$44,238 for economic development projects. A summary of applications received is included in this packet.

On November 12th 2020, the CDBG/HOME Task Force reviewed and recommended housing and public service projects virtually for funding and the Strategic Action Team reviewed and recommended economic development projects virtually for funding.

CDBG and HOME Project Recommendations for FY 2021-2022:

The CDBG program total has an estimated \$419,367 for the 2021-2022 program year. The CDBG grand total reflects the \$419,367 Entitlement (EN) Grant, and \$0 in previous years’ entitlement available. The HOME total consists of an estimated \$80,594 which is the City’s portion of the

Consortium's appropriation, in addition to \$20,148.50 for the City's 25% required match. Minutes from the meetings are attached which outline the recommendations made. It is important to note that all projects went through an extensive review by the CDBG/HOME Task Force as a result of an RFP process.

Priority Neighborhood – On May 4, 2020, Council approved Ridge Street to be the rotating Priority Neighborhood in FY21-22 and FY22-23. This helps prevent phasing of a neighborhood project over the course of the three-year period. The Ridge Street Taskforce for the Priority Neighborhood will recommend improvement projects to be carried out with CDBG funds. City Council will review and approve the Ridge Street Priority Neighborhood Taskforce recommendations towards Summer 2021 to be included with the submission of the FY21-22 Action Plan.

Economic Development – Council set aside FY 21-22 CDBG funding for Economic Development Activities. Members of the Strategic Action Team reviewed applications for Economic Development and made a recommendation. Funds are proposed to be used to provide scholarships to assist 15-20 entrepreneurs develop financial management habits through mentorship and technical assistance and fund two staff positions for the assisted home performance workforce development.

Public Service Programs – The CDBG/HOME Task Force has recommended two public service programs. Programs were evaluated based on Council's priorities for affordable housing (including but not limited to low income housing redevelopment, priority for households at 0-50% of the area median income) support for the homelessness and those at risk of homelessness, workforce development (including but not limited to efforts to bolster section 3 training opportunities and partnerships with the City's GO programs, support for programs that aid in self-sufficiency, including but not limited to quality childcare), microenterprise assistance, and mental health and substance abuse services. Programs were also evaluated based upon metrics included in the RFP evaluation scoring rubric. Funding will enable the organizations to provide increased levels of service to the community.

Estimated benefits include funding 16 low-income residents with resident involved redevelopment and funding individualized one-to-one instruction to help with workforce development tutoring skills for 30 illiterate City residents.

CDBG Housing Funds: The CDBG/HOME Task Force has recommended one CDBG housing programs for funding. Funds are proposed to be used to provide 20 energy efficient upgrades to qualifying homes within the Ridge Street neighborhood.

Administration and Planning: To pay for the costs of staff working with CDBG projects, citizen participation, and other costs directly related to CDBG funds, \$83,873.40 is budgeted.

HOME Funds: The CDBG/HOME Task Force recommended funding three programs that support homeowner rehabilitation. Estimated benefits includes one homeowner rehabilitations within the Ridge Street target area, four down payment assistance to low-income homeowners of 0-50% AMI, and providing 20 energy efficient upgrades to qualifying homes.

Adjusting for Actual Entitlement Amount: Because actual entitlement amounts are not confirmed at this time, it is recommended that all recommendations are increased/reduced at the same pro-

rated percentage of actual entitlement to be estimated. Should the total actual amount of entitlement received differ from the appropriated amount, all appropriated amounts may be administratively increased/reduced at the same pro-rated percentage of change between the estimated entitlement and the actual entitlement. The total appropriated amount will not exceed 2.5% total change, nor will any agency or program increase more than their initial funding request, without further action from City Council.

Community Engagement:

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

Alignment with City Council’s Vision and Strategic Plan:

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

Budgetary Impact:

Proposed CDBG projects will be carried out using only the funds to be received by the City of Charlottesville from the U.S. Department of Housing and Urban Development (HUD) for the City's CDBG program. The HOME program requires the City to provide a 25% match (HOME match equals ¼ of the EN amount). The sum necessary to meet the FY 2020-2021 match is \$20,148.50, which will need to be appropriated out of the Charlottesville Housing Fund (CP-0084) at a future date.

Recommendation:

Staff recommends approval of the CDBG and HOME projects. Staff approval of the proposed budget with any percent changes to the estimated amounts being applied equally to all programs and approval of the appropriations. Funds included in this budget will not be spent until after July 1, 2021.

Alternatives:

No alternatives are proposed.

Attachments:

- 2021-2022 Proposed CDBG and HOME Budget
- Appropriation Resolution for CDBG funds
- Appropriation Resolution for HOME funds
- Summary of RFPs submitted
- RFP Rubric
- Minutes from CDBG Task Force meetings

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

| | |
|--|--|
| A. PRIORITY NEIGHBORHOOD | |
| A. Ridge Street Priority Neighborhood | \$150,000.00* |
| B. ECONOMIC DEVELOPMENT PROJECTS | |
| A. Community Investment Collaborative – Financial Management Program | \$32,056.28 |
| B. Local Energy Alliance Program – Workforce Development | \$29,238.00 |
| ECONOMIC DEVELOPMENT TOTAL: | \$61,294.28 |
| C. PUBLIC SERVICE PROJECTS | |
| A. Public Housing Association of Residents – Resident Involved Redevelopment | \$34,000.00 |
| B. Literacy Volunteers – Workforce Development Tutoring | \$25,000.00 |
| SOCIAL PROGRAMS TOTAL: | \$59,000.00 (15% EN) |
| D. HOUSING PROJECTS | |
| A. Local Energy Alliance Program – Assisted Home Performance | \$65,199.32 |
| HOUSING PROGRAMS TOTAL: | \$65,199.32 |
| E. ADMINISTRATION AND PLANNING: | |
| A. Admin and Planning | \$83,873.40 (20% EN) |
| | GRAND TOTAL: \$419,367 |
| | ESTIMATED NEW ENTITLEMENT AMOUNT: \$419,367 |

* Funding includes reprogrammed funds

2021-2022 HOME BUDGET ALLOCATIONS

| | |
|---|--|
| A. AHIP – Homeowner Rehab | \$37,352.00* |
| B. Habitat for Humanity – Down Payment Assistance | \$24,000.00* |
| C. LEAP – Assisted Home Performance | \$19,242.00* |
| | TOTAL: \$80,594.00 |
| | ENTITLEMENT AMOUNT: \$80,594.00 |
| | ESTIMATED EN AVAILABLE AFTER PI APPLIED: \$0.00 |
| | LOCAL MATCH: \$20,148.50 |

* Includes estimated EN available after program income applied

**APPROPRIATION OF FUNDS FOR
THE CITY OF CHARLOTTESVILLE'S 2021-2022
COMMUNITY DEVELOPMENT BLOCK GRANT - \$419,367**

WHEREAS, the City of Charlottesville has been advised of the approval by the U.S. Department of Housing and Urban Development of a Community Development Block Grant (CDBG) for the 2021-2022 fiscal year in the total amount of **\$419,367** from HUD.

WHEREAS, City Council has received recommendations for the expenditure of funds from the CDBG/HOME Task Force, the SAT, and the Planning Commission; and has conducted a public hearing thereon as provided by law; now, therefore;

BE IT RESOLVED by the City Council of Charlottesville, Virginia, that the sums hereinafter set forth are hereby appropriated from funds received from the aforesaid grant to the following individual expenditure accounts in the Community Development Block Grant Fund for the respective purposes set forth; provided, however, that the City Manager is hereby authorized to transfer funds between and among such individual accounts as circumstances may require, to the extent permitted by applicable federal grant regulations.

PRIORITY NEIGHBORHOOD

| | |
|------------------------------------|--------------|
| Ridge Street Priority Neighborhood | \$150,000.00 |
|------------------------------------|--------------|

ECONOMIC DEVELOPMENT

| | |
|---|-------------|
| Community Investment Collaborative Scholarships | \$32,056.28 |
| Local Energy Alliance Program Workforce Development | \$29,238.00 |

PUBLIC SERVICE PROGRAMS

| | |
|--|-------------|
| PHAR – Resident Involved Redevelopment | \$34,000.00 |
| LVCA – Workforce Development Tutoring | \$25,000.00 |

HOUSING PROJECTS

| | |
|----------------------------------|-------------|
| LEAP – Assisted Home Performance | \$65,199.32 |
|----------------------------------|-------------|

ADMINISTRATION AND PLANNING:

| | |
|--------------------|-------------|
| Admin and Planning | \$83,873.40 |
|--------------------|-------------|

| | |
|--------------|------------------|
| TOTAL | \$419,367 |
|--------------|------------------|

BE IT FURTHER RESOLVED that this appropriation is conditioned upon the receipt of \$419,367 from the Department of Housing and Urban Development. Should the total actual amount of entitlement received differ from the appropriated amount, all appropriated amounts may be administratively increased/reduced at the same pro-rated percentage of change between the estimated entitlement and the actual entitlement. The total appropriated amount will not to exceed 2.5% total change, nor will any agency or program increase more than their initial funding request, without further action from City Council.

The amounts so appropriated as grants to other public agencies and private non-profit, charitable organizations (sub-recipients) are for the sole purpose stated. The City Manager is authorized to enter into agreements with those agencies and organizations as he may deem advisable to ensure

that the grants are expended for the intended purposes, and in accordance with applicable federal and state laws and regulations; and

The City Manager, the Directors of Finance or Neighborhood Development Services, and staff are authorized to establish administrative procedures and provide for mutual assistance in the execution of the programs.

Approved by Council
January 19, 2021

Kyna Thomas
Clerk of Council, CMC

**APPROPRIATION OF FUNDS FOR
THE CITY OF CHARLOTTESVILLE'S 2021-2022
HOME FUNDS \$127,210.56**

WHEREAS, the City of Charlottesville has been advised of the approval by the U.S. Department of Housing and Urban Development of HOME Investment Partnerships (HOME) funding for the 2021-2022 fiscal year;

WHEREAS, the region is receiving an award for HOME funds for fiscal year 21-22 of which the City will receive \$80,594 to be expended on affordable housing initiatives such as homeowner rehab, energy efficiency improvements, and downpayment assistance.

WHEREAS, it is a requirement of this grant that projects funded with HOME initiatives money be matched with local funding in varying degrees;

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the local match for the above listed programs will be covered by the a surplus of match from previous appropriations from the Charlottesville Housing Fund (account CP-0084 in SAP system) in the amount of \$20,148.50. The total of the HUD money, program income, and the local match, equals \$100,722.48 and will be distributed as shown below.

| PROJECTS | HOME EN | MATCH | TOTAL |
|----------------------------------|-----------------|--------------------|---------------------|
| AHIP-Homeowner Rehab | \$37,352.00 | \$6,716.16 | \$44,048.16 |
| Habitat for Humanity-DPA FY21-22 | \$24,000.00 | \$6,716.16 | \$30,716.16 |
| LEAP- Assisted Home Performance | \$19,242.00 | \$6,716.16 | \$25,958.16 |
| Total | \$80,594 | \$20,148.50 | \$100,722.48 |

* includes Program Income which does not require local match.

