

## **CHARLOTTESVILLE CITY COUNCIL MEETING MINUTES**

**May 15, 2023 at 4:00 p.m.**

**In-person: Council Chamber, 605 E. Main Street**

**Virtual/electronic: Zoom**

The Charlottesville City Council met on Monday, May 15, 2023. The meeting was held in hybrid format with Council members and public seating in Council Chamber, and electronic participation on the Zoom webinar platform. Mayor Lloyd Snook called the meeting to order, and Deputy Clerk of Council Maxicelia Robinson called the roll, noting the following councilors present: Mayor Lloyd Snook, Vice Mayor Juandiego Wade and Councilors Brian Pinkston and Leah Puryear. Councilor Michael Payne arrived after roll call.

On motion by Wade, seconded by Puryear, Council unanimously ADOPTED the meeting agenda.

### **REPORTS**

#### **1: REPORT: Youth Council Annual Report**

Daniel Fairley, Youth Opportunity Coordinator and a staff liaison for the Charlottesville Youth Council, introduced the report with a summary of the topics that the members of the Youth Council would cover in their presentation.

The members of the Youth Council reported on the activities and/or learning opportunities that the group participated in:

1. Ezhar Zahid, spoke about the Youth Council participation in the Community Climate Collaborative (C3) program.
2. Josie Fischman, presented the information that the council learned about the various Safe at Home Campaigns of the Albemarle Housing Improvement Program (AHIP)
3. Nava Khurgel, spoke about the council's Wellness Bag Distribution to the homelessness people who were on the Downtown Mall.
4. Jazmyn Carter-Page, presented the information that member of the council learned about the Shelter for Help and Emergency (SHE).
5. Christopher Procino, spoke about the council's participation in the Voter Registration Drive.
6. Gloria Gaye, reported that the council has created a Youth Street Sheet that will provide a list of resources for local youth. The sheet will be linked to a website through the UVA Equity Center for youth-focused programming.

Mayor Snook asked the members of the Youth Council for their suggestions for recreational opportunities that the city can provide for the local youth. Gloria suggested a recreational space. Josie suggested afterschool recreational activities along with transportation to enable participation, subsidized registration fees, and incentives such as snacks for the participants. Nava suggested a less-structured space for kids to hang out at no cost, similar to the local skate park.

Interim City Manager Rogers asked Mr. Fairley to follow-up with the City Manager's office for a meeting with the Youth Council.

## **2. REPORT: Presentation and Review of Draft Economic Development Strategic Plan**

Chris Engel, Director of Economic Development Authority, introduced the item and turned the presentation over to the representatives of the Resonance Consulting Firm.

Stephen Pedigo, and Omneya Fahmy of Resonance Consulting Firm, reviewed the phases of developing the draft plan and the strategy. The firm reported that they are now in the final phase of engagement for developing a strategy plan. The four phases of engagement are: 1. Development of Project Work Plan and Consultation Strategy, 2. Demographic, Economic, and Real Estate Assessment, 3. Stakeholder and Public Engagement, 4. Strategic Plan Development and Implementation. The research performed for the development of the plan included a Competitive Benchmarking Analysis, Industry Cluster and Career Pathway Analysis, Real Estate and Land Use Review, Community and Business Survey and Stakeholder Engagement. A research analysis was conducted, and it was concluded that the City of Charlottesville is:

1. Diverse and young community with authentic small-town charm.
2. Home to a highly-skilled workforce in a variety of industries, City has a healthy economy.
3. Competitive export clusters – a foundation for a strong, diverse economic base.
4. Can grow its leadership in Life Sciences and Clean Technology.
5. Has a strong asset in UVA
6. Reimagining a more inclusive Charlottesville is part of its economic development future.
7. Has a growing diverse entrepreneurial community.
8. Can bridge equity gaps through innovative workforce development.
9. Economic development story is largely untold.
10. Has an array of quality-of-life assets that need to be complemented with creative placemaking strategies.

Ms. Fahmy presented the six (6) industry sectors that form the economic portfolio of the City of Charlottesville as: Bioscience and Life Sciences; Information Technology; Business and Financial Services; Defense and Security; Tourism; Clean Technology. Mr. Pedigo gave an overview of the elements of an economic strategy for the City which specified a vision statement, five (5) economic goals, strategies, as well as metrics for economic impact. A draft of the Actions Plan for executing the economic strategy may be ready for a review within one

week. The Office of Economic Development and the consultants are currently exploring the options for tracking the progress and impact of the economic strategy.

