



CITY COUNCIL AGENDA
May 15, 2023
CERTIFICATIONS

J. Lloyd Snook, III, Mayor
Juandiego Wade, Vice Mayor
Michael K. Payne, Councilor
Brian R. Pinkston, Councilor
Leah Puryear, Councilor
Kyna Thomas, Clerk

4:00 PM OPENING SESSION

This is an in-person meeting with an option for the public to participate electronically by registering in advance for the Zoom webinar at www.charlottesville.gov/zoom. The meeting may also be viewed on the City's streaming platforms and local government Channel 10. Individuals with disabilities who require assistance or special arrangements to participate in the public meeting may call (434) 970-3182 or submit a request via email to ada@charlottesville.gov. The City of Charlottesville requests that you provide a 48-hour notice so that proper arrangements may be made.

Call to Order/Roll Call

Councilor Payne arrived after Agenda Approval.

Agenda Approval APPROVED 4-0 (WADE/PURYEAR)

Reports

1. Report: Youth Council Annual Report
2. Report: Presentation and Review of Draft Economic Development Strategic Plan
3. Report: Overview of the Charlottesville Region Defense Industry Economic Impact Study

5:30 PM CLOSED SESSION pursuant to Sections 2.2-3711 and 2.2-3712 of the Virginia Code (Boards and Commissions; Personnel)

Vote to meet in closed session APPROVED 5-0 (PINKSTON/WADE)

Vote to certify closed session APPROVED 5-0 (PINKSTON/WADE)

6:30 PM BUSINESS SESSION

Moment of Silence

Announcements

Recognitions/Proclamations

- Proclamation: Gun Violence Awareness Day – June 2, 2023
- Proclamation: Jewish American Heritage Month – May 2023

Consent Agenda* APPROVED 5-0 (PINKSTON/WADE)

4. Minutes: April 25 Joint Work Session with Planning Commission
5. Resolution: Appropriating Rescue Squad Assistance Fund (RSAF) grant funding for AEDs in the amount of \$14,550 (2nd reading)
#R-23-069
6. Ordinance: Amending City Code Section 22-4. Methods of Procurement Authorized, to increase the bid bond limit from \$100,000 to \$200,000 (2nd reading)
#O-23-070
7. Resolution: Appropriating \$2,000,000 in FY23 Capital Improvement Program for Stribling Avenue Sidewalk and Buford School Reconfiguration Projects (2nd reading)
 - a. Resolution: Appropriating \$500,000 for the Stribling Avenue Sidewalk Project
#R-23-071
 - b. Resolution: Appropriating \$1,500,000 for the Buford School Reconfiguration Project
#R-23-072
8. Resolution: Appropriating Additional Funding Received from the Virginia Department of

9. Resolution: Social Services for Adoption Assistance - \$450,000 (1 of 2 readings)
Appropriating Funds for Virginia Department of State Police (VSP) - Help Eliminate Auto Theft (HEAT) Program - \$4,000 (1 of 2 readings)
10. Resolution: Appropriating additional funding received from the Virginia Department of Social Services for the VIEW Program - \$ 46,000 (1 of 2 readings)
11. Resolution: Appropriating Additional Funding Received from the Virginia Department of Social Services for Various Programs - \$56,634 (1 of 2 readings)
12. Resolution: Appropriating funding from the COVID Homelessness Emergency Response Program (CHERP) to the City's Department of Human Services for Expenditure - \$14,419.60(1 of 2 readings)
13. Ordinance: Amending and re-ordaining Section 30-254 (Exemptions), Section 14-19 (Class IV: Repair, Personal, Business and Other Services, and All Other Businesses and Occupations Not Specifically Listed, Excepted, Exempted in this Chapter), and Section 34-1200 (Definitions), to update language. (1 of 2 readings)
14. Resolution: Authorizing the Acceptance of Conveyance of Temporary Construction Easement and approving contract with Redland Club (1 reading)
#R-23-073

City Manager Report Community Matters

Public comment for up to 16 speakers (limit 3 minutes per speaker). Preregistration available for first 8 spaces at <https://www.charlottesville.gov/692/Request-to-Speak>; speakers announced by Noon on meeting day (9:00 a.m. sign-up deadline). Additional public comment at end of meeting. Comments on Public Hearing items are heard during the public hearing only.