BE IT FURTHER RESOLVED that this appropriation is conditioned upon the receipt of \$80,594 from the Department of Housing and Urban Development. Should the total actual amount of entitlement received differ from the appropriated amount, all appropriated amounts may be administratively increased/reduced at the same pro-rated percentage of change between the estimated entitlement and the actual entitlement. The total appropriated amount will not to exceed 2.5% total change, nor will any agency or program increase more than their initial funding request, without further action from City Council.

The amounts so appropriated as grants to other public agencies and private non-profit, charitable organizations (subrecipients) are for the sole purpose stated. The City Manager is authorized to enter into agreements with those agencies and organizations as he may deem advisable to ensure that the grants are expended for the intended purposes, and in accordance with applicable federal and state laws and regulations; and

The City Manager, the Directors of Finance or Neighborhood Development Services, and staff are authorized to establish administrative procedures and provide for mutual assistance in the execution of the programs.

Approved by Council
January 19, 2021

CDBG-CV3 + CDBG + HOME RFP Submissions

| | | Organization, Program Title | Project Contact | Program Description | Funding Requested | |
|-------------------------------|--|---|---|---|--------------------------|----------------------|
| CDBG-CV3 | Public Service | Pearl Transit | Jael Watts | 24-hr Transportation and Non-perishable Food Delivery | \$ 132,384.00 | |
| | | Habitat for Humanity | Ruth Stone | COVID Response Program | \$ 90,000.00 | |
| | | Charlottesville Redevelopment Housing Authority | Kathleen Glenn-Matthews | CRHA Eviction Diversion Program | \$ 320,000.00 | |
| | Econ | Community Investment Collaborative (CIC) | Stephen Davis | COVID Response Microenterprise Assistance | \$ 130,970.00 | |
| | Total Amount of Request (Public Services) | | \$ 542,384.00 | Total Amount of Request (Econ) | | \$ 130,970.00 |
| | Total Projected Budget (Public Services) | | \$ 134,009.60 | Total Projected Budget (Econ) | | \$ 134,009.60 |
| | Request Overage (Public Services) | | \$ (408,374.40) | Request Overage (Econ) | | \$ (3,039.60) |
| CDBG | Econ | Organization, Program Title | Project Contact | Program Description | Funding Requested | |
| | | Local Energy Alliance Program (LEAP) | Chris Meyer | Assisted Home Performance Worforce Development | \$ 29,238.00 | |
| | | Community Investment Collaborative (CIC) | Stephen Davis | Financial Management Program | \$ 15,000.00 | |
| | | Total Amount of Request | | | | \$ 44,238.00 |
| | | Total Projected Budget | | | | \$ 61,294.28 |
| Request Overage | | | | \$ (17,056.28) | | |
| CDBG | Public Services (15% Cap) | Organization, Program Title | Project Contact | Program Description | Funding Requested | |
| | | Public Housing Association of Residents (PHAR) | Brandon Collins | Resident Involved Redevelopment | \$ 34,000.00 | |
| | | Literacy Volunteers Charlottesville/Albemarle | Ellen Osborne | Beginning Level Workforce Development Tutoring | \$ 25,000.00 | |
| | | Total Amount of Request | | | | \$ 59,000.00 |
| | | Total Projected Budget | | | | \$ 62,905.05 |
| Request Overage | | | | \$ (3,905.05) | | |
| CDBG | Housing | Organization, Program Title | Project Contact | Program Description | Funding Requested | |
| | | Local Energy Alliance Prorgam (LEAP) | Chris Meyer | Cville Low-Income Assisted Home Performance | \$ 57,000.00 | |
| | | Total Amount of Request | | | | \$ 57,000.00 |
| | | Total Projected Budget | | | | \$ 61,294.28 |
| Request Overage | | | | \$ (4,294.28) | | |
| HOME | Organization, Program Title | Project Contact | Program Description | Funding Requested | | |
| | Local Energy Alliance Program (LEAP) | Chris Meyer | Cville Low-Income Assisted Home Performance | \$ 57,000.00 | | |
| | Habitat for Humanity | Ruth Stone | Affordable Housing Downpayment Assistance | \$ 24,000.00 | | |
| | Albemarle Housing Improvement Program (AHIP) | Cory Demchak | Charlottesville Critical Rehab Program | \$ 80,594.00 | | |
| | Total Amount of Request | | | | \$ 161,594.00 | |
| Total Projected Budget | | | | \$ 80,594.00 | | |
| Request Overage | | | | \$ (81,000.00) | | |

| CDBG-CV3 | Applicant | Score | Funding request | TF Recommendation 1 |
|--------------------------------------|-------------------|-------|-----------------|---------------------|
| | CRHA | 37.3 | \$ 320,000.00 | \$ 91,485.94 |
| | Habitat | 37.8 | \$ 90,000.00 | \$ 45,563.26 |
| | Pearl Transit | 26.75 | \$ 132,384.00 | \$ - |
| | <i>CIC (ECON)</i> | 34.2 | \$ 130,970.00 | \$ 130,970.00 |
| Total Amount Requested (ps) | | | \$ 542,384.00 | \$ 137,049.20 |
| Total Amount Requested (econ) | | | \$ 130,970.00 | |
| Total projected Budget (econ) | | | \$ 134,009.60 | |
| Total projected Budget (ps) | | | \$ 134,009.60 | |
| Request Overage (ps) | | | \$ (408,374.40) | |
| Requested Overage (econ) | | | \$ 3,039.60 | |

| CDBG Econ | Applicant | Score | Funding request | TF Recommendation 1 |
|-------------------------------|-----------|-------|-----------------|---------------------|
| | LEAP | 29.3 | \$ 29,238.00 | \$ 29,238.00 |
| | CIC | 34.2 | \$ 15,000.00 | \$ 32,056.28 |
| Total Amount Requested | | | \$ 44,238.00 | \$ 61,294.28 |
| Total projected Budget | | | \$ 61,294.28 | |
| Request Overage | | | \$ 17,056.28 | |

| CDBG Public Services | Applicant | Score | Funding request | TF Recommendation 1 |
|-------------------------------------|-------------------------------|-------|-----------------|---------------------|
| | PHAR | 39.33 | \$ 34,000.00 | \$ 34,000.00 |
| | LVCA | 39.33 | \$ 25,000.00 | \$ 25,000.00 |
| | Total Amount Requested | | | \$ 59,000.00 |
| Total projected Budget (15%) | | | \$ 62,905.05 | |
| Request Overage | | | \$ 3,905.05 | |

| CDBG Housing | Applicant | Score | Funding request | TF Recommendation 1 | |
|------------------------|-------------------------------|-------|-----------------|---------------------|--------------|
| | LEAP | 36.5 | \$ 57,000.00 | \$ 65,199.32 | |
| | Total Amount Requested | | | \$ 57,000.00 | \$ 65,199.32 |
| | Total projected Budget | | | \$ 61,294.28 | |
| Request Overage | | | \$ 4,294.28 | | |

| HOME | Applicant | Score | Funding request | TF Recommendation 1 |
|-------------------------------|-------------------------------|-------|-----------------|---------------------|
| | Habitat | 37.67 | \$ 24,000.00 | \$ 24,000.00 |
| | AHIP | 33.67 | \$ 80,594.00 | \$ 37,352.00 |
| | LEAP | 36.5 | \$ 57,000.00 | \$ 19,242.00 |
| | Total Amount Requested | | | \$ 161,594.00 |
| Total projected Budget | | | \$ 80,594.00 | |
| Request Overage | | | \$ (81,000.00) | |

SCORING RUBRIC FOR CDBG-CV3/CDBG/HOME GRANT PROPOSALS

Name of Applicant:

Name of Project:

| | Exemplary (3 Points) | Adequate (2 Points) | Needs Improvement (1 Point) | Missing Information (0 Points) | Score | Comments |
|------------------------------------|--|--|---|---|--------------|-----------------|
| Program/Project Description | Provides a clear description and clearly explains how it will address a Council Priority | Provides a description that adequately explains how it will address a Council Priority | Program/project description needs improvement | Proposal does not describe how it will address a Council Priority | | |
| Program/Project Goal | Provides a clear explanation of the goal. Identifies what will be provided to whom, how many. Provides demographic information of the beneficiaries and how they will meet the income guidelines | Provides an adequate explanation of the goal | Program/Project goal needs improvement. Barely identifies what will be provided to whom and how many. Barely provides demographic information and how the beneficiaries will meet the income guidelines | Goal is missing and/or not explained. Identification of beneficiaries, number of beneficiaries, demographic information, and information about how the beneficiaries will meet the income guidelines is missing | | |
| Need | Clearly describes how the program will directly address the needs. | Adequately describes how the program will directly address the needs using some local | Description of need needs improvement. Only state, regional, or national data | Does not describe how the program will directly address the needs and/or | | |

| | | | | | | |
|---------------------------------|--|--|--|---|--|--|
| | Provides local data to describe the needs of the community <u>and</u> the beneficiaries | data to describe the needs of the community <u>and</u> the beneficiaries | provided, data not specific to clients | does not provide data to describe the needs of the community and the beneficiaries | | |
| Outcomes | Clearly explains how proposed outcomes will be meaningful, client-focused and related to the service | Adequately explains how proposed outcomes will be meaningful, client-focused and related to the service | Explanation of how proposed outcomes will be meaningful, client-focused and related to the service needs improvement | Does not explain how proposed outcomes will be meaningful, client-focused and/or related to the service | | |
| Strategies | Provides evidence-based strategies for how the program/project will address the need | Adequately describes how strategies address need using researched best practices strategies at a minimum | Describes how strategies address need without information about best practices or research | Does not identify how strategies directly address need | | |
| Implementation Timeline | Timeline is detailed and realistic | Timeline is adequate | Timeline is limited or not realistic | No timeline provided and information is missing | | |
| Evaluation Plan | Provides a rigorous evaluation plan which informs ongoing work, explains metrics and why they are used | Provides a solid evaluation plan | Evaluates some elements of its work, but the evaluation is not thorough | Proposal does not provide an evaluation plan or the plan is insufficient | | |
| Demographic Verification | Proposal clearly describes how the agency will collect and verify <u>all</u> required information | Proposal adequately describes how the agency will collect and verify all required information | Proposal describes how the agency will collect and verify <u>some</u> required information | Proposal does not describe how the agency will collect and verify any required information | | |

