

CERTIFICATIONS



CITY COUNCIL AGENDA May 3, 2021

Members

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

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

Virtual/electronic meeting

6:30 p.m. Regular Meeting

Register at www.charlottesville.gov/zoom. Virtual/electronic meeting in accordance with local ordinances to ensure continuity of government and prevent the spread of disease during a declared state of emergency. NOTE: Individuals with disabilities who require assistance or special arrangements to participate in the public meeting may call the ADA Coordinator at (434) 970-3182 or submit a request via email to ada@charlottesville.gov. 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 **APPROVED 5-0 (SNOOK/MAGILL)**

ANNOUNCEMENTS

RECOGNITIONS/PROCLAMATIONS

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

CONSENT AGENDA* **APPROVED 5-0 (HILL/MAGILL), pulling Item #8 for separate vote per Walker**

1. Minutes: March 15 Work Session, March 17 Community Budget Forum, March 23 Special Meeting, March 23 Work Session
2. Appropriation: Virginia Department of Criminal Justice Services (DCJS) Coronavirus Emergency Supplement Funding (CESF) Fiscal Year 2021 - \$50,000 (2nd reading)
#A-21-055
3. Appropriation: Firehouse Subs Public Safety Grant \$26,971.10 (2nd reading)
#A-21-056
4. Appropriation: House Bill 5005, Item 408 #1c: Public Safety and Homeland Security, Department of Criminal Justice Services – Local Police Department Funding - \$67,913 (2nd reading)
#A-21-057
5. Appropriation: Supplemental Appropriation of State Operational Funding for Charlottesville Area Transit - \$265,025 (carried)
6. Appropriation: Virginia Department of Education Special Nutrition Program Child and Adult Care Food Program - \$25,000 (carried)
7. Appropriation: CARES Act Round 2 Funding for Utility Customer Bill Arrearage Assistance – \$15,766.58 (carried)

8. Resolution: Budget Amendment for FY2021-2022 Community Development Block Grant and HOME program allocations (1 reading)
#R-21-058
Pulled by Walker for separate vote. APPROVED 4-1 (HILL/SNOOK; Walker opposed)
9. Resolution: Safe Routes to Schools non-infrastructure grant application (1 reading)
#R-21-059
10. Resolution: Authorizing publication of notice of City Council's intention to remove, relocate, contextualize or cover statues of Confederate Generals Lee and Jackson currently located within City parks, and to hold a Public Hearing thereon (1 reading)
#R-21-060
11. Ordinance: Approving CitySpace as Central Absentee Precinct for June 8, 2021 Primary Election (1 reading)
#O-21-061
12. Ordinance: Amending the Charlottesville City Code to allow the Police Civilian Review Board to obtain General Legal Counsel Services (1 reading)
#O-21-062

CITY MANAGER RESPONSE TO COMMUNITY MATTERS and to COUNCILORS

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

ACTION ITEMS

13. Public Hearing/Res.: \$18,000,000 Bond Issue (maximum amount) and New Debt \$8,000,000 Refunding Bond Issue (maximum amount) - \$26,000,000 Total (1 reading)
#R-21-063
APPROVED 5-0 (HILL/SNOOK)
14. Public Hearing/Res.: Approval of Community Development Block Grant Annual Action Plan FY 21-22 (1 reading) **APPROVED 5-0 (HILL/SNOOK)**
#R-21-064
15. Resolution*: Special Use Permit for Lyndhall Apartments, 64 University Way – Landowner Neighborhood Investments, LLC (1 reading)
#R-21-065
APPROVED 5-0 (HILL/SNOOK)
16. Resolution*: Critical Slope Waiver for 915 6th Street SE (1 reading)
#R-21-066
APPROVED 3-2 (HILL/SNOOK; Payne and Walker opposed)
17. Motion*: Consent to Appointment of City Attorney (1 reading)
APPROVED 5-0 (SNOOK/HILL)

GENERAL BUSINESS

OTHER BUSINESS

By motion, Council voted to add an agenda item to the meeting regarding a request for additional funds to support a Juneteenth event. **APPROVED 5-0 (SNOOK/HILL)**

By motion, council voted to approve an allocation of \$1100 from the Council Strategic Initiatives Fund to support the Juneteenth event at the Jefferson School African American Heritage Center.

