

CERTIFICATIONS



CITY COUNCIL AGENDA September 8, 2020

Members

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

5:00 p.m. Closed session as provided by Sections 2.2-3711 and 2.2-3712 of the Virginia Code (Boards and commissions; legal consultation; personnel)

Virtual/electronic meeting

6:30 p.m. Regular Meeting

Virtual/electronic meeting. Register at www.charlottesville.gov/zoom

CALL TO ORDER

MOMENT OF SILENCE

ROLL CALL

AGENDA APPROVAL **APPROVED 5-0 (MAGILL/HILL)**

ANNOUNCEMENTS

Update from Dr. Denise Bonds, Thomas Jefferson Health District Director; Public comment process for Strategic Plan Update

RECOGNITIONS/PROCLAMATIONS

BOARD/COMMISSION APPOINTMENTS

1. Report: Boards & Commissions (Planning Commission appointment) **APPROVED 5-0 (HILL/MAGILL)**

CONSENT AGENDA* **APPROVED 5-0 (HILL/MAGILL) with July 20, 2020 minutes**

2. Minutes: July 20 Closed and Regular Meetings; July 27 Special Meeting, August 3 Closed and Regular Meetings, August 4 Listening Session on Policing
Minutes except July 20 pulled for separate vote: **APPROVED 4-0-1 (HILL/MAGILL; Walker abstained as she was not in attendance)**
3. Ordinance: Ordinance granting permanent and temporary easements to the Rivanna Water and Sewer Authority for the installation of water line facilities in Ragged Mountain Natural Area (2nd reading)
#O-20-111
4. Ordinance: Ordinance granting an underground utility easement to Dominion Energy for the installation of electric power lines in Ragged Mountain Natural Area (2nd reading)
#O-20-112
5. Ordinance: Ordinance granting a drainage easement to the International School of Charlottesville, Inc. (2nd reading)
#O-20-113
6. Appropriation: Appropriation of funds received for reimbursement for Crescent Halls driveway repair - \$18,483.73 (2nd reading)
#A-20-114
7. Appropriation: Charlottesville-Albemarle Adult Drug Treatment Court Grant Award - \$240,000 (1st of 2 readings)
8. Appropriation: Virginia Housing Solutions Program Grant Award - \$539,333 (1st of 2

readings)

CITY MANAGER RESPONSE TO COMMUNITY MATTERS (FROM PREVIOUS MEETINGS)

COMMUNITY MATTERS

ACTION ITEMS

9. **Public Hearing/Res.:**
#R-20-115 Public hearing and resolution authorizing the issuance and sale of General Public Improvement Bonds not to exceed \$27,000,000 to finance the costs of certain public improvement projects (1 reading)
APPROVED 5-0 (HILL/PAYNE)
10. **Public Hearing/Ord.:**
#O-20-116 Public hearing and ordinance for Rezoning property at 909 Landonia Circle from B-1 (Business / Commercial) to B-2 (Business / Commercial) (2nd reading) **APPROVED 5-0 (HILL/SNOOK)**
11. **Ordinance*:**
#O-20-117 Renewal of Continuity in Government Ordinance (1 reading requiring 4/5 vote) **APPROVED 5-0 (HILL/SNOOK)**
12. **Ordinance*:**
#O-20-118 Amending Chapter 33 (Weapons) of the Code of the City of Charlottesville to add Section 33-10. – Prohibition of firearms on city property (3rd reading)
APPROVED 5-0 (SNOOK/MAGILL)
13. **Resolution*:**
#R-20-119 Sale of City-owned Property Policy Amendment (1 reading)
APPROVED 5-0 (HILL/MAGILL)
14. **Resolution*:**
#R-20-120 Resolution to support listing Jackson P. Burley High School on the Virginia Landmarks Register and the National Register of Historic Places (1 reading)
APPROVED 5-0 (HILL/PAYNE)
15. **Resolution*:**
#R-20-121 Resolution to support listing River View Farm and the Carr-Greer Farmhouse (Ivy Creek Natural Area) on the Virginia Landmarks Register and the National Register of Historic Places (1 reading)
APPROVED 5-0 (HILL/PAYNE)
16. **Resolution*:**
#R-20-122 218 West Market Street Special Use Permit (1 reading) **APPROVED 5-0 (HILL/SNOOK)**