| | | | | | | |
|---|--|---|--|---|--|--|
| Financial Benefits | Proposal describes how the program fully meets two financial benefits | Proposal describes how the program fully meets one financial benefit | Proposal describes how the program <u>partially</u> meets one to two financial benefits | Proposal does not describe how the program will provide a financial benefit | | |
| Collaboration | Proposal describes how the program collaborates with other organizations to achieve a common goal using defined deliverables and metrics (ex. Clear accountability, shared management, such as MOU's or formal partnership agreements) | Proposal describes formal agreements with more than two organizations describing how they cooperate, but does not share common deliverables or metrics. | Proposal describes collaboration informally with other organizations (ex. information sharing, resource sharing) | Proposal does not describe collaboration with other entities | | |
| Engagement/ Outreach Strategy | Proposal describes complete outreach and engagement strategies and explains how it will serve needy and underserved populations | Proposal describes some outreach and engagement strategies and how it will serve needy and underserved populations | Proposal explains that services are available to needy and underserved populations but program/project does not conduct outreach or engagement | Proposal does not provide strategies for outreach and engagement to needy and underserved populations | | |
| Priority Neighborhood Ridge Street | Proposal describes complete outreach strategies and program/project serves residents in the Priority Neighborhood | Proposal describes some outreach and program/project serves residents in the Priority Neighborhood | Proposal explains that services are available to priority neighborhood residents but program/project does not conduct outreach | Proposal does not provide strategies for outreach to priority neighborhood residents | | |

| | | | | | | |
|--|--|--|---|--|--|--|
| Organizational Capacity (STAFF ONLY – not included in scoring) | Organization demonstrated sufficient capacity and fully met projected outcomes in previous grant year | Organization demonstrated adequate capacity and almost met projected outcomes in previous grant year | Organization capacity needs improvement, did not meet projected outcomes | The organization demonstrated a lack of a capacity | | |
| Outstanding Funding (STAFF ONLY – included in scoring) | Organization expended all previous grant funding or is a new applicant with no prior CDBG/HOME/CDBG-CV dollars unspent. |  |  | Organization has been awarded grant funding from prior fiscal years and has been unable to spend all the funding. | | |
| Organizational Capacity | Proposal provides clear evidence of the capacity and ability to ensure timely performance and reporting | Proposal provides adequate evidence of the capacity and ability to ensure timely performance and reporting | Evidence of capacity and ability needs improvement. Does not address the question fully | Proposal does not provide evidence of the capacity and ability | | |
| Budget | Proposal clearly demonstrates: A. How requested funds will be applied to expense line items B. How the amount requested is reasonable C. That the overall program budget shows a direct | Proposal provides an adequate budget. Adequately addresses A, B, and C | Proposed budget needs improvement and barely addresses A, B, and/or C. Proposed budget needs improvement. | The proposal does not demonstrate how the requested funds will be applied to expense line items, how the amount requested is reasonable, and does not show a direct relationship with proposed service items | | |

| | | | | | | |
|----------------------------------|--|--|--|--|--|--|
| | relationship with proposed service items | | | | | |
| TOTAL SCORE (MAX SCORE = 45 PTS) | | | | | | |



CDBG Taskforce and SAT Subcommittee Meeting Minutes

Thursday, November 12th, 2020

3:30-5:30 PM

Virtual Meeting

AGENDA

1. Introductions/Housekeeping/Minutes
 - a. SAT Committee 3:30-4:15pm
 - b. CDBG Taskforce: 4:15-5:30pm
2. Review Application Scores & Create proposal budget.
 - a. CDBG-CV3 2020-2021
 - b. CDBG 2021-2022
 - c. HOME 2021-2022
3. Other Business
4. Public Comment

Staff Contact:

Erin Atak, Grants Coordinator (atake@charlottesville.gov), (434) 970-3093

CDBG Strategic Action Team (SAT) Minutes

ATTENDANCE:

| Taskforce Member | Present | Absent |
|-------------------------|----------------|---------------|
| Sue Moffett | X | |
| Kelley Logan | X | |
| Letitia Shelton | | X |
| Gretchen Ellis | X | |
| Diane Kuknyo | X | |
| Erin Atak | X | |

SAT Minutes

Grants Coordinator Erin Atak (EA) outlines the pre-application technical assistance process for the CDBG, HOME, and CDBG-CV3 grants. All applicants underwent an application workshop and a CDBG/HOME grant workshop session to review how to complete the web application, and the federal requirements for CDBG/HOME/CDBG-CV3.

12 applicants were met with during the mandatory technical assistance pre-application submittal phase, 8 applications were submitted for review.

EA states that one change was made to the coring rubric for all applications. This was to address the HUD timeliness requirement, (24CFR 570.902(a)). Applicants were told during the technical assistance meetings that applicants with outstanding CDBG and HOME funds may not be receiving as strong of a consideration in this review process. This change helps the City and subrecipients stay in compliance with HUD timeliness requirements and promote new applicants to join the CDBG and HOME application process.

EA states to the SAT members that they have the option to fully fund the CDBG econ applications, partially fund the applications, fund one application or not the other, or fund none of the applications.

Gretchen Ellis (GE) asks if the committee can fund an applicant more than what was requested.

EA: Yes – the Taskforce can check with Community Investment Collaborative and Local Energy Alliance Program staff in the audience to see whether they would be able to manage additional funds.

GE: Poses the question of whether the grants being awarded to microenterprises through CIC's application could be increased as we have been in this COVID state for an expended period of time – increasing the grant among would benefit businesses more.

CIC Staff member Anna speaks with the Taskforce and states that CIC would be able administer larger grants and could manage extra funding and could also help more businesses at the same small grant threshold depending on how the Taskforce decided.

GE makes a recommendation to move some of the CDBG econ overage funding into the CIC econ funding recommendation.

Sue Moffett (SM) states that she had difficulty with the LEAP application as there was an absence of data making it hard to measure effectiveness of the project aside from reviewing the purpose of the project.

GE: Poses a question for LEAP about whether that have previous experience with working with previously incarcerated individuals transition to the workforce. GE also mentions that LEAP's application is more focused in the target neighborhood.

Chris Meyer from LEAP addresses GE's questions, states they have experience with working with Home to Hope individuals. States that this is one strategy to build a workforce.

Diane Kuknyo (DK) asks Chris Meyer about whether the homes benefiting from the program will be rental properties with wealthy homeowners or low-income homeowners.

Chris Meyer from LEAP addresses DK's concern and states that this program will benefit low-income homeowners.

GE moves to fully funding LEAP and to funding CIC at the full amount along with adding the \$17,000 overage to CIC so that CIC could increase the number of microloans to the proposed businesses.

Kelly Logan (KL) seconds.

Moving to CDBG-CV3 Econ category

EA explains that the SAT members only review the economic development applications while the CDBG/HOME Taskforce review the public service and housing applications in accordance to the CDBG Citizen Participation Plan.

GE moves to fund CIC CDBG-CV3 application at the full \$130,970.00

SM seconds.

SAT recommends the final budget:

CDBG Econ
LEAP \$29,238

CIC \$32,056.28

CDBG-CV3

CIC \$130,970

SAT Committee is Adjourned.

CDBG/HOME Taskforce Minutes

ATTENDANCE:

| Taskforce Member | Present | Absent |
|----------------------------|----------------|---------------|
| James Bryant | X | |
| Taneaia Dowell | X | |
| Howard Evergreen | X | |
| <i>Belmont Rep: VACANT</i> | | X |
| Nancy Carpenter | | X |
| Emily Cone-Miller | X | |
| Matthew Gillikin | X | |
| Kem Lea Spaulding | X | |
| Helen Kimble | X | |
| Erin Atak | X | |

CDBG Minutes

Grants Coordinator Erin Atak (EA) outlines the pre-application technical assistance process for the CDBG, HOME, and CDBG-CV3 grants. All applicants underwent an application workshop and a CDBG/HOME grant workshop session to review how to complete the web application, and the federal requirements for CDBG/HOME/CDBG-CV3.

12 applicants were met with during the mandatory technical assistance pre-application submittal phase, 8 applications were submitted for review.

EA states that one change was made to the coring rubric for all applications. This was to address the HUD timeliness requirement, (24CFR 570.902(a)). Applicants were told during the technical assistance meetings that applicants with outstanding CDBG and HOME funds may not be receiving as strong of a consideration in this review process. This change helps the City and subrecipients stay in compliance with HUD timeliness requirements and promote new applicants to join the CDBG and HOME application process.

EA states that the SAT committee members made the funding recommendations for the econ applications.

CDBG Taskforce begins to review the CDBG public services applications

Howard Evergreen (HE) asks about how the taskforce can allocate the overage in public services

EA states that the overage can be directed toward another application in housing that may need it or be directed toward the Ridge Street Priority Neighborhood budgeted at \$150,000.

Kem Lea Spaulding (KLS) asks what is needed of the taskforce today.

EA explains that the Taskforce has the option to either fully fund, partially fund, or not fund the applicants, funds can also be moved to the Ridge Street priority neighborhood taskforce and to housing as needed.

Matthew Gillikin (MG) makes a funding recommendation to fully fund PHAR (\$34,000) and LVCA (\$25,000). MG states both applicants received the same score and fit within the 15% funding cap.

Taneaia Dowell (TD) seconds.

HE, KLS, and James Bryant (JB) also agreed.

KLS asks whether all the applications presented today are providing services only for the Ridge Street priority neighborhood.

EA explains that the grant is not exclusive to the Ridge street priority neighborhood. Some applicants are providing services within the target neighborhood, and others are providing services to City residents. The Ridge Street Priority neighborhood portion of the CDBG grant focuses solely in Ridge Street.

Emily Cone Miller (ECM) and MG make a funding recommendation to fully fund LEAP (\$57,000).

JB, TD, and HE second.

KLS asks whether LEAP is hiring Ridge Street residents for the job training program.

Chris Meyer from LEAP addresses this question, staff members come through the Home to Hope program. LEAP is asking for various funds from the CDBG econ and CDBG housing and HOME to service homes with energy efficiency improvements.

MG asks whether funds from the CDBG-CV3 could be moved to different funding categories.

EA answers that CDBG-CV3 is a separate grant and that those funds would need to remain separate from the CDBG and HOME.

HE and MG discuss briefly that Habitat for Humanity submitted two different applications for CDBG-CV3 and HOME, unlike LEAP who submitted the same application for multiple sources of funding. HE explains that Habitat applied for down payment assistance through the HOME grant and applied for a COVID relief rent/mortgage relief program through CDBG-CV3.

TD states a concern that she believes Habitat recruited only members through the Homeownership program.