Action Items

15. Public Hearing/Res.: Authorizing the issuance and sale of General Obligation Public Improvement Bonds in an aggregate principal amount not to exceed \$16,000,000 - New Debt APPROVED 5-0 (PINKSTON/WADE)
#R-23-074
16. Appeal: Appeal of BAR (Board of Architectural Review) denial of Certificate of Appropriateness for Demolition of an Individually Protected Property at 104 Stadium Road. BAR # 22-02-03. Deferred to June 5 Meeting
17. Appeal: Appeal of ERB (Entrance Corridor Review Board) approval of a Certificate of Appropriateness for construction of an apartment building at 2005 Jefferson Park Avenue. Re-referred to ERB
18. Resolution: Thomas Jefferson Planning District Commission 2023 Regional Natural Hazard Mitigation Plan update (1 reading; deferred from April 3)
#R-23-075 APPROVED 5-0 (PINKSTON/WADE)
19. Resolution: Appropriating a grant of public funds for housing assistance to low- and moderate-income homeowners within the City of Charlottesville - \$1,360,000 (1 of 2 readings)

General Business

Other Business Board/Commission Appointments
APPROVED 5-0 (PAYNE/PINKSTON)

Community Matters (2)

Adjournment

RESOLUTION
To Appropriate Funds from the Rescue Squad Assistance Fund
\$14,550

WHEREAS, the Office of Emergency Management Services has awarded the City of Charlottesville Fire Department a 50/50 grant for the purchase of 16 LIFEPAK CR2 DEFIBRILLATOR - AEDs;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$14,550 is hereby appropriated in the following manner:

Revenues

\$14,550 Fund: 209 Internal Order: 1900521 G/L Account: 430110

Expenditures

\$14,550 Fund: 209 Internal Order: 1900521 G/L Account: 599999

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$14,550 from the Supreme Court of Virginia.

**AN ORDINANCE
AMENDING AND REORDAINING SECTION 22-4 OF CHAPTER 22 OF THE
CHARLOTTESVILLE CITY CODE, AS AMENDED, TO INCREASE THE SMALL
PURCHASE THRESHOLD LIMIT FROM ONE HUNDRED THOUSAND DOLLARS
(\$100,000) TO TWO HUNDRED THOUSAND DOLLARS (\$200,000)**

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia that:

Section 22-4 of Article I of Chapter 22 (City Procurement of Goods and Services from Non-Governmental Sources) is hereby amended and reordained, as follows:

CHAPTER 22. CITY PROCUREMENT OF GOODS AND SERVICES FROM NON-GOVERNMENTAL SOURCES

ARTICLE I. IN GENERAL

Sec. 22-4. Methods of procurement authorized.

(a) ...

(b) ...

(c) ...

(d) ...

(e) ...

(f) The purchasing manager may establish written procedures ("small purchase procedures"), approved by the city manager, for single- or term-contracts for:

- (1) Goods and services (other than professional services) and non-transportation related construction, if the aggregate or the sum of all amounts to be paid to the contractor is not expected to exceed ~~one hundred thousand dollars (\$100,000);~~ **two hundred thousand dollars (\$200,000);** and
- (2) Transportation-related construction, if the aggregate or sum of all phases is not expected to exceed twenty-five thousand dollars (\$25,000); and
- (3) Professional services without requiring competitive negotiation, provided the aggregate or the sum of all phases is not expected to exceed eighty thousand dollars (\$80,000).

Such small purchase procedures shall provide for competition wherever practicable.

(g) ...

(h) ...

(i) ...

(j) ...

(k) ...