GENERAL BUSINESS

17. Discussion: Discussion of Honorary Street Designation requests

OTHER BUSINESS

MATTERS BY THE PUBLIC

*Action Needed

**AN ORDINANCE
GRANTING PERMANENT AND TEMPORARY EASEMENTS TO THE
RIVANNA WATER AND SEWER AUTHORITY
FOR THE INSTALLATION OF WATER LINE FACILITIES
IN RAGGED MOUNTAIN NATURAL AREA**

WHEREAS, the Rivanna Water and Sewer Authority (“RWSA”) has requested the City of Charlottesville (“City”) to grant permanent and temporary easements across a portion of Ragged Mountain Natural Area along Reservoir Road, located in the County of Albemarle, as shown on the attached plat dated July 22, 2019, last revised February 21, 2020; and,

WHEREAS, the proposed easement will allow construction of a water supply line from the South Rivanna Reservoir to the Ragged Mountain Reservoir; and

WHEREAS, in accordance with Virginia Code Sec. 15.2-1800(B), a public hearing was held on August 17, 2020 to give the public an opportunity to comment on the conveyance of these easements; and

WHEREAS, City staff have reviewed the request and have no objection to the conveyance of said easements to RWSA.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the Mayor is hereby authorized to execute a Deed of Easement and such other documents as may be requested by RWSA, in form approved by the City Attorney, to convey the above-described easements to the Rivanna Water and Sewer Authority.

**AN ORDINANCE
GRANTING AN UNDERGROUND UTILITY EASEMENT TO
DOMINION ENERGY FOR THE INSTALLATION OF ELECTRIC POWER LINES
IN RAGGED MOUNTAIN NATURAL AREA**

WHEREAS, Dominion Energy has requested the City of Charlottesville (“City”) to grant a permanent and temporary easement across a portion of Ragged Mountain Natural Area along Reservoir Road, located in the County of Albemarle, as shown on the attached plat prepared by Dominion Energy dated March 26, 2020; and,

WHEREAS, the proposed easement will allow construction of a new placement of an underground utility service that would follow existing overhead utility lines at the upper most portion of its service to Ragged Mountain Reservoir; and

WHEREAS, in accordance with Virginia Code Sec. 15.2-1800(B), a public hearing was held on August 17, 2020 to give the public an opportunity to comment on the conveyance of these easements; and

WHEREAS, City staff have reviewed the request and have no objection to the conveyance of said easements to Dominion Energy.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the Mayor is hereby authorized to execute a Right of Way Agreement and such other documents as may be requested by Dominion Energy, in a form approved by the City Attorney, to convey the above-described utility easement to Dominion Energy.

**AN ORDINANCE
GRANTING DRAINAGE EASEMENT TO THE
INTERNATIONAL SCHOOL OF CHARLOTTESVILLE, INC.**

WHEREAS, the International School of Charlottesville, Inc. (“ISC”) has requested the City of Charlottesville (“City”) grant a drainage easement across a portion of 1011 Linden Avenue, located in the City of Charlottesville, (portion of Rives Park), as shown on the attached plat dated January 24, 2020; and,

WHEREAS, the proposed drainage easement will allow for the installation and maintenance of a new drainage pipe to connect to the existing drain at Rives Park; and,

WHEREAS, in accordance with Virginia Code Secs. 15.2-1800 (B) & 15.2-2101(A), an advertised public hearing was held to give the public an opportunity to comment on the conveyance of this easement; and,

WHEREAS, City staff have reviewed the request and have no objection to the conveyance of said easement to ISC.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the Mayor is hereby authorized to execute a Deed of Easement located at 1011 Linden Avenue in Charlottesville, Virginia and as shown on a plat dated January 24, 2020, and such other documents as may be required, in a form approved by the City Attorney, to convey the above-described easement to the International School of Charlottesville, Inc.