Ruth Stone from Habitat addresses TD's question and states that the pathways to housing program through Habitat produces an applicant pool that needs financial empowerment that can be aided with CDBG and HOME.

MG makes one funding recommendation to fully fund Habitat (\$24,000) and give the remainder of the budget to AHIP.

HE ask if Habitat has outstanding funds.

EA states that a reasoning would need to be given to HUD as to why the City continues to re-award organizations with outstanding funds dating back to 2018. EA states that Habitat has outstanding down payment funds totaling \$14,813.52.

HE states that AHIP's proposal is to complete one home. Partially funding this application might make this hard to accomplish. He adds that LEAP's application aims to help more people with the funding requested.

TD agrees with HE's comments, and states that Habitat has not spent all the prior funding and is leveraging to complete said projects with some of the other projects that were funded earlier.

Cory Demchak from AHIP typically helps 10-20 homes with federal funds and assisting 1 home eliminates a lot of the admin work.

HE asks LEAP how partially funding their HOME application would affect their program.

Chris Meyer from LEAP states that a partial funding would reduce the number of homes that would get addressed.

The Taskforce moves to vote fully funding Habitat for Humanity (\$24,000).

HE asks EA whether this will work with the unspent funds.

EA states that if the Taskforce moves to recommend fully funding an application, an explanation will be given to HUD. The main concern is addressing the unspent funds with HUD and avoiding having subrecipients having to pay back HUD.

TD asks whether COVID-19 has affected projects.

EA states yes.

Emily Cone Miller (ECM) asks whether HOME funds could get moved to another funding category.

EA states that HOME funds need to remain in HOME (No).

MG makes a funding recommendation to fully fund Habitat (\$24,000) again. MG points out that the AHIP total rehab costs was over \$200,000 and that funding the proposal regardless of the amount would only assist partially.

ECM proposes funding LEAP the remaining 1/3 of the funds, and AHIP with the remaining 2/3 funds.

HE asks if AHIP received partial funding, would this affect the project?

Cory Demchak from AHIP states that receiving partial funding could affect this project specifically, but AHIP could switch to providing homeowner rehabs within the Ridge Street Neighborhood if that was the case.

Helen Kimble (HK) makes a funding recommendation to fund AHIP at 2/3 of the remaining HOME funds and fund LEAP with 1/3 of the remaining funds.

HE adds that the taskforce move to take the overage from the public services and housing category and place it into the LEAP application as they are not receiving full funding in the HOME category.

Taskforce approves: AHIP (\$37,352), LEAP (19,242) for HOME.

Taskforce begins to review CDBG-CV3

MG states that based on the scoring the fund should be divided between CRHA and Habitat. Pearl Transit's application scored significantly lower than the other two.

Members of the Taskforce state that the lack of clarity within the application poses concern.

MG asks if CRHA would be able to accomplish their activity on partial funding.

Kathleen Glen Matthews from CRHA states that the organization can scale back the scope of work offered within the application and pursue other sources of funding.

MG states that the rental assistance portion of the CRHA application was the most appealing given the current health crisis.

John Sales from CRHA speaks with the Taskforce about the eviction diversion program.

JB asks John about the role of the Housing Stabilization Coordinator.

John states that this role would work directly with families to work on repayment agreements and affordability.

JB states that homeowner eviction education during this time is a priority.

The Taskforce discusses on the CRHA application and the Habitat for Humanity covid application.

EA reminds the Taskforce that splitting up funds between organizations means less of the scope of work for both organizations would get accomplished, regarding CRHA and Habitat's application.

HE proposes splitting the funds between the two organizations (CRHA and Habitat). The funding recommendation is made that Habitat and CRHA both receive \$67,004.80.

ME mentions that he does not mind splitting the funds between the organizations and suggests that CRHA prioritize emergency rental relief.

Taskforce members discuss whether the funding recommendation should change.

TD proposes of funding CRHA with 2/3 of the public services covid funding, and the remaining 1/3 of the funding would be recommended to Habitat. TD explains that Habitat received funds in the HOME category.

TD also proposes to move the overage of econ funds to CRHA CDBG-CV3 application as there are no outstanding grant funds unspent with this applicant.

HE agrees.

Taskforce discusses on whether to split the public services funding evenly between CRHA and Habitat, or to divide it into thirds.

EA reminds the Taskforce that HUD needs justification from the Taskforce as to why the committee is recommending awarding an organization with outstanding grant funds.

Taskforce members move to fund CRHA with \$91,485.94 and fund Habitat \$45,563.26. CRHA was recommended to receive the funding overage.

Meeting Adjourned.

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



| | |
|------------------|---|
| Agenda Date: | Tuesday, January 19, 2021 |
| Action Required: | Review the recommended amendments to the Human Rights Ordinance Adopted by the Human Rights Commission and approve the amendments or provide feedback for further revision. |
| Presenter: | Mary Bauer, Chair Charlottesville Human Rights Commission |
| Staff Contacts: | Todd Niemeier Community Outreach and Investigation Specialist Interim Director, Human Rights Commission Interim Manager, Office of Human Rights |
| Title: | Human Rights Ordinance Recommended Amendments |

Background:

City Council approved the current Charlottesville Human Rights Ordinance (Chapter 2, Article XV of the Code of the City of Charlottesville) on May 20, 2013. The Charlottesville Human Rights Commission (HRC) proposes several amendments to the Human Rights Ordinance (hereafter the Ordinance) for consideration and approval by City Council. The attached amendments mirror recent changes in state statutes, provide clarification regarding the investigation and issuance of findings pertaining to individual complaints of discrimination, and ensure that the Ordinance is better aligned with City Council's Vision and Strategic Plan.

Discussion:

During publicly noticed meetings in 2019 and 2020, the HRC considered public feedback regarding the effectiveness of the HRC and the Office of Human Rights (OHR). Specifically, there is concern about addressing individual complaints of discrimination and systemic issues of discrimination. At the regular meeting on July 16, 2020, the HRC Chair recommended the formation of an ad hoc committee to work with the City Attorney's Office and OHR staff to draft amendments to the Ordinance aimed at addressing some of the publicly raised concerns and recent changes in state law.

The ad hoc committee met with the City Attorney's Office and OHR staff on August 4, September 8, and October 6, 2020, to discuss and draft revised Ordinance language for presentation to the full HRC. The City Attorney's Office reviewed all draft Ordinance language for legality and alignment with state law, prior to presentation to the HRC for discussion. The ad hoc committee presented the draft Ordinance amendments to the HRC during the publicly noticed regular meetings on September 17, and October 15, 2020. During these meetings, the HRC discussed, and voted to adopt, the proposed amendments included in the attached copy of the Ordinance. OHR staff submitted the attached copy of the Ordinance, containing the amendments adopted by the HRC, for final review by

the City Attorney on October 30, 2020. If City Council approves the recommended revisions to the Ordinance, the HRC and OHR will develop a public outreach plan to raise awareness of the changes and how they might impact the local population.

Alignment with City Council’s Vision and Strategic Plan:

The Ordinance amendments, adopted by the HRC and recommended to City Council for approval, align with Council’s vision of the City as a leader in social justice and healthy race relations, and a City that is flexible and progressive in anticipating and responding to the needs of our citizens. Additionally, the adopted amendments align with the following Goals and Objectives within the Strategic Plan:

- Goal 1: Inclusive, Self-Sufficient Community
 - Objective 1.3: Increase affordable housing options
 - The amended Ordinance contains language that increases protections against housing discrimination, enabled by recent changes to the Virginia Fair Housing Law (Virginia Code Title 36, Chapter 5.1)
 - Relevant amended Ordinance sections
 - Sec. 2-431 (a), as to removal of housing to separate provision
 - Sec. 2-431 (b), pursuant to Va. Code Ann. § 36-96.1
 - Sec. 2-431 (c), pursuant to Va. Code Ann. § 36-96.1
 - Sec. 2-431 (d), pursuant to Va. Code Ann. § 36-96.1:1
 - Sec. 2-437 (b) as to removal of referral to outside housing agency
 - Objective 1.5: Intentionally address issues of race and equity
 - The amended Ordinance contains language that increases protections against discrimination within all of the protected activities and protected classes, enabled by recent changes to the Virginia Human Rights Act (Virginia Code Title 2.2, Chapter 39), the Virginia Fair Housing Law (Virginia code Title 36, Chapter 5.1), and Virginia Code, Title 15.2, Chapter 9, §15.2-965.
 - Relevant amended Ordinance sections
 - Sec. 2-431 (a); pursuant to Va. Code Ann. § 2.2-3900
 - Sec. 2-431 (b); pursuant to Va. Code Ann. § 36-96.1
 - Sec. 2-431 (c) pursuant to Va. Code Ann. § 2.2-3901
 - Sec. 2-431 (d), pursuant to Va. Code Ann. § 36-96.1:1
 - Sec. 2-437 (b) as to removal of referral to outside housing agency
- Goal 5: Responsive Organization
 - Objective 5.3: Provide responsive customer service
 - The amended Ordinance contains revisions that:
 - Allow more diversity and inclusiveness within the body of the HRC;
 - Sec. 2-432 (a)
 - Prioritize assistance to individuals who believe they are the victim of unlawful discrimination;
 - Sec. 2-433 (a)
 - Sec. 2-433 (c)
 - Maximize the jurisdiction of the OHR (concurrent with state and

federal law);

- Sec. 2-431 (a); as to removal of housing to separate provision.
- Sec. 2-431 (b), pursuant to Va. Code Ann. § 36-96.1
- Sec. 2-431 (c), pursuant to Va. Code Ann. § 2.2-3901
- Sec. 2-431 (d), pursuant to Va. Code Ann. § 36-96.1:1
- Sec. 2-437 (b), as to removal of referral to outside housing agency
- Clarify the process for investigation and issuance of findings regarding individual complaints of discrimination; and
 - Sec. 2-437 (b)
 - Sec. 2-437 (c)
 - Sec. 2-437 (d)
 - Sec. 2-437 (f)
- Adopt LGBTQ+ inclusive pronouns throughout the Ordinance.
 - Sec. 2-437 (c)
 - Sec. 2-439.1 (f)
 - Sec. 2-439.1 (g)

Community Engagement:

While the adopted amendments to the Ordinance are a response to changes in state law, as well as general best practices with regard to procedures and language, the HRC did consider public feedback when making its recommendations. On March 9, 2020, the HRC received a copy of a letter sent to City Council and the City Manager from Mr. Walt Heinecke, and endorsed by several local social justice advocacy groups, outlining nine suggestions for the restructuring of the HRC and OHR. Mr. Heinecke also shared public comment regarding the letter of suggestions during HRC regular meetings on June 18, August 20, and September 17, 2020. As noted in the “Discussion” section, the HRC discussed feedback from the public relating to the Ordinance revisions at several of its regular meetings during 2019 and 2020. All regular meetings of the HRC are open to the public. OHR staff posts public notice of all regular meetings on the City website calendar. All of the agendas, agenda packets, and minutes are available to the public via the City website. A draft of the revised Ordinance, which includes all of the amendments adopted by the HRC, is included in the draft minutes of the HRC regular meeting on October 15, 2020, which are posted on the City website.