RESOLUTION
Appropriating the amount of \$500,000
For the Stribling Avenue Sidewalk Project

WHEREAS Council previously appropriated funding to design and construct a sidewalk on Stribling Avenue;

AND WHEREAS staff has advised Council that the amount of funds previously appropriated were not sufficient for the work required;

AND WHEREAS staff has requested additional funding be made available in the current fiscal year;

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$500,000 is hereby appropriated as follows:

Transfer From:

\$500,000	Fund: 426	WBS: CP-080	G/L Account: 599999
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Transfer To

\$500,000	Fund: 426	WBS: P-0XXXX	G/L Account: 599999
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RESOLUTION
Appropriating the amount of \$1,500,000
For the Buford School Reconfiguration Project

WHEREAS Council has appropriated a total project budget of \$91,813,410 for the Buford School Renovation and Reconfiguration project; and

WHEREAS the majority of the funding has been approved as part of the FY 2024 budget and therefore will not be available for spending until July 1, 2023, or after; and

WHEREAS as some funds are needed prior to July 1, 2023, to secure and encumber funds related to contracts associated with the project; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$1,500,000 is hereby appropriated as follows:

Revenues:

\$1,500,000 Fund: 426 WBS: CP-080 G/L Account: 599999

Expenditures:

\$1,500,000 Fund: 426 WBS: P-01012 G/L Account: 599999

BE IT FURTHER RESOLVED that this action does not result in an increase in the total amount of funds available for the project. The only result of this approval is one of timing to allow for the availability of funds prior to July 1, 2023. Upon Council approval, the FY 2024 CIP budget will also be amended to reduce the funding allocation in FY 2024 for this project by \$1,500,000 hereby being appropriated in FY 2023.

**RESOLUTION OF THE CITY OF CHARLOTTEVILLE, VIRGINIA
TO ACCEPT THE CONVEYANCE OF TEMPORARY CONSTRUCTION EASEMENTS
JOINTLY WITH ALBEMARLE COUNTY FROM THE REDLAND CLUB, INC. FOR
CONSTRUCTION OF THE JOINT COURTHOUSE PROJECT**

WHEREAS, the Redland Club, Inc. (“Redland”) is the owner of certain real property located in the City of Charlottesville, Virginia, known as Tax Map Parcel # 53-107, and being the same property conveyed to Redland by Deed recorded at the Charlottesville City Circuit Court Clerk's Office in Deed Book 16 at Page 441 (the “Property”); and

WHEREAS, Redland desires and intends to convey a portion of the Property to the City of Charlottesville, Virginia (the “City”) and Albemarle County, Virginia (the “County”) as temporary construction easements, in the aggregate containing 1,828 square feet, more or less (the “Temporary Construction Easements”), and more specifically described in the Deed of Easement and the plat attached thereto, the form of which is attached hereto as Attachment A (the “Deed of Easement”) in connection with construction and other work required related to the County and City joint courthouse project; and

WHEREAS, Redland, the City and the County have agreed to a price to be paid for the Temporary Construction Easements of \$15,974.58, plus additional payments in the event construction is not complete within twelve (12) months of settlement, all in accordance with the terms of the Sales Contract among Redland, the City and the County, the form of which is attached hereto as Attachment B; and

WHEREAS, Virginia Code Section 15.2-1803 requires that any deed making a conveyance to a locality be accepted by its governing body; and

WHEREAS, the City desires and intends to accept the Temporary Construction Easements as described in the Deed of Easement; and

WHEREAS, the Charlottesville City Council has determined that it is appropriate and in the best interests of the City and its inhabitants to accept the Temporary Construction Easements as described in the Deed of Easement and to acquire such Temporary Construction Easements in accordance with the Sales Contract, payment of which is to be undertaken by the County in accordance with the Memorandum of Understanding to Facilitate the Expansion, Renovation, and Efficient and Safe Operation of the Albemarle Circuit Court, the Albemarle General District Court, and the Charlottesville General District Court, between the City and the County (the “Courthouse MOU”), subject to the City’s requirement to contribute to such project in accordance with Section 5(C) of the Courthouse MOU;

NOW, THEREFORE, be it **RESOLVED** by the Council of the City of Charlottesville, as follows:

1. That the Temporary Construction Easements, as more specifically described in the Deed of Easement, are accepted by the City; and

2. That the Deed of Easement and the Sales Contract are approved, and the acceptance and execution of the Deed of Easement and the Sales Contract by the City Manager on behalf of the City is authorized, ratified, confirmed, and approved; and
3. That the City Manager is authorized to take such further actions as are necessary to accomplish the purposes of this Resolution.