APPROPRIATION
Reimbursement for Crescent Halls driveway repair
\$18,483.73

WHEREAS, in November 2019, the City entered into an Agreement with Charlottesville Redevelopment and Housing Authority (CRHA) to “set forth the terms and conditions under which the City will replace a driveway culvert on property owned by CRHA at the public housing project known as Crescent Hall...”.

WHEREAS, the City of Charlottesville has received a reimbursement from Charlottesville Redevelopment and Housing Authority (“CRHA”) for work performed; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia, that \$18,483.73 received as reimbursement be appropriated back to the City account from which the expenses were originally paid.

Expense

\$18,483.73 Fund: 426 WBS Element: P-01019 GL Code: 599999

**RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF
GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS OF THE
CITY OF CHARLOTTESVILLE, VIRGINIA, IN AN AGGREGATE
PRINCIPAL AMOUNT NOT TO EXCEED \$27,000,000, 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 general obligation public improvement bonds to finance costs of certain capital improvement projects for the City, including, without limitation, (a) transportation and access improvements, including but not limited to constructing, equipping and repairing sidewalks and roads and street reconstruction, (b) renovations and improvements to public facilities, (c) public school improvements, (d) improvements to public parks, (e) public safety improvements, including but not limited to the replacement of fire apparatus and portable radios, (f) improvements to the City’s water, wastewater and stormwater systems and equipment for such systems and (g) constructing, equipping and renovating affordable housing (collectively, the “Project”); and

WHEREAS, the City’s administration and a representative of PFM Financial Advisors LLC, the City’s financial advisor (the “Financial Advisor”), have recommended to the City Council that the City issue and sell one or more series of general obligation public improvement bonds through a competitive public offering;

**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 general obligation public improvement bonds (collectively, the “Bonds”) in an aggregate principal amount not to exceed \$27,000,000 and to use the proceeds of the Bonds, 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 elects to issue the Bonds pursuant to the provisions of the Public Finance Act of 1991, Chapter 26 of Title 15.2 of the Virginia Code (the “Public Finance Act”).

3. Bond Details. (a) The Bonds may be sold in one or more series: one series may be issued on a tax-exempt basis (the “Series 2020A Bonds”) and one series may be issued on a federally taxable basis (the “Series 2020B Bonds”). The City Manager (which term shall include any Deputy City Manager and the Director of Finance) is authorized to determine the total principal amount of Bonds to be issued as the Series 2020A Bonds and the total principal amount of Bonds to be issued as the Series 2020B Bonds, provided that the aggregate principal amount of all Bonds to be issued, regardless of series designation, shall not exceed \$27,000,000.

(b) The Series 2020A Bonds shall be designated “General Obligation Public Improvement Bonds, Series 2020A,” or such other designation as may be determined by the City Manager. Subject to Section 9, the issuance and sale of any Series 2020A Bonds are authorized on terms as shall be satisfactory to the City Manager; provided, however, that the Series 2020A Bonds (i) shall have a “true” or “Canadian” interest cost not to exceed 4.0% (taking into account any original issue discount or premium), (ii) shall be sold to the purchaser thereof at a price not less than 99.5% of the principal amount thereof (excluding any original issue discount) and (iii) shall mature in years, or be subject to mandatory sinking fund redemption in annual installments, ending no later than December 31, 2040.

(c) The Series 2020B Bonds shall be designated “General Obligation Public Improvement Bonds, Series 2020B (Federally Taxable)” or such other designation as may be determined by the City Manager. Subject to Section 9, the issuance and sale of any Series 2020B Bonds are authorized on terms as shall be satisfactory to the City Manager; provided, however, that the Series 2020B Bonds (i) shall have a “true” or “Canadian” interest cost not to exceed 5.0%, (ii) shall be sold to the purchaser thereof at a price equal to 100.0% of the principal amount thereof and (iii) shall mature in years, or be subject to mandatory sinking fund redemption in annual installments, ending no later than December 31, 2040.