Budgetary Impact:

Council’s approval of the amended Ordinance has no immediate fiscal impacts. The FY20 Budget includes funding for the current vacant position of OHR Manager/HRC Director. This position, if filled, would better equip the OHR and HRC to handle individual complaints of discrimination.

Recommendation:

The HRC recommends approval of the adopted amendments to the Human Rights Ordinance. OHR staff concurs with the HRC recommendation.

Alternatives:

If Council chooses not to approve the amendments to the Ordinance adopted by the HRC, the enforcement authority of the OHR and HRC will be less robust than what is allowable under current state laws that address illegal discrimination. As a result, citizens seeking assistance with

individual complaints of discrimination that would have been covered by the proposed amendments will necessarily be referred to other, potentially non-local, agencies.

The HRC respectfully requests a written response from Council detailing the reasons for the complete or partial disapproval of any of the proposed amendments so that it may attempt to revise the Ordinance language for future consideration by Council.

Attachments:

Attached please find a copy of the Charlottesville Human Rights Ordinance containing the amendments adopted by the HRC for recommendation to Council for approval.

AN ORDINANCE

APPROVING AMENDMENTS TO CHAPTER 2 (ADMINISTRATION) OF THE CODE OF THE CITY OF CHARLOTTESVILLE (1990), AS AMENDED, ARTICLE XV (HUMAN RIGHTS) SEC. 2-431 (UNLAWFUL DISCRIMINATION PROHIBITED); SEC. 2-432 (HUMAN RIGHTS COMMISSION); SEC. 2-433 (ROLE OF THE HUMAN RIGHTS COMMISSION); SEC. 2-437 (DUTIES AND RESPONSIBILITIES- INVESTIGATION OF INDIVIDUAL COMPLAINTS AND ISSUANCE OF FINDINGS); AND SEC. 2-439.1 (ENFORCEMENT AUTHORITY-THE ROLE OF THE COMMISSION) TO UPDATE THE ORDINANCE TO REFLECT CHANGES TO THE VIRGINIA HUMAN RIGHTS ACT (VIRGINIA CODE TITLE 2.2, CHAPTER 39), THE VIRGINIA FAIR HOUSING LAW (VIRGINIA CODE TITLE 36, CHAPTER 5.1), and VIRGINIA CODE, TITLE 15.2, CHAPTER 9, §15.2-965, AS AMENDED.

WHEREAS, by recorded vote, the Human Rights Commission initiated certain amendments to the text of the City’s Human Rights Ordinance, Sections 2.431; 2-434; 2-433; 2-437; and 2-439.1 (“Proposed Text Amendments”); and

WHEREAS, a public meeting was held to discuss and receive comments on the Proposed Text Amendments on June 18, August 20, and September 17, 2020 and the proposed amendments were presented to, discussed and approved at the October 15, 2020 public meeting of the Human Rights Commission for recommendation to Charlottesville City Council; and

WHEREAS, after consideration of the Human Rights Commission recommendations and other factors and considerations, this Council is of the opinion that that the Proposed Text Amendment has been designed to comply with recent changes to the Virginia Human Rights Act (Virginia Code Title 2.2, Chapter 39), the Virginia Fair Housing Law (Virginia code Title 36, Chapter 5.1), and Virginia Code, Title 15.2, Chapter 9, §15.2-965 of the Code of Virginia (1950), as amended, and this Council hereby finds and determines that: (i) the public necessity, convenience, and general welfare require the Proposed Text Amendment, and (ii) the Proposed Text Amendment is consistent with the Council’s vision of the City as a leader in social justice; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that: Sections 2.431; 2-434; 2-433; 2-437; and 2-439.1 of the Code of the City of Charlottesville (1990), as amended, is hereby amended and reenacted as follows:

Article XV. Human Rights

Sec. 2-430. Short title.

This Article shall be known and referred to as the Charlottesville Human Rights Ordinance.

Sec. 2-431. Unlawful discrimination prohibited.

(a) It shall be unlawful and a violation of this article for any person, partnership, corporation or other entity to engage in discrimination in **housing**, employment, public

accommodations, credit, and private education on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, sexual orientation, gender identity, pregnancy, childbirth or related medical conditions, national origin, age, marital status, status as a veteran, or disability.

(b) It shall be unlawful and a violation of this article for any person, partnership, corporation or other entity to engage in discrimination in housing on the basis of race, color, religion, national origin, sex, elderliness, familial status, source of funds, sexual orientation, gender identity, status as a veteran, or disability.

(c) ~~As used herein, the term “discrimination on the basis of sex” is defined to include, but not be limited to, discrimination on the basis of gender identity, transgender status or sexual orientation.~~ As used in herein, the term "gender identity" means the gender-related identity, appearance, or other gender-related characteristics of an individual, without regard to the individual's designated sex at birth.

(d) As used herein, the term “source of funds” means any source that lawfully provides funds to or on behalf of a renter or buyer of housing, including any assistance, benefit, or subsidy program, whether such program is administered by a governmental or nongovernmental entity.

(e) As used herein, the term “unlawful discriminatory practice” includes conduct in violation of any comparable Virginia or federal statute or regulation governing unlawful discrimination.

Sec. 2-432. Human Rights Commission.

(a) There is hereby created in the City of Charlottesville a Human Rights Commission, consisting of no less than nine (9) and not more than fifteen (15) members appointed by the City Council. The Commission membership shall be broadly representative of the City’s ~~population demographic composition,~~ with consideration of racial, gender (including gender identity, transgender status, and sexual orientation), religious, ethnic, disabled, socio-economic, geographic neighborhood and age groups ~~within the City;~~ with priority given to City residents, as well as to applicants with demonstrable ties to the City. Of the members first appointed, at least three shall be appointed for terms of three years, at least three shall be appointed for terms of two years, and at least three shall be appointed for terms of one year. Thereafter members shall be appointed for terms of three years each. Any vacancy shall be filled by the City Council for the unexpired portion of a term. Following notice to the member, any member of the Commission may be removed for good cause by a majority vote of City Council.

(b) The Commission shall elect from its members a chair, a vice-chair, and such other officers as the Commission may deem appropriate. The Commission may also adopt rules and procedures to govern the conduct of its affairs.

(c) Members of the Commission shall serve without compensation, but funds may be appropriated in the City’s annual budget for reasonable and necessary expenses to be incurred by Commission in the conduct of its prescribed functions.

(d) All meetings of the Commission shall be advertised in advance and in the manner required by law, and shall be open to the public except for meetings lawfully closed pursuant to the Virginia Freedom of Information Act. At the beginning and at the end of each of its public meetings the Commission will receive public comment in accordance with City Council’s “Rules for Public Participation”.

(e) The Commission may, in its discretion, delegate any of its duties or responsibilities hereunder to a panel of not less than three Commissioners.

(f) There shall be a full-time Director of the Commission, who shall be appointed by the City Manager with the advice and consent of the Commission and who shall serve full time in that capacity. The Director will be responsible for and report to the Commission in the day-to-day operational conduct of the Commission's activities. The Director shall report directly to the City Manager for administrative and fiscal matters. The City Manager shall delegate to the Director the authority to employ such additional staff as authorized and funded by the City Council, in order for the Commission to fulfill effectively its obligations under this Ordinance.

(g) All City departments, boards and commissions shall cooperate with and provide assistance to the Commission, including the provision of information in response to reasonable requests from the Commission.

(h) Legal counsel shall be provided to the Commission and its staff through the Office of the City Attorney. The City Council may authorize retention of outside counsel where deemed appropriate upon recommendation of the City Attorney.

Sec. 2-433. Role of the Human Rights Commission.

The role of the Human Rights Commission is to act as a strong advocate for justice and equal opportunity by providing citywide leadership and guidance in the area of civil rights. The Commission will:

(a) Assist individuals who believe they are the victim of an act of unlawful discrimination within the City; ~~Identify and review policies and practices of the City of Charlottesville and its boards and commissions and other public agencies within the City and advise those bodies on issues related to human rights issues;~~

(b) Collaborate with the public and private sectors for the purpose of providing awareness, education and guidance on methods to prevent and eliminate discrimination citywide;

(c) Identify and review policies and practices of the City of Charlottesville and its boards and commissions and other public agencies within the City and advise those bodies on issues related to human rights issues; ~~Assist individuals who believe they are the victim of an act of unlawful discrimination within the City;~~

(d) Make recommendations regarding the City's annual legislative program, with an emphasis on enabling legislation that may be needed to implement programs and policies that will address discrimination;

Sec. 2-434. Duties and responsibilities – Community dialogue and engagement.

(a) The Commission will serve as a forum for the discussion of human rights issues, and be responsible for conducting ongoing efforts to engage community members in an open, honest and creative dialogue regarding issues of equity and opportunity, including but not limited to issues considered by the City's Dialogue on Race initiative.

(b) The Commission may conduct or engage in educational and informational programs for the promotion of mutual understanding, reconciliation and respect between all classes of individuals protected by this ordinance and the larger Charlottesville community.

Sec. 2-435. Duties and responsibilities – Systemic issues.

(a) The Commission will be responsible for identifying and reviewing policies, practices and systems of an institutional nature that:

(1) May be unlawful discriminatory practices; or,

(2) May not constitute unlawful discriminatory practices but nevertheless which produce disparities that adversely impact affect individuals on the basis of a status such as their race, color, religion, sex, pregnancy, childbirth or related medical conditions, national origin, age, marital status, criminal record, income or disability.

(b) Any review undertaken pursuant to this section may be initiated at the request of any other public or private entity, or by the Commission on its own initiative.

(c) The Commission may conduct its own research and review of existing studies and literature, collaborate with other research organizations, organize public focus groups and hold such hearings as may be necessary to identify policies, practices and systems as referenced in (a), above. For each such identified policy, practice or system, the goal of the Commission will be to formulate recommendations and to propose concrete, actionable reforms that will eliminate discriminatory practices or the adverse effects of lawful other practices.

Sec. 2-436. Reserved.

Sec. 2-437. Duties and responsibilities – Investigation of individual complaints and issuance of findings.

(a) The Director will develop and implement a central intake mechanism for receiving and processing individual complaints that allege an unlawful discriminatory practice in the City.