Councilor Puryear expressed that the economic plan must address sustainability for small businesses. Chris Engel, Director of Economic Development, recognized the City's partnership with United Way on the Envision grant program, which provides assistance to small businesses that have been in existence for at least two (2) years. Councilor Payne expressed expounding the economic strategic plan to incorporate community wealth-building and that the metrics for the program incorporate the wealth and income gaps. He added that Housing and Urban Development (HUD) Section 3 also be included in the economic development plan.

Mayor Snook asked for feedback on the challenges of business expansion within the city given the limited space that is available. Mr. Engel stated that space is an ongoing challenge. Mr. Pedigo added that a Real Estate Assessment and growth sectors are included in the economic strategy plan.

### **3. REPORT: Overview of the Charlottesville Region Defense Industry Economic Impact Study**

Chris Engel, Director of Economic Development Authority, introduced the item and Lettie Bien, Defense Affairs Program Manager with the Regional Chamber of Commerce.

Ms. Bien presented the report on the Charlottesville Region Defense Industry Economic Impact Study.

Councilor Pinkston expressed an interest in learning more about supporting the defense industry for the Charlottesville region. Ms. Bien explained that a Strengths, Weaknesses, Opportunities, and Threats (SWOT) Analysis will be conducted on all military installations that are located within the Commonwealth of Virginia. The analysis will be presented to the Virginia Governor to aid the improvement of the Defense Industry within the state. A non-attributional session will be held on May 31, 2023 at North Fork to discuss the SWOT Analysis.

### **CLOSED SESSION**

On motion by Pinkston, seconded by Wade, pursuant to section 2.2-3712 of the Virginia Code, City Council voted unanimously to convene in a closed session, as authorized by Virginia Code Section 2.2- 3711(A)(1), for:

1. Discussion and consideration of appointments to the Charlottesville Albemarle Convention and Visitors Bureau; and
2. Discussion and consideration of appointment of a City Attorney for the City of Charlottesville.

On motion by Pinkston, seconded by Wade, Council certified by a recorded vote of 5-0 that to the best of each Council member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the Motion convening the closed session were heard, discussed, or considered in the closed session.

## **BUSINESS SESSION**

City Council opened the business portion of the meeting by observing a moment of silence.

## **ANNOUNCEMENTS**

Vice Mayor Wade announced May 21 to May 27 as National Public Works week. The theme for 2023 is Connecting the World through Public Works. Vice Mayor Wade thanked the Public Works staff for their service.

Councilor Puryear announced the celebration of the 150<sup>th</sup> Anniversary of the Charlottesville Daughters of Zion Cemetery. The event will be held on Saturday, May 27 at 1:00 p.m. at the Albert and Shirley Small Collections Library located at 160 McCormick Road, Charlottesville, Virginia 22901. Additionally, a Decoration Day Celebration will be held on May 28 at 2:00 p.m. at the Daughters of Zion Cemetery located at 225 Oak Street, Charlottesville, Virginia.

Councilor Payne announced that applications are currently being accepted for boards and commissions.

## **RECOGNITIONS/PROCLAMATIONS**

- **Proclamation: Gun Violence Awareness Day – June 2, 2023**

Councilor Pinkston presented the proclamation to Gretchen Brown, Local Group Lead for the Charlottesville-Albemarle Mom's Demand Action for Gun Sense in America.

- **Proclamation: Jewish American Heritage Month – May 2023**

Mayor Snook presented the proclamation to Charlotte Crystal, Vice President of Congregation Beth Israel.

## **CONSENT AGENDA**

Deputy Clerk of Council Maxicelia Robinson read the following Consent Agenda items into the record.

On motion by Pinkston, seconded by Wade, Council by a vote of 5-0 ADOPTED the consent agenda.