(d) 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. Principal of the Bonds shall be payable, or be subject to mandatory sinking fund installments, annually 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 and premium, if any, shall be payable to the registered owners upon surrender of Bonds as they become due at the office of the Registrar (as hereinafter defined). Interest shall be payable by check or draft mailed to the registered owners at their addresses as they appear on the registration books kept by the Registrar on a date prior to each interest payment date that shall be determined by the City Manager (the “Record Date”); provided, however, that at the request of the registered owner of the Bonds, payment may be made by wire transfer pursuant to the most recent wire instructions received by the Registrar from such registered owner. Principal, premium, if any, and interest shall be payable in lawful money of the United States of America.

(e) 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 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.

(f) 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 6; provided, however, that such form shall provide for interest on the Bonds to be payable (1) from the date of the Bonds if they are authenticated prior to the first interest payment date or (2) otherwise from the interest payment date that is or immediately precedes the date on which the Bonds are authenticated (unless payment of interest thereon is in default, in which case interest on such Bonds shall be payable from the date to which interest has been paid). In delivering certificated Bonds, the Director of Finance shall be entitled to rely on the records of the Securities Depository as to the beneficial owners or the records of the Securities Depository participants acting on behalf of beneficial owners. Such certificated Bonds will then be registrable, transferable and exchangeable as set forth in Section 8.

(g) 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 Letter of Representations such provisions of the Letter of Representations, except to the extent set forth in this paragraph and the next preceding paragraph, shall control.

4. Redemption Provisions. (a) The Bonds may be subject to redemption prior to maturity at the option of the City on or after dates, if any, determined by the City Manager, in whole or in part at any time, at a redemption price equal to the principal amount of the Bonds, together with any interest accrued to the date fixed for redemption, plus a redemption premium not to exceed 1.0% of the principal amount of the Bonds, such redemption premium to be determined by the City Manager.

(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. If less than all the Bonds of any maturity of a series are called for redemption, the Bonds within such maturity of such series to be redeemed shall be selected by the Securities Depository pursuant to its rules and procedures or, if the book-entry system is discontinued, shall be selected by the Registrar by lot in such manner as the Registrar in its discretion may determine. In either case, (i) the portion of any Bond to be redeemed shall be in the principal amount of \$5,000 or some integral multiple thereof, and (ii) in selecting Bonds for redemption, each Bond shall be considered as representing that number of Bonds that is obtained by dividing the principal amount of such Bond by \$5,000. The City shall

cause notice of the call for redemption identifying the Bonds or portions thereof to be redeemed to be sent by facsimile or electronic transmission, registered or certified mail or overnight express delivery, not less than 30 nor more than 60 days prior to the redemption date, to the registered owner of the Bonds. The City shall not be responsible for giving notice of redemption to anyone other than DTC or another qualified securities depository then serving or its nominee unless no qualified securities depository is the registered owner of the Bonds. If no qualified securities depository is the registered owner of the Bonds, notice of redemption shall be mailed to the registered owners of the Bonds. If a portion of a Bond is called for redemption, a new Bond in principal amount equal to the unredeemed portion thereof will be issued to the registered owner upon the surrender thereof.

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

5. Execution and Authentication. The Bonds shall be signed by the manual or facsimile signature of the Mayor or Vice Mayor, the City’s seal shall be affixed thereto or a facsimile thereof printed thereon and shall be attested by the manual or facsimile signature of the Clerk of the City Council (which term shall include any Acting, Interim or Deputy Clerk of the City Council); provided, however, that no Bond signed by facsimile signatures shall be valid until it has been authenticated by the manual signature of an authorized officer or employee of the Registrar and the date of authentication noted thereon.