(b) ~~In cases where investigation and remediation are already available in the City, such as employment discrimination complaints within the jurisdiction of the Equal Employment Opportunity Commission (“EEOC”) or fair housing complaints addressed by the Piedmont Housing Alliance, the complaint will be referred to that agency so that investigation and enforcement may be initiated by those bodies, which will offer services in the City and, to the extent allowed by law, report their findings to the Commission. For~~ complaints alleging an unlawful discriminatory practice within the enforcement jurisdiction of the City, defined herein as within the corporate limits of the City and as authorized by state and federal statutes, the Director or other designated professional staff are authorized to undertake further action as detailed in Sec. 2-437 (c). For complaints alleging an unlawful discriminatory practice that falls outside the jurisdiction of the City, the Director or other designated professional staff will refer the complaint to the appropriate state or federal agency.

(c) ~~For all other complaints alleging an~~ Upon determination that an alleged unlawful discriminatory practice falls within the enforcement jurisdiction of the City, as defined herein within the corporate limits of the City, the Director or other designated professional staff will conduct, as authorized by this ordinance, an initial fact-finding inquiry to determine jurisdiction. fact-finding, mediation, conciliation, and, if necessary, full investigation of the complaint as he or she deems appropriate to ascertain the facts underlying the charge of discrimination, provided that the The complaint may be dismissed by the Director without further action investigation if it fails to adequately allege a violation of this ordinance or is otherwise deficient on its face. If Following the initial fact-finding inquiry, if the complaint is not dismissed, and the

Complainant wishes to pursue further action, the Director will serve a copy on each respondent named therein. Said copy shall specify the allegation, citing the evidence that supports further action, and indicating the action to be taken. Further action, as authorized by this ordinance, may include mediation, conciliation, and formal investigation of the complaint, as deemed appropriate by the Director. Upon completion of a formal ~~the initial~~ investigation, the Director shall render a written determination of whether there is probable cause to believe a violation of this ordinance has occurred, and the facts supporting such determination. The written determination shall promptly be served on the parties.

(d) If the Director determines that further action is appropriate ~~that there is probable cause to believe a violation has occurred~~, the Director will propose an initial meeting between the parties for the purpose of exploring a resolution of the complaint through voluntary mediation or other informal means. Nothing herein shall be interpreted as requiring any party to participate in mediation or any other conciliatory efforts. Materials used and communications made during a mediation or informal conciliation shall be confidential, and shall not be disclosed to the public by the Director, the Commission or its staff unless disclosure is authorized in writing by all parties to the dispute.

(e) If the mediation or conciliation is concluded to the satisfaction of both parties, the complaint will be considered resolved upon the parties' execution of a written conciliation or settlement agreement. Unless all parties agree otherwise, the execution of a written agreement is solely for the purpose of settling a disputed claim and does not constitute an admission by any party that the law has been violated. No further action on the initial complaint will be taken by the Commission or its staff once the agreement is executed.

(f) If mediation or conciliation is not successful, and the Complainant wishes to pursue further action, the Director or designee may conduct ~~further~~ a formal investigation for the purpose of rendering a written determination as to whether there is probable cause to believe a violation of this ordinance occurred, and the facts supporting such determination. ~~or,~~ If further investigation is not warranted, the Director may either dismiss the complaint as not constituting a violation. ~~or~~ After a written determination has been served on both parties, the Director may either close the case or proceed with the preparation of materials for consideration by the Commission, as provided in section 2-439.1 (b).

(g) In order to fulfill the requirements of this section, the City Manager is authorized to contract on behalf of the City with any objective, neutral third party qualified to assess allegations of discriminatory conduct as prohibited in section 2-431, for the purpose of receiving complaints, conducting investigations, rendering written determinations of whether there is probable cause to believe a violation of this ordinance has occurred, conducting mediations or conciliations of complaints and advising the Director of the Commission of the results of any investigation, mediation or conciliation of complaints.

Sec. 2-438. Reserved.

Sec. 2-439.1. Enforcement authority – The role of the Commission.

(a) If the Director determines that there is insufficient probable cause to believe a violation of this ordinance has occurred, the Director shall dismiss the complaint and advise the complainant in writing that such dismissal shall become final unless, within ten (10) business days of receipt of notice of the dismissal, the complainant files with the Commission a request for a review of the

determination of the Director. On written petition of the complainant the Commission may review the Director's conclusion, and may either overrule or affirm the finding of no probable cause. The parties may submit such additional information as they desire for the Commission's consideration. If the Commission determines that probable cause exists, it shall direct the Director to continue the investigation or proceed with conciliation efforts.

(b) If the Director determines that probable cause to believe a violation did occur and either party declines to participate in mediation or other informal means of resolving the complaint, or if such efforts are attempted but unsuccessful, the Director shall prepare a written summary of the evidence on which the determination of probable cause is based, and shall recommend appropriate remedies for the discriminatory actions in a report to the Commission. The Commission shall determine by majority vote whether to hold a public hearing on the complaint. The Commission shall base its determination on its judgment as to how enforcement of this ordinance would be best served. If the Commission determines not to hold a public hearing, it shall either dismiss the complaint or take such action as it deems appropriate and consistent with the purposes of this ordinance and the powers of the Commission hereunder.

(c) If a hearing is to be held, the Commission shall promptly notify the parties of the time, date and location of the hearing and serve upon them a statement of the charges against the respondent, the Director's summary of the evidence and recommended remedies, and the issues to be considered at the hearing. The Commission will have the option to consider all of the allegations and issues set forth in the complaint or, in its discretion, may limit the scope of the hearing to one or more of the allegations or issues. The notice and statement shall be served no later than 14 days prior to the date of the hearing. Hearings of the Commission may be held before the entire Commission or before designated hearing panels, consisting of three or more members of the Commission, as the Commission in its discretion may determine. The Chair or a Commissioner designated by the Chair shall preside over the public hearing, which shall be open to the public.

(d) Whenever the Commission has reasonable cause to believe that any person has engaged in or is engaging in any unlawful discriminatory practice, and the Commission, after a good faith effort to obtain the data and information necessary to determine whether a violation has occurred, has been unable to obtain such information, it may request the City Attorney to apply to the judge of the circuit court of the jurisdiction in which the respondent resides or is doing business for a subpoena *duces tecum* against any person refusing to produce such data and information. The judge of the court, upon good cause shown, may cause the subpoena to be issued. Any person failing to comply with such subpoena shall be subject to punishment for contempt by the court issuing the subpoena. For purposes of this section, "person" includes any individual, partnership, corporation, association, legal representative, mutual company, joint stock company, trust, unincorporated organization, employee, employer, employment agency, labor organization, joint labor-management committee, or an agent thereof.

(e) In cases to be heard by the Commission the complainant and the responding parties shall be entitled:

- (1) To file written statements or arguments with the Commission prior to the hearing;
- (2) To be represented by privately retained counsel of his or her choice;
- (3) To present his or her case or defense by oral or documentary evidence, to be given under oath or by affirmation;

(4) To submit rebuttal evidence; and

(5) To conduct such cross-examination as may be required for a full and true disclosure of the facts. Any oral or documentary evidence may be received, but the Commission as a matter of policy shall provide for the exclusion of irrelevant, immaterial or unduly repetitious evidence. The Commission shall not be bound by the strict rules of evidence prevailing in the courts of law or equity.

(f) The Director shall be responsible for assuring the development of the evidentiary record before the Commission and may introduce evidence, examine or cross-examine witnesses, or make argument if ~~he or she~~ they deems it advisable in order to fully apprise the Commission of the facts or the applicable law. The Commission shall keep a full record of the hearing, which record shall be public and open to inspection by any person unless otherwise provided by any applicable law or regulations. Any party may request that the Commission furnish such party a copy of the hearing record and shall reimburse the Commission for the cost of producing the copy. In matters where any party is represented by counsel, the office of the City Attorney shall provide an attorney as counsel to the Commission who will also assist the Director in preparing the case.

(g) If, after the hearing, the Commission determines by a preponderance of the evidence that the respondent has committed or is committing the alleged violation(s) of this ordinance, the Commission shall state its findings and may issue recommendations, to be served promptly on the parties, which recommendations may include notice to the respondent to cease and desist from such violation(s) and to take such action as may be authorized by law to effectuate the purpose of this ordinance, including but not limited to the payment by respondent of compensatory damages to any person or persons found by the Commission to be so entitled by reason of the violation(s) of this ordinance, or the placement or restoration of any person in or to such status in which the Commission finds ~~he or she~~ they would be but for respondent's violation(s) of this ordinance.

(h) If, after receiving the evidence presented at the hearing, the Commission finds that the respondent has not engaged in the alleged violation(s) of this ordinance, the Commission shall state its findings and shall dismiss the complaint. Prompt notice of such action shall be given to the parties.

(i) Nothing herein shall be construed as authorizing the Commission to issue subpoenas, award damages or grant injunctive relief.

Sec. 2-439.2. Enforcement authority – Court enforcement.

(a) If the Commission finds that a respondent has committed a violation of this ordinance and determines that appropriate remedial measures have not been taken, the Commission, through the City Attorney, and subject to approval by the City Council, may file an appropriate action in any court of competent jurisdiction to prove, *de novo*, that the respondent violated this chapter; secure compliance with this chapter; and/or obtain appropriate relief available under any applicable federal or state statute or regulation including, but not limited to an award of injunctive relief, compensatory and / or punitive damages and a recovery of costs and attorney's fees for any person, including the City, injured as a result of a violation of this chapter.

(b) If the City Council approves the institution of any proceeding in court, the proceeding shall be brought in the name of the City Council and the Human Rights Commission of the City of Charlottesville.

Sec. 2-440. Confidentiality.

It shall be unlawful for any Commissioner, officer, employee, contractor or staff member of the Commission to disclose or make public any complaints, investigative notes, or other correspondence and information furnished to the Commission or its staff in confidence with respect to a complaint, an investigation or conciliation process involving an alleged unlawful discriminatory practice. A violation of this section shall be a Class 3 misdemeanor.

Sec. 2-441. Annual Report.

The Commission shall make an annual comprehensive report to City Council that outlines its efforts during the preceding year in the areas of identifying and addressing systemic or institutional discrimination; processing individual complaints of unlawful discrimination; and facilitating a community dialogue regarding issues of human rights. The report shall also outline the Commission’s work plan for the ensuing year, which shall be subject to approval or modification by City Council.

Sec. 2-442. Severability.

The provisions of the Article are severable; and if any provision, sentence, clause, section or part thereof is held illegal, invalid, unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Article, or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Article would have been adopted if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included therein, and if the person or circumstances to which the chapter or any part thereof is inapplicable had been specifically exempted therefrom.

Sec. 2-443. Reserved.