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF ONE OR MORE SERIES OF GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS OF THE CITY OF CHARLOTTESVILLE, VIRGINIA, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$16,000,000, TO FINANCE THE COSTS OF CERTAIN PUBLIC IMPROVEMENT PROJECTS AND PROVIDING FOR THE FORM, DETAILS AND PAYMENT THEREOF

WHEREAS, the City Council of the City of Charlottesville, Virginia (the “City”), desires to issue one or more series of general obligation public improvement bonds (the “Bonds”) to finance all or a portion of the costs to acquire, construct, renovate, rehabilitate, improve and equip certain capital improvement projects for various City purposes, including (without limitation) (a) transportation and access projects, (b) public facility projects, (c) public school projects, and (d) affordable housing projects (collectively, the “Project”); and

WHEREAS, the City’s administration, in consultation with PFM Financial Advisors LLC, the City’s financial advisor (the “Financial Advisor”), has recommended to the City Council that the City issue and sell the Bonds, in one or more series, through one or more of the following methods: (a) a direct bank loan through a banking or other financial institution (a “Direct Bank Loan”), (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 Bonds in an aggregate principal amount not to exceed \$16,000,000 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).
- 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 hereby elects to issue the Bonds pursuant to the provisions of the Public Finance Act of 1991, Chapter 26 of Title 15.2 of the Virginia Code (the “Public Finance Act”), without regard to the provisions of the City Charter.
- 3. Bond Details.** The Bonds shall be designated “General Obligation Public Improvement Bonds, Series 2023,” or such other designation as may be determined by the City Manager (which term, for purposes of this Resolution, shall include any Acting, Interim or Deputy City Manager and the Director of Finance). The City Manager shall determine (x) the principal amount of any series of Bonds the interest on which is not included in gross income for federal income tax purposes (the “Tax-Exempt Bonds”), and (y) the principal amount of any series of Bonds the interest on which is included in gross income for federal income tax purposes (the “Taxable Bonds”); provided, however, that the sum of any such series of Tax-Exempt Bonds and Taxable Bonds shall not exceed \$16,000,000. 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 10 of this Resolution, 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 (a) of a series of Tax-Exempt Bonds shall have a “true” or “Canadian” interest cost not to exceed 5.25% (taking into account any original issue discount or premium), (b) of a series of Taxable Bonds shall have a “true” or “Canadian” interest cost not to exceed 6.25% (taking into account any original issue discount or premium), (c) shall be sold to the Purchaser thereof at a price not less than 98.00% of the principal amount thereof (excluding any original issue discount) and (d) shall mature, or be subject to mandatory sinking fund redemption in annual installments, in years ending no later than December 31, 2043.

Principal of the Bonds shall be payable, or be subject to mandatory sinking fund installments, on dates determined by the City Manager. Each Bond shall bear interest from its date at such rate as shall be determined at the time of sale, calculated on the basis of a 360-day year of twelve 30-day months, and payable semiannually on dates determined by the City Manager. Principal installments and 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 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; and provided further that the final principal amount or installment payable upon redemption or maturity, together with the redemption premium, if any, shall be payable to the registered owners upon surrender of Bonds at the office of the Registrar. If any payment date is not a business day, such payment shall be made on the next succeeding business day with the same effect as if made on the stated payment date, and no additional interest shall accrue. Principal, premium, if any, and interest shall be payable in lawful money of the United States of America.

4. Securities Depository Provisions for Public Sale. If the Bonds are sold through a Competitive Sale or a Negotiated Sale, the following provisions shall apply:

(a) Initially, one Bond certificate for each maturity of each series of the Bonds shall be issued to and registered in the name of The Depository Trust Company, New York, New York (“DTC”), or its nominee. The City has heretofore entered into a Blanket 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 4.

(b) In the event that (i) the Securities Depository determines not to continue to act as the securities depository for the Bonds by giving notice to the Registrar, and the City discharges the Securities Depository of its responsibilities with respect to the Bonds, or (ii) the City in its sole discretion determines (A) that beneficial owners of Bonds shall be able to obtain certificated Bonds or (B) to select a new Securities Depository, then the Director of Finance shall, at the direction of the City, attempt to locate another qualified securities depository to serve as Securities Depository and authenticate and deliver certificated Bonds to the new Securities Depository or its nominee or to the beneficial owners or to the Securities Depository participants on behalf of beneficial owners substantially in the form provided for in Section 7 of this Resolution; 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 last 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 9 of this Resolution.