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

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

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

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

9. Sale of Bonds. (a) The City Council authorizes the Bonds to be sold by competitive bid in one or more series, in a principal amount or principal amounts to be determined by the City Manager, in collaboration with the Financial Advisor, and subject to the limitations set forth in Section 1. The City Manager is also authorized to (i) determine the interest rates of the Bonds, the maturity schedules of the Bonds, and the prices to be paid for the Bonds by the purchaser, subject to the limitations set forth in Section 3, (ii) determine the redemption provisions of the Bonds, subject to the limitations set forth in Section 4, and (iii) 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.

(b) The City Manager is authorized, on behalf of the City and in collaboration with the Financial Advisor, to take all proper steps to advertise the Bonds for sale, to receive public bids and to award the Bonds to the bidder providing the lowest “true” or “Canadian” interest cost, subject to the limitations set forth in Section 3. Following the sale of the Bonds, 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 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.

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

Advisor, shall make such completions, omissions, insertions and changes in the Preliminary Official Statement not inconsistent with this Resolution as are necessary or desirable to complete it as a final Official Statement. In addition, the City shall arrange for the delivery to the purchaser of the Bonds of a reasonable number of printed copies of the final Official Statement, within seven business days after the Bonds have been sold, for delivery to each potential investor requesting a copy of the Official Statement and to each person to whom the purchaser initially sells Bonds.

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

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

13. 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 Series 2020A 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 Series 2020A Bonds to be “arbitrage bonds” within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the “Code”), and regulations issued pursuant thereto, or otherwise cause interest on the Series 2020A Bonds to be includable in the gross income for federal income tax purposes of the registered owners thereof under existing law. Without limiting the generality of the foregoing, the City shall comply with any provision of law that may require the City at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds of the Series 2020A Bonds, unless the City receives an opinion of nationally recognized bond counsel that such compliance is not required to prevent interest on the Series 2020A 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.

14. 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 Series 2020A 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.

15. Limitation on Private Use. The City covenants that it shall not permit the proceeds of the Series 2020A Bonds or the facilities financed or refinanced with the proceeds of the Series 2020A Bonds to be used in any manner that would result in (a) 5% or more of such proceeds or facilities being used in a trade or business carried on by any person other than a governmental unit, as provided in Section 141(b) of the Code, (b) 5% or more of such proceeds or facilities being used with respect to any output facility (other than a facility for the furnishing of water), within the meaning of Section 141(b)(4) of the Code, or (c) 5% or more of such proceeds being used directly or indirectly to make or finance loans to any persons other than a governmental unit, as provided in Section 141(c) of the Code; provided, however, that if the City receives an opinion of nationally recognized bond counsel that any such covenants need not be complied with to prevent the interest on the Series 2020A 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.

16. 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.

17. Continuing Disclosure Agreement. 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.

18. 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.

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

20. 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.

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

ORDINANCE
REZONING PROPERTY AT 909 LANDONIA CIRCLE FROM B-1
(BUSINESS/COMMERCIAL) TO B-2 (BUSINESS/COMMERCIAL)
SUBJECT TO A PROFFERED DEVELOPMENT CONDITION
PROHIBITING CERTAIN USES OF THE PROPERTY

WHEREAS, in order to facilitate a specific development project, Long Street, LLC (“Landowner”) has submitted rezoning application ZM19-00004, proposing a change in the zoning classification (“Rezoning”) of approximately 0.6790 acre of land having approximately 378 feet of frontage on Landonia Circle, designated on 2020 City Tax Map 49 as Parcel 79 and referenced as City Real Estate Parcel Identification (“REID”) No. 490079000 (the “Subject Property”), from “B-1” to “B-2”, with said rezoning to be subject to a development condition proffered by Landowner; and

WHEREAS, the purpose of the Rezoning is to allow a specific development project (“Project”) as described within the application materials for ZM19-00004, more specifically : modernization and expansion of a car wash business currently located on adjacent property (1315 Long Street, REID No. 490094000 and REID No. 490094100); and