Text Legend

| |
|---|
| <p>Bold Strike Through = deleted language <u>Underline</u> = new language Existing language</p> |
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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



| | |
|------------------|--|
| Agenda Date: | January 19, 2021 |
| Action Required: | Resolution |
| Presenter: | Chris Gensic, Parks and Recreation |
| Staff Contacts: | Chris Gensic, Parks and Recreation Ryan Davidson, Office of Budget and Performance Management |
| Title: | Ragged Mountain Land Acquisition - \$65,000 (grant funded) |

Background:

The City of Charlottesville, through Parks and Recreation, has received a grant from the Virginia Outdoors Foundation (VOF) to assist with the acquisition of five additional acres of forested land adjacent to the Ragged Mountain Reservoir property. The match for this project comes in the form of funds remaining from the previous US Department of Agriculture (USDA) grant through the Community Forest Program used to acquire the 144 acres adjacent to these five acres.

Discussion:

The City of Charlottesville became aware of property for sale adjacent to the Ragged Mountain Reservoir a few years ago. With assistance from the Piedmont Environmental Council (PEC) the landowner agreed to sell the property if the City is awarded the VOF grant. The USDA grant program is intended to preserve forest properties to be used for recreation and education. The forest management plan already developed for the previous acquisition will be amended slightly to include this land, and it will be developed to primarily include trail system layout and plans for how to provide access and interpretation for environmental education.

Community Engagement:

The master plan for Ragged Mountain has a primary element related to preservation of forest and water resources. This acquisition opportunity will further the preservation goal and expand recreation opportunities. This will also provide for environment education opportunities for City and County elementary, secondary, and college students due to the property's proximity to so many schools.

Alignment with City Council's Vision and Strategic Plan:

Preservation of the property will further the council vision statement of being a Green City with an extensive natural trail system, along with healthy rivers and streams, and further Strategic Plan objective 3.4 "Be responsible stewards of natural resources".

Budgetary Impact:

There is no impact to the General Fund. Funds will be received and expensed in the Capital Improvement Fund. The match is provided from remainder funds from a UDSA Community Forest grant and does not include local dollars. Local donors have contributed to cover the legal fees (survey/appraisal, etc.) and the grants provide the funding for purchase. Long term maintenance will be limited to trail maintenance performed by City staff that already manages the adjacent trail systems. The City paid only for the title report (\$350.00) from the existing trail and land acquisition CIP fund.

Recommendation:

Staff recommends approval of the purchase of the property

Alternatives:

The property will not be acquired.

Attachments:

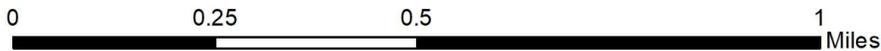
Map of property to be acquired.
Resolution to acquire property



5 acre parcel adjacent to Heyward Properties Charlottesville, VA Parcel 07500-00-00-047A0 Assessed Value \$52,100

Legend

- Roads
- County Park
- park_parcel
- RMNA Boundary
- HeywardProperties
- Property Lines



The geographic data layers produced by the City of Charlottesville are provided as a public resource. The City makes no warranties, expressed or implied, concerning the accuracy, completeness or suitability of this data, and it should not be construed or used as a legal description. The information displayed is a compilation of records, information, and data obtained from various sources, and the City is not responsible for its accuracy or how current it may be. Every reasonable effort is made to ensure the accuracy and completeness of the data.

Pursuant to Section 54.1-402 of the Code of Virginia, any determination of topography or contours, or any depiction of physical improvements, property lines or boundaries is for general information only and shall not be used for the design, modification or construction of improvements to real property or for flood plain determination.

Prepared By: Allyson Manson-Davies (VSB#42996)
Charlottesville City Attorney's Office
P.O. Box 911, Charlottesville, Virginia 22902
Albemarle County Tax Map No.: 75, Parcel 47A

Consideration: \$95,000.00

This deed is exempt from state recordation taxes imposed by Virginia Code Sec. 58.1-801 pursuant to Virginia Code Sec. 58.1-811(A)(3).

WARRANTY DEED OF SALE

THIS SPECIAL WARRANTY DEED is made this _____ day of January, 2021, by and between **STANISLAW J. MAKIELSKI and VALERIE JEAN CONNTER**, as Trustees of the **STANISLAW J. MAKIELSKI and VALERIE JEAN CONNER Family Trust**, under Trust agreement dated December 21, 2001, whose post office address is 534 Oakland Avenue, Tallahassee, Florida 32301, hereinafter called Grantors, and the **CITY OF CHARLOTTESVILLE, VIRGINIA**, a municipal corporation of the Commonwealth of Virginia, whose address is 605 East Main Street, Charlottesville, Virginia 22902, hereinafter called Grantee.

WITNESSETH:

WHEREAS, the Trustees and/or Grantors proceeded to offer the property for sale for the sum of Ninety-Five Thousand Dollars (\$95,000.00), that being the price negotiated between the parties therefor; and

WHEREAS, the Trustees sold the property to the **CITY OF CHARLOTTESVILLE, VIRGINIA**, a municipal corporation of the Commonwealth of Virginia for the sum of Ninety-Five Thousand Dollars (\$95,000.00), and have now received the balance of the purchase price; and

WHEREAS, the U. S. Department of Agriculture Forest Service is providing federal funds in accordance with the Community Forest Program (36 CFR Part 230 Subpart A) (published 10/21/2011; 76 FR 65121) to Grantee for the partial purchase of the property described in Schedule A; and

WHEREAS, the Grantee has received a public access grant from the Virginia Outdoors Foundation (“VOF”) Open Space Preservation Trust Fund (PTF) for partial purchase of the property described in Schedule A below, in exchange for which funding Grantee has agreed to convey an open-space easement on the property to facilitate public access for outdoor recreation in accordance with the Open-Space Land Act (VA. Code §10.1-1700 et seq.) including Section 10.1-1701 of the Code of Virginia (1950), as amended.

NOW, THEREFORE, in consideration of the premises and sum of Ninety-Five Thousand Dollars (\$95,000.00), cash in hand paid, the receipt of which is hereby acknowledged, the Grantors do hereby GRANT, BARGAIN and CONVEY with General Warranty and English Covenants of Title unto the Grantee, a political subdivision of the Commonwealth of Virginia, all that certain real property with the improvements thereon and appurtenances thereto pertaining situate in Albemarle County, Virginia, and more particularly described on Schedule A attached hereto and by this reference made a part hereof (the “Property”);

NOTICE OF GRANT REQUIREMENT

In accordance with the requirements of the monetary grant awarded to the Grantee by the U.S. Department of Agriculture for the purchase of the Property, a Notice of Grant Requirement signed by the City Manager for the City of Charlottesville is attached to this Deed as Exhibit A. Said Notice requires the City to ensure that the Property will be used in accordance with the Community Forest Plan and, if the Property is converted to non-forest uses or a use inconsistent with the purpose of the Community Forest Plan, the City will pay the United States an amount equal to the current sale price or the current appraised value of the Property, whichever is greater.

This conveyance is made subject to all recorded covenants, restrictions, agreements and rights of way, including any which may be described in this Deed, to the extent, but only to the extent, that the same are valid and subsisting and apply to the Property. Nothing herein contained, or in the Grantee's acceptance of this Deed or the Property described herein, shall be construed as a waiver of the Grantee's sovereign immunity.

IN WITNESS WHEREOF, Granters and Grantee have caused this Deed to be executed as of the date first above written.

[SIGNATURE PAGES FOLLOW]

CITY OF CHARLOTTESVILLE, VIRGINIA

BY: _____
Nikuyah Walker, Mayor

ATTEST:

Clerk of Council

STATE OF VIRGINIA
CITY OF CHARLOTTESVILLE

I, _____, a Notary Public in and for the City of Charlottesville within the State aforesaid, do hereby certify that Nikuyah Walker, Mayor of the City of Charlottesville, Virginia, and Kyna Thomas, its Clerk of Council, whose names are signed to the foregoing writing, bearing date of _____, 2021, have each duly acknowledged the same before me within my City and State aforesaid.

My Commission Expires: _____

Given under my hand this _____ day of _____, 2021.

Notary Public
Registration # _____

Approved as to Form:

Allyson Manson-Davies, Deputy City Attorney

WITNESS the following signatures and seals:

**GRANTORS:
STANISLAW J. MAKIELSKI and
VALERIE JEAN CONNER
FAMILY TRUST**

By: _____
STANISLAW J. MAKIELSKI

Name: Stanislaw J. Makielski
Title: Trustee

By: _____
VALERIE JEAN CONNER

Name: Valerie Jean Conner
Title: Trustee

STATE OF VIRGINIA
COUNTY/CITY OF CHARLOTTESVILLE to wit:

I HEREBY CERTIFY that on this ____ day of _____, 2021, before me, the undersigned Notary Public, personally appeared Stansislaw J. Makielski and Valerie Jean Conner, Trustees of the Stanislaw J. Makielski and Valerie Jean Conner Family Trust, who have proven on the basis of satisfactory evidence to be the persons named and subscribed to within the instrument, and that he/she, as such, being authorized to do so, executed the foregoing instrument for the purposes therein contained.

My commission expires: _____
Registration No: _____

Notary Public

The City of Charlottesville, acting by and through its City Attorney, the City official designated by the City Manager pursuant to authority granted by resolution of the City Council of the City of Charlottesville, does hereby accept the conveyance of the Property, pursuant to Virginia Code Section 15.2-1803, as evidenced by the City Attorney's signature hereto and the City's recordation of this deed. As is further required by Sec. 15.2-1803 of the Virginia Code, the City Attorney's signature hereto constitutes her certification that this deed is in a form approved by her.

Accepted by:

CITY OF CHARLOTTESVILLE, VIRGINIA

Lisa A. Robertson, Acting City Attorney (SEAL)

COMMONWEALTH OF VIRGINIA
CITY OF CHARLOTTESVILLE, to-wit:

The foregoing instrument was acknowledged before me this ____ day of _____, 2021, by Lisa A. Robertson, Acting City Attorney, on behalf of the City of Charlottesville, Virginia.

My commission expires: _____
Registration No: _____

Notary Public

SCHEDULE A
PROPERTY DESCRIPTION

ALL THAT CERTAIN tract or parcel of land situate in the County of Albemarle, Virginia, containing approximately 5.00 acres, and described "The Makielski Property" on that certain plat entitled "Plat Showing Boundary Survey of Tax Map 75 Parcel 47A", prepared by P. Timothy Stanley, Jr., dated June 19, 2018, attached hereto and recorded in the Circuit Court Clerk's Office of Albemarle County, Virginia, simultaneously herewith.