APPROVED 5-0 (SNOOK/HILL)

MATTERS BY THE PUBLIC

*Action Needed

APPROPRIATION

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

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

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

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

Revenue

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

Expenditure

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

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

APPROPRIATION

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

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

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

Revenues - \$26,971.10

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

Expenditures - \$26,791.10

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

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

APPROPRIATION

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

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

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

Revenues - \$67,913

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

Expenditures - \$67,913

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHARLOTTESVILLE

that the Code of the City of Charlottesville (1990), as amended, Chapter 2 (Administration), Article XVI (Police Civilian Review Board), Section 2-457 (Police Civilian Review Board Legal Counsel) is hereby amended and re-enacted as follows:

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

The police civilian review board may retain legal counsel to advise the board in all cases, hearings, controversies or other matters involving the interests of the board. The board's chair shall have authority to execute a contract in the name of the board for legal services if the contract has first been approved by the board and been endorsed by the City's director of finance to verify that funding is available and has been appropriated to support performance of the board's payment obligations under such contract.

The board and the board's executive director may consult the office of the city attorney for legal advice concerning legal questions unrelated to cases, hearings, investigations, or controversies that are before the board, or any other matter in which the board's and the police department's interests may conflict.

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

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

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

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

WHEREAS, the City may effect debt service savings by issuing its general obligation public improvement refunding bonds (the “Refunding Bonds”) to refund all or a portion of the outstanding maturities of the Series 2010B Bonds (such refunded maturities or portions thereof shall be referred to herein as the “Refunded Bonds”); and

WHEREAS, the City’s administration and a representative of PFM Financial Advisors LLC, the City’s financial advisor (the “Financial Advisor”), have recommended to the City Council that the City issue and sell one or more series of general obligation public improvement and refunding bonds through one or more of the following methods: (a) a private placement with a banking or other financial institution (a “Private Sale”), (b) a public offering through a competitive sale (a “Competitive Sale”), or (c) a public offering through a negotiated underwriting (a “Negotiated Sale”) (in any of such funding options, the purchaser(s) of the bonds shall be referred to herein as the “Purchaser”);

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

1. Authorization and Issuance of Bonds. The City Council finds and determines that it is in the best interest of the City to authorize the issuance and sale of one or more series of New Money Bonds in an aggregate principal amount not to exceed \$18,000,000 and to use the proceeds thereof, together with other funds as may be available, to finance costs of the Project

and to pay costs incurred in connection with issuing such bonds (if not otherwise paid from other City funds). The City Council further finds and determines that it is in the best interest of the City to provide for the issuance and sale of one or more series of Refunding Bonds, heretofore authorized, in an aggregate principal amount not to exceed \$8,000,000 and to use the proceeds thereof, together with other funds as may be available, to refund all or a portion of the Refunded Bonds and to pay costs incurred in connection with issuing such bonds and refunding the Refunded Bonds (if not otherwise paid from other City funds).

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

3. Bond Details. The New Money Bonds shall be designated “General Obligation Public Improvement Bonds, Series 2021,” or such other designation as may be determined by the City Manager (which term shall include any Acting, Interim or Deputy City Manager and the Director of Finance). The Refunding Bonds shall be designated “General Obligation Public Improvement Refunding Bonds, Series 2021,” or such other designation as may be determined by the City Manager. The New Money Bonds and the Refunding Bonds may be issued and sold together as one series and designated “General Obligation Public Improvement and Refunding Bonds, Series 2021,” or such other designation as may be determined by the City Manager. Any bonds issued as part of a series of New Money Bonds or Refunding Bonds, or as a combined series, shall be referred to herein as a “Bond” or the “Bonds,” as the case may be.