WHEREAS, a joint public hearing on the proposed rezoning was conducted by the Planning Commission and City Council on July 14, 2020, following notice to the public and to adjacent property owners, as required by law, and following the joint public hearing, the Planning Commission voted on July 14, 2020 to recommend that City Council should approve the Proposed Rezoning for the Project; and

WHEREAS, this City Council has considered the details of the specific Project represented within the Landowner’s application materials for ZM19-00004; has reviewed the NDS Staff Report, public comments, the Planning Commission’s recommendation, and the Comprehensive Plan; and

WHEREAS, this Council finds and determines that the public necessity, convenience, general welfare and good zoning practice require the proposed rezoning; that both the existing zoning classification and the proposed zoning classification are reasonable; and that the proposed rezoning is consistent with the Comprehensive Plan; now, therefore,

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

Section 34-1. Zoning District Map. Rezoning all of the land designated on 2020 City Tax Map 49 as Parcel 79 (“Subject Property”), containing, in the aggregate approximately 0.6790 acre, from B-1 (Business/Commercial) to R-2 (Business/Commercial), subject to the following proffered development condition

(“Proffer”), which was tendered by the Landowner in accordance with law and is hereby accepted by this City Council:

Accepted Proffer:

The use and development of the Subject Property shall be subject to the following development condition voluntarily proffered by the Landowner, which condition shall apply in addition to the regulations otherwise provided within the City’s zoning ordinance:

1. Effective on the date of a rezoning of the Subject Property to the B-2 zoning district classification, all uses allowed in the B-2 zoning district shall be permitted, except for the following uses that will be restricted as shown in Table 1-1, below:

Table 1-1:

Use Types:	Proffered to:
Amusement Center	Not allowed
Auditoriums, Theaters	Not allowed
Bowling Alleys	Not allowed
Clubs, Private	Not allowed
Dance Hall / all night	Not allowed
Dry Cleaning Establishments	Not allowed
Hotels/motels: Up to 100 guest rooms	Not allowed
Hotels/motels: 100+ guest rooms	Not allowed
Movie Theaters	Not allowed
Pharmacies: 1,701—4,000 SF, GFA	Not allowed
Pharmacies: 4,001+ SF, GFA	Not allowed

BE IT FURTHER ORDAINED THAT the City’s Zoning Administrator shall update the Zoning District Map to reflect the foregoing rezoning of the Subject Property subject to the proffered development conditions.

**ORDINANCE
TO MODIFY DEADLINES, MODIFY PUBLIC MEETING
AND PUBLIC HEARING PRACTICES AND PROCEDURES TO ADDRESS
CONTINUITY OF OPERATIONS ASSOCIATED WITH THE PANDEMIC DISASTER**

WHEREAS, on March 12, 2020, Governor Ralph S. Northam issued Executive Order 51 declaring a state of emergency for the Commonwealth of Virginia due to the potential spread of COVID-19; and

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

WHEREAS, City Manager and Director of Emergency Management, Dr. Tarron J. Richardson, declared the potential spread of COVID-19 an emergency on March 12, 2020 pursuant to a Resolution adopted by the Charlottesville City Council; and

WHEREAS, Virginia Code Section 15.2-1413 provides that a locality may, by ordinance, provide a method to assure continuity in government in the event of a disaster “notwithstanding any contrary provision of law, general or special”; and

WHEREAS, the Virginia Freedom of Information Act (Code of Virginia Section 2.2-3700, et seq.) provides that all meetings shall be open to the public unless a public body elects to exercise an exemption provided by the Act “or any other statute”; and

WHEREAS, the Charlottesville City Council enacted an ordinance provided for by Virginia Code Section 15.2-1413 on March 25, 2020 with an expiration date of September 25, 2020; and