EXHIBIT A

**Prepared By: Allyson Manson-Davies (VSB#42996)
Charlottesville City Attorney's Office
P.O. Box 911, Charlottesville, Virginia 22902
Albemarle County Tax Map No.: 75, Parcel 47A**

NOTICE OF GRANT REQUIREMENT

. The property described herein on Schedule A, attached (Property), was acquired pursuant to a monetary grant awarded to the City of Charlottesville, Virginia (Grant Recipient). The purpose of this acquisition is to effect the goals of the U.S. Department of Agriculture (USDA) Forest Service's *Community Forest and Open Space Conservation Program* (Community Forest Program or CFP) in accordance with the provisions of Section 7A of the *Cooperative Forestry Assistance Act* (CFAA) of 1978, as amended. Such purposes are to provide public benefits to communities including economic benefits through sustainable forest management, environmental benefits including clean air, water, and wildlife habitat; benefits from forest-based educational programs; benefits from serving as models of effective forest stewardship; recreational benefits secured with public access; and to acquire private forest lands that are threatened by conversion to non-forest uses. Program delivery is guided by the Community Forest Program regulations (36 CFR Part 230 Subpart A) (published 10/20/2011; 76 FR 65121). In accordance with these regulations the Grant Recipient acknowledges that:

1. This Property was purchased with Federal funds in accordance with the Community Forest Program (36 CFR Part 230 Subpart A) (published 10/20/2011; 76 FR 65121).
2. The legal description for the Property is as set forth below in Schedule 'A'.
3. The address of the Grant Recipient and authorized title holder listed above is 605 East Main Street, P.O. Box 911, Charlottesville, Virginia 22902.
4. This Property is designated as a 'Community Forest' pursuant to the requirements of the Community Forest Program (CFP).
5. The Grant Agreement with the USDA Forest Service is **agreement number 18-DG11083150-100** and it is kept on file at the Office of Charlottesville Parks & Recreation, 501 East Main Street, Charlottesville, Virginia 22902.
6. The Grant Recipient shall ensure that all land(s) acquired pursuant to this grant is held in perpetuity by an eligible entity as defined by 36 CFR Part 230 (published 10/20/2011; 76 FR 65121) and that the Community Forest will be (i) managed pursuant to the grant, the Community Forest Plan, and the purpose of the CFP; (ii) will not be conveyed or encumbered, in whole or in part, to another party without written permission and instructions from the awarding agency; and (iii) will be managed consistent with the purpose of the CFP.
7. In the event that the Community Forest is sold or converted to non-forest uses or a use inconsistent with the purpose of the CFP, the Grant Recipient or subsequent Community Forest landowner shall: (1) pay the United States an amount equal to the current sale price or the current appraised value of the parcel, whichever is greater; and (2) not be eligible for additional grants under the CFP.

IN WITNESS WHEREOF, the **City of Charlottesville, Virginia** has caused this **NOTICE OF GRANT REQUIREMENT** to be recorded on its behalf by its duly authorized representative:

GRANT RECIPIENT: CITY OF CHARLOTTESVILLE, VIRGINIA

By: _____
JOHN C. BLAIR, II, Acting City Manager

COMMONWEALTH OF VIRGINIA
CITY OF CHARLOTTESVILLE, to-wit:

The foregoing Notice of Grant Requirement was acknowledged before me this _____ day of _____, 2021, by John C. Blair, acting in his capacity as Acting City Manager, on behalf of the City of Charlottesville, Virginia.

My commission expires: _____
Registration No: _____

Notary Public

RESOLUTION
APPROVING THE ACQUISITION OF LAND AT
RAGGED MOUNTAIN RESERVOIR
(5.0 ACRES – TMP 75, PARCEL 47A)

WHEREAS, Stanislaw J. Makielski and Valerie Jean Conner, Trustees of the Stanislaw J. Makielski and Valerie Jean Conner Family Trust (“Owners”) are the owners of land designated on Albemarle County, Virginia Real Estate Tax Map 75 as Parcel 47A, and have indicated a willingness to convey a portion of the subject land to the City of Charlottesville for creation of parkland; and

WHEREAS, the land to be conveyed, hereinafter the “Property”, is described as follows:

All that certain tract or parcel of land situate in the County of Albemarle, Virginia containing approximately 5.00 acres, and described “The Makielski Property” on that certain plat entitled “Plat Showing Boundary Survey of Tax Map 75 Parcel 47A”, prepared by P. Timothy Stanley, Jr., dated June 19, 2018, attached hereto and recorded in the Circuit Court Clerk’s Office of Albemarle County, Virginia, simultaneously herewith.

WHEREAS, Owner has agreed to convey to the City the Property for the purchase price of \$95,000.00; and

WHEREAS, funds are available for the purchase of the Property from a grant award from the Virginia Outdoors Foundation in the amount of \$65,000.00; grant award funding from USDA in the amount of \$31,039.00, and approved USDA surplus grant funding to cover the remaining balance.

WHEREAS, the Department of Parks and Recreation seeks the endorsement of City Council to proceed with the purchase of above-described Property at a purchase price of \$95,000.00 with the funding supplied through the above-described grant funding sources; and

WHEREAS, the Warranty Deed of Sale which contains Exhibit A, Notice of Grant Agreement, for the conveyance of said land has been reviewed and approved by the City Attorney’s Office; now, therefore,

BE IT RESOLVED, by the Council of the City of Charlottesville that it hereby authorizes the purchase of the above-described Property for creation of parkland. The City Manager is hereby authorized to execute the above-referenced Exhibit A, Notice of Grant Agreement attached to the Warranty Deed of Sale, and the Mayor is hereby authorized to sign the Warranty Deed of Sale, both in form approved by the City Attorney or her designee. The City Attorney’s Office shall take whatever actions are necessary to effect the acquisition of the above-described Property.

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



| | |
|------------------|---|
| Agenda Date: | January 19, 2021 |
| Action Required: | Report - No Action Required |
| Presenter: | Susan Elliott, Climate Protection Program Manager |
| Staff Contacts: | Susan Elliott, Climate Protection Program Manager Kristel Riddervold, Environmental Sustainability and Facilities Development Division Manager David Brown, Director of Public Works |
| Title: | Update on the Climate Action Plan Development Process |

Background:

Policy Commitments:

This report provides an update on the City's development of a Climate Action Plan (CAP). Developing a CAP was part of the June 2017 commitment by City Council to the [Global Covenant of Mayors for Climate and Energy](#) (the Covenant of Mayors) as part of a *Response to the U.S. Withdrawal from the Paris Climate Agreement*. The 2017 resolution built on previous commitments and existing efforts of the City through its [Climate Protection Program](#).

By joining the Covenant of Mayors, the City committed to completing specific efforts that result in the development of:

- An adopted and maintained community Greenhouse Gas (GHG) inventory
- An adopted emissions reductions target commensurate with the scale of the climate challenge
- A CAP for mitigation aligned to achieve the adopted emissions reduction goal
- A Climate Adaptation Plan that addresses the community's climate hazards and vulnerabilities.

Previous Council Direction and Updates:

Past updates on the City's activities pursuant to this commitment were presented to City Council on [November 19, 2018](#), [May 6, 2019](#), [July 1, 2019 \(adopted resolution\)](#), and [October 19, 2020](#). The July 2019 resolution established a new GHG reduction goals (45% reduction by 2030 and carbon neutral by 2050) and several expectations for the mitigation-focused climate action plan process to address.

Per Council direction, the CAP is to demonstrate leadership and tackle the following:

- Front load emission reductions
- Identify sub-goals by sector and by strategy
- Address equity specifically in the goals and climate action plan
- Identify measurement frequency and accountability mechanisms

- Address funding and financing options to support private sector action
- Address the feasibility of integrating zero emission vehicles in the community and municipal fleet
- Work in conjunction with regional partners to implement seamless programs and services

Engagement Process for the CAP Development:

Efforts to initiate a community engagement process in the spring of 2020 to develop the emissions reduction climate action plan were paused due to COVID-19. Planning efforts for an adjusted community engagement process resumed in August/September 2020 and were announced in October 2020. A separate process will be pursued to develop the climate adaptation plan. Both processes will aim to identify points where mitigation and adaptation cross-relate.

The following actions were discussed with City Council in October and were proposed to occur during the following 6 months in continued pursuit of the City’s commitment:

- Climate action planning for emission reductions to include the development and involvement of the following:
 - Climate Action Committee (comprised of executive liaisons and program leads)
 - Topic Core Teams (topics to include buildings, the built environment, transportation systems, and waste)
 - Discussions Groups and Task Forces (topics to include financing, equity, energy sourcing and fuel switching, and draw down/sequestration)
 - Community engagement opportunities with stakeholders, organizations, and the general public

The above are intended to leverage technical expertise and support within the community. A concurrent layered approach of virtual workshop listening sessions, online surveys, and facilitated small group discussions are being offered for community engagement and input to try and reach a broad audience and provide different opportunities for community members to engage.

Key Areas for Emission Reductions:

Reflecting that ~90% of the City’s GHG emissions are generated by energy use from the Residential and Commercial sectors and city-wide Transportation, the process will begin with topics focused on increasing energy performance (energy efficiency and conservation), switching to lower or zero-carbon fuel and energy sources, and incorporating emission reduction strategies into planning and zoning strategies. Later stages of the CAP process will address emissions strategies related to waste, emissions draw down (sequestration, landscape), and upstream topics that are important to our community and global emissions but are not represented in the GHG inventory (such as food and building materials). The themes of equity and financing strategies will be integrated throughout the process to ensure their incorporation in the plan and connection to identified emissions reduction strategies.

Discussion:

This report presentation will provide updates regarding:

- Community engagement activities accomplished to date, scheduled, and anticipated
- Developed resources and materials
- Key themes and topics that have been identified

Alignment with City Council’s Vision and Strategic Plan:

These efforts are in alignment with City Council’s Green City Vision, the Strategic Plan: Goal 3 – A Beautiful and Sustainable Natural and Built Environment; and the Comprehensive Plan: Chapter 4 (and as proposed in the 2018 update).

Community Engagement:

Consistent community engagement and input has informed the steps leading up to this process. In particular, the July 1, 2019 agenda item includes detailed input received from the community that informed both the City’s new GHG reduction goal and the underpinning of key topics the City’s climate action plan is expected to address. Community engagement opportunities are structured to incorporate public input in the initial development and review of a draft plan.

A dedicated webpage has been set up to host updates, resources, and information about the City’s Climate Action Plan development: charlottesville.gov/climateplan. Additionally, community members can subscribe for push alerts via email or text message when Climate Action updates are posted via [Notify Me](#) (*Climate Action* in the list under "News Flash").

Budgetary Impact:

Funds have already been appropriated as part of the Fiscal Year 2021 budget within the Environmental Sustainability Division cost center to be used for this purpose.

Recommendation:

N/A – No action is required.

Alternatives:

N/A – No action is required.

Attachments:

None.