The Bonds shall be in registered form, shall be dated such date as may be determined by the City Manager, shall be in denominations of \$5,000 and integral multiples thereof and shall be numbered R-1 upward, or such other designation as appropriate. Subject to Section 9, the issuance and sale of any series of Bonds are authorized on terms as shall be satisfactory to the City Manager; provided, however, that the Bonds of such series (a) shall have a “true” or “Canadian” interest cost not to exceed 4.0% (taking into account any original issue discount or premium), (b) shall be sold to the Purchaser thereof at a price not less than 100% of the principal amount thereof (excluding any original issue discount) and (c) shall mature in years, or be subject to mandatory sinking fund redemption in annual installments, ending no later than December 31, 2041; provided, however, that any series of Bonds (or portion thereof) issued to refund the Refunded Bonds shall produce an aggregate net present value debt service savings to the City of at least 3.0% of the principal amount of the particular Refunded Bonds.

Principal of the Bonds shall be payable annually on dates determined by the City Manager. Each Bond of a series shall bear interest from its date at such rate as shall be determined at the time of sale, calculated on the basis of a 360-day year of twelve 30-day months, and payable semiannually on dates determined by the City Manager. Principal and premium, if any, shall be payable to the registered owners upon surrender of Bonds as they become due at the office of the Registrar (as hereinafter defined). Interest shall be payable by check or draft mailed to the registered owners at their addresses as they appear on the registration books kept by the Registrar on a date prior to each interest payment date that shall be determined by the City Manager (the “Record Date”); provided, however, that at the request of the registered

owner of the Bonds, payment may be made by wire transfer pursuant to the most recent wire instructions received by the Registrar from such registered owner. Principal, premium, if any, and interest shall be payable in lawful money of the United States of America.

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

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

So long as there is a Securities Depository for the Bonds, (1) it or its nominee shall be the registered owner of the Bonds; (2) notwithstanding anything to the contrary in this Resolution, determinations of persons entitled to payment of principal, premium, if any, and interest, transfers of ownership and exchanges and receipt of notices shall be the responsibility of the Securities Depository and shall be effected pursuant to rules and procedures established by such Securities Depository; (3) the Registrar and the City shall not be responsible or liable for maintaining, supervising or reviewing the records maintained by the Securities Depository, its participants or persons acting through such participants; (4) references in this Resolution to registered owners of the Bonds shall mean such Securities Depository or its nominee and shall not mean the beneficial owners of the Bonds; and (5) in the event of any inconsistency between the provisions of this Resolution and the provisions of the above-referenced Letter of Representations such provisions of the Letter of Representations, except to the extent set forth in this paragraph and the next preceding paragraph, shall control.

4. Redemption Provisions. The Bonds may be subject to redemption prior to maturity at the option of the City on or after dates, if any, determined by the City Manager, in whole or in part at any time, at a redemption price equal to the principal amount of the Bonds,

together with any interest accrued to the date fixed for redemption, plus a redemption premium not to exceed 3.0% of the principal amount of the Bonds, such redemption premium to be determined by the City Manager.

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

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

In the case of an optional redemption, the notice may state that (1) it is conditioned upon the deposit of moneys, in an amount equal to the amount necessary to effect the redemption, no later than the redemption date or (2) the City retains the right to rescind such notice on or prior to the scheduled redemption date (in either case, a "Conditional Redemption"), and such notice and optional redemption shall be of no effect if such moneys are not so deposited or if the notice is rescinded as described herein. Any Conditional Redemption may be rescinded at any time. The City shall give prompt notice of such rescission to the affected Bondholders. Any Bonds subject to Conditional Redemption where redemption has been rescinded shall remain outstanding, and the rescission shall not constitute an event of default. Further, in the case of a Conditional Redemption, the failure of the City to make funds available on or before the redemption date shall not constitute an event of default, and the City shall give immediate notice to all organizations registered with the Securities and Exchange Commission ("SEC") as securities depositories or the affected Bondholders that the redemption did not occur and that the Bonds called for redemption and not so paid remain outstanding.