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

**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 on the Supreme Court of Virginia.

6. ORDINANCE: Amending City Code Section 22-4. Methods of Procurement Authorized, to increase the bid bond limit from \$100,000 to \$200,000

**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)**

7. RESOLUTION: Appropriating \$2,000,000 in FY23 Capital Improvement Program for Stribling Avenue Sidewalk and Buford School Reconfiguration Projects
- a. Appropriating \$500,000 for the Stribling Avenue Sidewalk Project

**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

**Transfer To**

\$500,000      Fund: 426      WBS: P-0XXXX      G/L Account: 599999

- b. Appropriating \$1,500,000 for the Buford School Reconfiguration Project

**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.

- 8. RESOLUTION: Appropriating Additional Funding Received from the Virginia Department Social Services for Adoption Assistance - \$450,000 (CARRIED)

9. RESOLUTION: Appropriating Funds for Virginia Department of State Police (VSP) - Help Eliminate Auto Theft (HEAT) Program - \$4,000 (CARRIED)
10. RESOLUTION: Appropriating additional funding received from the Virginia Department of Social Services for the VIEW Program - \$ 46,000 (CARRIED)
11. RESOLUTION: Appropriating Additional Funding Received from the Virginia Department of Social Services for Various Programs - \$56,634 (CARRIED)
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 (CARRIED)
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. (CARRIED)
14. RESOLUTION: Authorizing the Acceptance of Conveyance of Temporary Construction Easement and approving contract with Redland Club

**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.

Mayor Snook opened the floor for public comment on the Consent Agenda. No speakers came forward.

## **CITY MANAGER REPORT**

Interim City Manager Rogers announced that the Strategic Planning Retreat will be held on May 19-20 and that the meeting will be streamed online.

## **COMMUNITY MATTERS**

Mayor Snook opened the floor for comments from the public.

1. Downing Smith, spoke about the alleged activities of the Charlottesville Albemarle Society for the Prevention of Cruelty to Animals (CASPCA) Board as well as that of the CEO of the organization. Mr. Smith made a recommendation to remove the current members of the CASPCA Board and to add a representative for the city and the county to the composition of



the board. He also requested that the City Attorney and the Commonwealth Attorney do a review of the executive summary on the allegations against the CASPCA that was submitted by the McGuireWoods law firm for illegal behavior by the CASPCA representatives.

2. Tanesha Hudson, city resident, spoke about the Charlottesville Police Department and the alleged unlawful detainment of Black residents of the city. She expressed her support for appointing Interim Fire Chief Michael Thomas as the next fire chief.
3. Adam Stevenson, UVA graduate student, requested improved bike routes within the city.
4. Robin Hoffman, city resident, announced that a former guest on a Charlottesville Public Access TV show was offered an opportunity to participate in a pilot cooking show. She also referenced complaints that city staff are not conducting home inspections in a timely manner which is prolonging much needed upgrades to area homes.
5. Brandon Collins, city resident, expressed his concerns about the Economic Strategic Plan that was presented earlier in the meeting. Mr. Collins asked that the city consider who the plan will benefit, if the plan will contribute to gentrification, and how the plan will impact the housing situation within the city. He also expressed his concerns about the city's support of the defense industry.
6. Katrina Turner, city resident, shared her dissatisfaction with unresolved personal situations involving the Charlottesville Police Department.

Mayor Snook acknowledged that a staff member will follow-up with Ms. Turner.

## **ACTION ITEMS**

### **15. PUBLIC HEARING/RESOLUTION: Authorizing the issuance and sale of General Obligation Public Improvement Bonds in an aggregate principal amount not to exceed \$16,000,000 - New Debt**

Krisy Hammill, Director of Budget, presented the report.

Ms. Hammill advised Council that the financial advisors continue to monitor the debt ceiling and that the Budget Department aims to do a competitive sale at the beginning of the month of June. Budget will seek a competitive sale and will establish bond parameters for the Notice of Sale.

Mayor Snook opened the Public Hearing for the agenda item. No speakers came forward. Mayor Snook closed the Public Hearing.

On motion by Pinkston, seconded by Wade, Council by a vote of 5-0 (Ayes: Payne, Pinkston, Puryear, Snook, Wade; Noes: none) APPROVED the resolution authorizing the issuance and sale of General Obligation Public Improvement Bonds.

**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:**

2. **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).

3. **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.

4. **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.

**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.**

Jeff Werner, Preservation Design Planner, summarized the request and the Board of Architectural Review's decision. Mr. Werner stated that staff recommends that Council uphold the BAR's decision. He added that if Council approves the appeal, the BAR has provided a list of recommendations for council to consider as conditions of an approval. The property owners may appeal to the Charlottesville Circuit Court if City Council denies the appeal.