WHEREAS, the March 25, 2020 ordinance will expire on September 25, 2020; and

WHEREAS, the Charlottesville City Council wishes to enact another continuity of operations ordinance pursuant to the authority granted by Virginia Code Section 15.2-1413.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that agenda items scheduled or proposed to be considered for the duration of the local emergency declaration by the City Council, Planning Commission, or any other City board, commission, or authority shall be deemed continued for the duration of the local emergency declaration, if the City Council, Planning Commission or other City board, commission, or authority does not take action on the agenda item during the referenced timeframe, including those agenda items for which state or local law requires an affirmative action to be taken within a statutorily-mandated timeframe and the failure to act can be deemed an approval; and

BE IT FURTHER ORDAINED that the City Council, Planning Commission, and any other City board, commission, or authority may, at their election, conduct previously scheduled meetings or special meetings and act upon scheduled or proposed agenda items before them for

the duration of the emergency declaration, under normal means by physically assembling a quorum of the body or by solely electronic means as described in Virginia Code Section 2.2-3708.2(A)(3) and that such electronic meetings will be held in a manner designed to maximize public participation to the fullest possible extent and any provision of VA Code Section 2.2-3708.2 requiring Council approval of electronic participation due to a personal matter or medical condition is hereby waived; and

BE IT FURTHER ORDAINED that in the event that a matter which requires a public hearing prior to action is deemed by the City Council, Planning Commission, board, commission, or authority to present a critical government function essential to continuity of government for the duration of the emergency declaration, then the public hearing may be conducted by an open public comment period called for during an electronic meeting, as well as by submission of written public comments to the City Clerk prior to, during, and for five days following the electronic meeting, after the City has first publicized notice of the electronic meeting and public hearing on the City's website at least five business days before the public hearing.

BE IT FURTHER ORDAINED that the City Manager is hereby delegated the responsibility to open, close, and establish the hours of operation of all City parks.

BE IT FURTHER ORDAINED that the Charlottesville City Council reserves the right to rescind or amend this ordinance.

BE IT FURTHER ORDAINED that this ordinance shall expire either upon the earlier occurrence of: (i) Charlottesville City Council taking action pursuant to Virginia Code Section 44-146.21 to end the emergency declaration; or (ii) Six months from the date of this ordinance's adoption.

BE IT FURTHER ORDAINED that this ordinance shall be effective on September 25, 2020 upon the expiration of the March 25, 2020 continuity in government ordinance.

Pursuant to Charlottesville City Code Section 2-96, this ordinance is enacted on the date of its introduction by a four-fifths vote of the Charlottesville City Council.

**AN ORDINANCE
ADDING SECTION 33-10
TO CHAPTER 33 (WEAPONS)**

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

Chapter 33 of the Code of the City of Charlottesville (1990) is amended as follows:

Sec. 33-10. – Prohibition of firearms on city property.

- (a.) The possession, carrying or transportation of firearms, ammunition, or components or combination thereof (1) in any buildings, or parts thereof, owned or used, by the city, or by any authority or local governmental entity created or controlled by the city, for governmental purposes; or (2) in parks owned or operated by the city, or by any authority or local governmental entity created or controlled by the city; or (3) in any recreational or community center facility operated by the city, or by any authority or local governmental entity created or controlled by the city; or (4) in any public street, road, alley, sidewalk, public right-of-way, or any other place of whatever nature that is open to the public and is being used by or is adjacent to a permitted event or event that would otherwise require a permit, is prohibited. For purposes of this ordinance, governmental purposes shall not include housing provided by the Charlottesville Redevelopment and Housing Authority nor shall it include the provision of parking provided by the city.
- (b.) The possession, carrying, storage or transportation of firearms by city employees, agents or volunteers in workplaces owned, operated or managed by the city is prohibited.
- (c.) Pursuant to this section, the city may implement security measures that are designed to reasonably prevent the unauthorized access of such buildings, parks, recreation or community center facilities, or public streets, roads, alleys, or sidewalks or public rights-of-way or any other place of whatever nature that is open to the public and is being used by or is adjacent to a permitted event or an event that would otherwise require a permit by a person with any firearms, ammunition, or components or combination thereof, such as the use of metal detectors and increased use of security personnel.
- (d.) This section shall not apply to (1) military personnel when acting within the scope of their official duties; or (2.) sworn law enforcement officers engaged in the performance of their public duties or providing security to a special event pursuant to a permit issued by the Charlottesville City Manager for the duration of the permitted special event; or (3.) a Senior Reserve Officers' Training Corps program operated at a public or private institution of higher education in accordance with the provisions of 10 U.S.C. § 2101 et seq.; (4.) any intercollegiate athletics program operated by a public or private institution of higher education and governed by the National Collegiate Athletic Association or any club sports team recognized by a