5. Execution and Authentication. The Bonds shall be signed by the manual or facsimile signature of the Mayor or Vice Mayor, the City's seal shall be affixed thereto or a facsimile thereof printed thereon and shall be attested by the manual or facsimile signature of the Clerk of the City Council (which term shall include any Acting, Interim or Deputy Clerk of the

City Council); provided, however, that no Bond signed by facsimile signatures shall be valid until it has been authenticated by the manual signature of an authorized officer or employee of the Registrar and the date of authentication noted thereon.

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

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

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

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

9. Sale of Bonds. (a) The City Council authorizes the Bonds to be sold in one or more series, whether through a Private Sale, a Competitive Sale, a Negotiated Sale or any combination thereof, as determined by the City Manager to be in the best interest of the City, in a principal amount or principal amounts to be determined by the City Manager, in collaboration with the Financial Advisor, and subject to the limitations set forth in Section 1.

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

with the Financial Advisor, to solicit bids from banking institutions and other financial firms, to determine which bid (or bids) offers the best terms to the City, and, subject to the limitations set forth in Section 3, to arrange for the issuance and sale of the Bonds to the Purchaser. Following a Private Sale, the City Manager shall file with the records of the City Council a certificate setting forth the final terms of the Bonds. The actions of the City Manager in selling the Bonds by Private Sale shall be conclusive, and no further action with respect to the sale and issuance of the Bonds shall be necessary on the part of the City Council.

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

(d) If the City Manager determines that the Bonds (or a portion thereof) shall be sold through a Negotiated Sale, the City Manager is authorized, on behalf of the City and in collaboration with the Financial Advisor, to choose an investment banking firm to serve as underwriter for the Bonds and to execute and deliver to the underwriter, as Purchaser of the Bonds, a bond purchase agreement reflecting the final terms of the Bonds. The bond purchase agreement shall be in a form approved by the City Manager, in collaboration with the City Attorney, the Financial Advisor and the City’s bond counsel. The actions of the City Manager in selling the Bonds by Negotiated Sale shall be conclusive, and no further action with respect to the sale and issuance of the Bonds shall be necessary on the part of the City Council.

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

10. Official Statement. The draft Preliminary Official Statement describing the Bonds, copies of which have been made available to the City Council prior to this meeting, is hereby approved as the Preliminary Official Statement by which the Bonds may be offered for sale to the public in a Competitive Sale or a Negotiated Sale; provided that the City Manager, in collaboration with the Financial Advisor, may make such completions, omissions, insertions and changes in the Preliminary Official Statement not inconsistent with this Resolution as the City Manager may consider to be in the best interest of the City. After the Bonds have been sold in a Competitive Sale or a Negotiated Sale, the City Manager, in collaboration with the Financial Advisor, shall make such completions, omissions, insertions and changes in the Preliminary Official Statement not inconsistent with this Resolution as are necessary or desirable to complete

it as a final Official Statement. In addition, the City shall arrange for the delivery to the Purchaser of the Bonds of a reasonable number of printed copies of the final Official Statement, within seven business days after the Bonds have been sold, for delivery to each potential investor requesting a copy of the Official Statement and to each person to whom the Purchaser initially sells Bonds.

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

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

13. Redemption of Refunded Bonds. The City Manager is authorized and directed to determine which maturities of the Series 2010B Bonds, if any, shall constitute the Refunded Bonds. The Escrow Agreement (as hereinafter defined) shall provide for notice of redemption to be given to the registered owners of the Refunded Bonds in accordance with the resolutions providing for the issuance of the Refunded Bonds.

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

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

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

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

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

18. Limitation on Private Use. The City covenants that it shall not permit the proceeds of the Bonds or the facilities financed or refinanced with the proceeds of the Bonds to be used in any manner that would result in (a) 5% or more of such proceeds or facilities being used in a trade or business carried on by any person other than a governmental unit, as provided in Section 141(b) of the Code, (b) 5% or more of such proceeds or facilities being used with respect to any output facility (other than a facility for the furnishing of water), within the meaning of Section 141(b)(4) of the Code, or (c) 5% or more of such proceeds being used directly or indirectly to make or finance loans to any persons other than a governmental unit, as

provided in Section 141(c) of the Code; provided, however, that if the City receives an opinion of nationally recognized bond counsel that any such covenants need not be complied with to prevent the interest on the Bonds from being includable in the gross income for federal income tax purposes of the registered owners thereof under existing law, the City need not comply with such covenants.