Mr. Werner explained that a parcel adjacent to 104 Stadium Road was deemed an Individually Protected Properties (IPP) but that there is no documentation on what occurred to prompt the designation.

Valerie Long, with the William Mullens Firm and who is representing the appellant provided comments on the appeal. Ms. Long explained that based on the research of the property that her firm conducted, the city put out a Request for Purchase for the adjacent parcel located at 409 Stadium Road in 2011, two applications were considered of which one (1) was from the current owner of 104 Stadium Road who offered to leave the parcel vacant and to also designate 104 Stadium Road as an IPP. Ms. Long went on to say that there is no evidence of any historic features at 104 Stadium Road.

Various representatives with the William Mullens Firm also provided comments regarding the appeal and plans for project.

Breck Gastinger, Chair of the BAR, elaborated on the BAR's decision. Mr. Gastinger stated that the BAR has not reviewed a design proposal for the property nor has the board assessed if the proposal for the property will require demolition. Mr. Gastinger noted that the property will not be within the purview of the BAR if Council removes the IPP status of the property. He also requested that there be adequate documentation of the property if council approves the demolition and that the demolition be contingent upon an approved design.

Ms. Long added that a denial will significantly impact the quality of the planned project. An explanation of the renderings of the project was presented.

Councilor Payne noted that the property may still warrant preservation even if it is not listed on the preservation registry.

The councilors discussed the benefits that the proposed redevelopment of the site will have on the local housing crisis. Council continued to discuss the option to approve an appeal versus removing the IPP.

Council deferred a vote on the appeal to the June 5 Council meeting to update the resolution to reflect the conditions of the approval of the appeal.

### **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.**

Jeff Werner, Preservation Design Planner, summarized the request and the Entrance Corridor Review Board decision.

The appellants submitted a list of concerns for the basis for the appeal, the list included but was not limited to:

- The February 14<sup>th</sup> meeting was not noticed.
- Letters for the February 27<sup>th</sup> meeting was not postmarked fourteen (14) days prior to the meeting.

Mr. William Schaaf, an appellant, provided remarks in support of the appeal.

Ellen Contini-Morava, read a statement on behalf of an appellant, Mary Poling who was a Zoom participant but has complications with her computer audio. The statement referenced parking spaces and sidewalks impacted by the project at the intersection of 2005 Jefferson Park Avenue.

On motion by Pinkston, seconded by Wade, Council by a vote of 5-0 (Ayes: Payne, Pinkston, Puryear, Snook, Wade; Noes: none) RE-REFERRED the appeal of a Certificate of Appropriateness to the ERB. Council noted that site plan issues are not appropriate for this appeal.

### **18. RESOLUTION: Thomas Jefferson Planning District Commission 2023 Regional Natural Hazard Mitigation Plan update**

Ian Baxter, Thomas Jefferson Planning District Commission presented an update on the mitigation plan.

Councilors raised questions about the implementation of a Flood Resiliency Plan. Deputy City Manager Sanders recommended a work session dedicated to implementing a plan. Mayor Snook suggested that the City Manager's office submit a Flood Resiliency Plan for Council to review. Other items mentioned for follow-up: Community Emergency Response Team certification program; Mass Alert System.

On motion by Pinkston, seconded by Wade, Council by a vote of 5-0 (Ayes: Payne, Pinkston, Puryear, Snook, Wade; Noes: none) APPROVED the adoption of the 2023 Regional Natural Hazard Mitigation Plan.

**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**, 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.

**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 (CARRIED)**

Todd Divers, Commissioner of Revenue, presented the report.

Council moved the item to the June 5 Consent Agenda.

**OTHER BUSINESS**

## **BOARD/COMMISSION APPOINTMENTS**

On motion by Payne, seconded by Wade, Council by a vote of 5-0 (Ayes: Payne, Pinkston, Puryear, Snook, Wade; Noes: none) APPOINTED members to the Charlottesville Albemarle Convention and Visitors Bureau Board: Shawn Jenkins and Sheldon Johnson.

## **COMMUNITY MATTERS (2)**

Mayor Snook opened the floor for public comment. No speakers came forward.

The meeting adjourned at 9:22 p.m.

BY Order of City Council

BY Maxicelia Robinson, Deputy Clerk of Council