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

5. Redemption Provisions. Subject to the limitations contained herein, the City Manager is hereby authorized to determine the redemption provisions of the Bonds, including provisions for optional and mandatory sinking fund redemption.

(a) The Bonds of each series may be subject to redemption prior to maturity at the option of the City upon such terms and on such dates, if any, as the City Manager determines to be in the best interests of the City based on financial market conditions. Such redemption terms may include payment of a redemption premium not to exceed 1.00% of the principal amount to be redeemed as well as “make whole” redemption premium.

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

(c) If less than all of the Bonds of a series are called for redemption, the maturities of the series of Bonds to be redeemed shall be selected by the Director of Finance in such manner as such officer may determine to be in the best interest of the City. In the case of a Competitive Sale or a Negotiated Sale, if less than all the Bonds of any maturity of a series are called for redemption, the Bonds within such series and maturity 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. If a portion of a Bond is called for redemption, a new Bond in principal amount equal to the unredeemed portion thereof will be issued to the registered owner upon the surrender thereof.

(d) 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 date fixed for redemption, to the registered owner(s) of the Bonds. In all circumstances, the City shall be responsible for giving notice of redemption only to the registered owner(s) of the Bonds, which, in the case of a Competitive Sale or a Negotiated Sale, shall be DTC or another qualified securities depository then serving or its nominee (unless no qualified securities depository is then serving as the registered owner of the Bonds). In the case of an optional redemption, the notice may state that (i) it is conditioned upon the deposit of moneys, in an amount equal to the amount necessary to effect the redemption, no later than the date fixed for redemption or (ii) the City retains the right to rescind such notice on or prior to the date fixed for redemption (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 date fixed for redemption 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.

6. 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, for purposes of this Resolution, 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.

7. 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.

8. 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 on all taxable property within the City, over and above all other taxes authorized or limited by law and without limitation as to rate or amount, sufficient to pay when due the principal of and premium, if any, and interest on the Bonds.

9. 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 hereby 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 6 of this Resolution, 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.

10. Sale of Bonds. (a) The City Council authorizes the Bonds to be sold in one or more series, whether through a Direct Bank Loan, 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 below and in Sections 1 and 3 of this Resolution.

(b) If the City Manager determines that the Bonds (or a portion thereof) shall be sold through a Direct Bank Loan, 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 of this Resolution, to arrange for the issuance and sale of the Bonds to the Purchaser. Following a Direct Bank Loan, 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 Direct Bank Loan 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 of this Resolution. 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 of this Resolution, (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 of this Resolution, (iii) determine the redemption provisions of the Bonds, subject to the limitations set forth in Section 5 of this Resolution, 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.

11. 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. If 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.

12. Official Statement Deemed Final. If the Bonds are sold 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.

13. 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.

14. 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 Tax-Exempt 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 Tax-Exempt Bonds to be “arbitrage bonds” within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, including the regulations issued pursuant thereto (collectively, the “Code”), or otherwise cause interest on the Tax-Exempt Bonds to be includable in the gross income for federal income tax purposes of the registered owners thereof under existing law. Without limiting the generality of the foregoing, the City shall comply with any provision of existing 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 Tax-Exempt Bonds, unless the City receives an opinion of nationally recognized bond counsel that such compliance is not required to prevent interest on the Tax-Exempt Bonds from being includable in the gross income for federal income tax purposes of the registered owners thereof under existing law. The City shall pay any such required rebate from its legally available funds.

15. 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 Tax-Exempt Bonds in order to show that such expected use and investment will not violate the provisions of Section 148 of the Code and (b) any elections such officers deem desirable regarding rebate of earnings to the United States for purposes of complying with Section 148 of the Code. Such certificate shall be prepared in consultation with the City’s bond counsel, and such elections shall be made after consultation with bond counsel.