19. SNAP Investment Authorization. The City Council has previously received and reviewed the Information Statement (the “Information Statement”), describing the State Non-Arbitrage Program of the Commonwealth of Virginia (“SNAP”) and the Contract Creating the State Non-Arbitrage Program Pool I (the “Contract”), and the City Council hereby authorizes the City Treasurer in his discretion to utilize SNAP in connection with the investment of the portion of the proceeds of the Bonds used to finance the Project. The City Council acknowledges that the Treasury Board of the Commonwealth of Virginia is not, and shall not be, in any way liable to the City in connection with SNAP, except as otherwise provided in the Contract.

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

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

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

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

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

[FORM OF BOND]

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

REGISTERED

REGISTERED

No. R-_____

\$_____

UNITED STATES OF AMERICA

COMMONWEALTH OF VIRGINIA

CITY OF CHARLOTTESVILLE

General Obligation Public Improvement [and Refunding] Bond

Series 2021

INTEREST RATE

MATURITY DATE

DATED DATE

CUSIP

_____%

_____, ____

_____, 2021

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT:

DOLLARS

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

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

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

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

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

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

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

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
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If less than all of the bonds are called for redemption, the bonds to be redeemed shall be selected by the Director of Finance of the City in such manner as such officer may determine to be in the best interest of the City. If less than all of the bonds of any maturity are called for redemption, the bonds within such maturity to be redeemed shall be selected by DTC or any successor securities depository pursuant to its rules and procedures or, if the book-entry system is discontinued, shall be selected by the Registrar by lot in such manner as the Registrar in its discretion may determine. In either case, (a) the portion of any bond to be redeemed shall be in the principal amount of \$5,000 or some integral multiple thereof and (b) in selecting bonds for redemption, each bond shall be considered as representing that number of bonds that is obtained by dividing the principal amount of such bond by \$5,000. The City shall cause notice of the call for redemption identifying the bonds or portions thereof to be redeemed to be sent by facsimile

or electronic transmission, registered or certified mail or overnight express delivery, not less than 30 nor more than 60 days prior to the redemption date, to the registered owner hereof. If a portion of this bond is called for redemption, a new bond in the principal amount of the unredeemed portion hereof will be issued to the registered owner upon surrender hereof.

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

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

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

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

[Remainder of page intentionally left blank.]

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

(SEAL)

[Vice] Mayor, City of Charlottesville, Virginia

(ATTEST)

Clerk of Council,
City of Charlottesville, Virginia

ASSIGNMENT

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

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

PLEASE INSERT SOCIAL SECURITY OR OTHER
IDENTIFYING NUMBER OF TRANSFEREE:

: :
: :
: :

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

Dated: _____

Signature Guaranteed

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

(Signature of Registered Owner)

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

#R-21-064

RESOLUTION
Approval of FY 2021-2022 Annual Action Plan

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

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

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

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

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

WHEREAS, the Project is described in more detail within the Landowner’s application materials submitted in connection with SP21-00003, as required by City Code §34-158 (collectively, the “Application Materials”); and

WHEREAS, the Planning Commission and City Council conducted a joint public hearing, after notice and advertisement as required by law, on April 13, 2021; and

WHEREAS, upon consideration of the comments received during the joint public hearing, the information provided by the Landowner within the Application Materials, and the information provided within the Staff Report, the Planning Commission voted to recommend approval of the proposed Special Use Permit for the Project subject to suitable regulations and safeguards; and

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

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLOTTESVILLE, that a special use permit is hereby approved and granted to authorize residential density of up to 48 dwelling units per acre for a Project to be constructed within the Subject Property, subject to the following conditions:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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