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

17. SNAP Investment Authorization. The City Council has previously received and reviewed the Information Statement (the “Information Statement”), describing the State Non-

Arbitrage Program of the Commonwealth of Virginia (“SNAP”) and the Contract Creating the State Non-Arbitrage Program Pool I (the “Contract”), and the City Council hereby authorizes the City Treasurer in his discretion to utilize SNAP in connection with the investment of the proceeds of the Bonds. The City Council acknowledges that the Treasury Board of the Commonwealth of Virginia is not, and shall not be, in any way liable to the City in connection with SNAP, except as otherwise provided in the Contract.

18. Continuing Disclosure Agreement. If the Bonds are sold 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.

19. Provision of Financial Information. If the Bonds are sold through a Direct Bank Loan, the Director of Finance is hereby authorized and directed to make available to the Purchaser, for so long as the Bonds remain outstanding, a copy of the City’s comprehensive annual financial report and such other financial information as may be reasonably requested by the Purchaser, as soon as is practicable upon the release of such information.

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

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

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

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

[FORM OF BOND]

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

REGISTERED

REGISTERED

No. R-_____

\$_____

UNITED STATES OF AMERICA

COMMONWEALTH OF VIRGINIA

CITY OF CHARLOTTESVILLE

General Obligation Public Improvement Bond

Series 2023[A][B]

[(Tax-Exempt)(Federally Taxable)]

INTEREST RATE

MATURITY DATE

DATED DATE

CUSIP

_____%

_____, ____

_____, 2023

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 by such bank or trust company as may be appointed as successor paying agent and registrar by the City Manager (the “Registrar”). If any payment date is not a business day, such payment shall be made on the next succeeding business day with the same effect as if made on the stated payment date, and no additional interest shall accrue.

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 Blanket Letter of Representations to DTC.

This bond is one of an issue of \$_____ General Obligation Public Improvement Bonds, Series 2023[A][B], of like date and tenor, except as to number, denomination, rate of interest, privilege of redemption and maturity, and is issued pursuant to the Constitution and statutes of the Commonwealth of Virginia, including the Public Finance Act of 1991, without regard to the provisions of the City Charter. The bonds are being issued pursuant to a resolution adopted by the City Council of the City (the “City Council”) on _____, 2023 (the “Resolution”), to finance certain capital improvement projects for the City and to pay costs incurred in connection with issuing such bonds (if not otherwise paid from other City funds).

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 on all taxable property within the City, over and above all other taxes authorized or limited by law and without limitation as to rate or amount, sufficient to pay when due the principal of and premium, if any, and interest on this bond.

Optional Redemption. 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
--	-----------------------------

Mandatory Sinking Fund Redemption. [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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Manner of Redemption. 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. 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.

Notice of Redemption. 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 date fixed for redemption, to the registered owner hereof. Consistent with the terms of the Resolution, 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 date fixed for redemption, such notice shall be effective when given. If such proceeds are not available on the date fixed for redemption, no default will be deemed to have occurred and 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 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 connection with 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 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

RESOLUTION
CITY OF CHARLOTTESVILLE ADOPTION OF THE
REGIONAL NATURAL HAZARD MITIGATION PLAN

WHEREAS, the Disaster Mitigation Act of 2000, as amended, requires that local governments develop, adopt and update natural hazard mitigation plans in order to receive certain federal assistance; and,

WHEREAS, the Thomas Jefferson Planning District's Regional Natural Hazard Mitigation Plan has been prepared in accordance with Federal Emergency Management Agency ("FEMA") requirements at 44C.F.R. 201.6; and,

WHEREAS, The City of Charlottesville has been involved in the preparation of the Regional Natural Hazard Mitigation Plan, with City staff representing the City on the Working Group and working with Thomas Jefferson Planning District Commission ("TJPDC") staff to identify mitigation actions for inclusion in the plan, and,

WHEREAS, VDEM and FEMA have approved the plan with no changes recommended; and,

WHEREAS, hazard mitigation is essential to protect life and property by reducing the potential for future damages and economic losses resulting from natural disasters;

NOW THEREFORE BE IT RESOLVED, that the City of Charlottesville City Council does hereby adopt the Regional Natural Hazard Mitigation Plan.

ADOPTED by the City of Charlottesville City Council on this 15th day of May 2023.

APPROVED



Lloyd Snook, Mayor

ATTEST



Kyna Thomas, Clerk of Council