public or private institution of higher education where the sport engaged in by such program or team involves the use of a firearm. Such activities shall follow strict guidelines developed by such institutions for these activities and shall be conducted under the supervision of staff officials of such institutions; (5.) an armed security officer licensed by the Virginia Department of Criminal Justice Services providing security to a special event pursuant to a permit issued by the Charlottesville City Manager for the duration of the permitted special event; or (6.) historical re-enactors and any other persons who possess firearms that are inoperative or otherwise incapable of discharging a projectile, and are not loaded with inoperable ammunition, when such persons are participating in, or traveling to or from special events that involve the display or demonstration of such firearms. Before the use of an inoperative firearm in a special event, the individual who will be possessing the firearm shall allow a City official designated on the special event permit to inspect the firearm to ensure its inoperability and the absence of ammunition.

- (e.) Notice of the restrictions imposed by this ordinance shall be posted (1) at all entrances of any building, or part thereof, owned or used by the city, or by any authority or local governmental entity created or controlled by the city, for governmental purposes; (2) at all entrances of any public park owned or operated by the city, or by any authority or local governmental entity created or controlled by the city; (3) at all entrances of any recreation or community center facilities operated by the city, or by any authority or local governmental entity created or controlled by the city; and (4) at all entrances or other appropriate places of ingress and egress to any public street, road, alley, or sidewalk or public right-of-way or any other place of whatever nature that is open to the public and is being used by or is adjacent to a permitted event or an event that would otherwise require a permit.
- (f.) For purposes of this section, the term “firearm” means any handgun, shotgun, or rifle that will or is designed to or may readily be converted to expel single or multiple projectiles by action of an explosion of a combustible material.
- (g.) Any violation of section 33-10 is unlawful and shall be punished as a Class 1 misdemeanor.

BE IT FURTHER ORDAINED that this ordinance shall be effective on October 1, 2020.

**RESOLUTION TO AMEND THE
POLICY FOR THE SALE OF CITY-OWNED PROPERTY
TO PROHIBIT CONSIDERATION OF THE SALE OF
CITY PARK PROPERTY**

WHEREAS, the Charlottesville City Council adopted a Policy for the Sale of City-Owned Property (hereinafter “Property Policy”) on January 3, 2005; and

WHEREAS, the Property Policy requires City staff members to consider offers for the sale of all City-owned property; and

WHEREAS, the Charlottesville City Council desires to preserve all City-owned park property.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that it does not wish for its staff members to consider offers for the sale of City-owned park property.

BE IT FURTHER RESOLVED that the amendments of the Policy for the Sale of City-Owned Property attached to this Resolution are hereby adopted.

POLICY FOR THE SALE OF CITY-OWNED PROPERTY

This policy applies to the sale of all City-owned property except for property that is currently designated as a city park. It is intended to provide general guidelines to promote consistent treatment of all requests received by the City for the sale of property, but nothing herein shall be construed to limit the inherent authority and discretion of City Council in deciding whether to sell any particular property, and the conditions of such sale.

- (1) **Request to Purchase City-Owned Property.** Any request to purchase City-owned property shall be in writing and accompanied by the name and address of the person making the request, a description of the property, the proposed use of the property if sold by the City or the reason for the requested acquisition, and the consideration, if any, offered by the purchaser for the property. All requests received by any City department shall be promptly forwarded to the Office of the City Attorney. Notwithstanding the foregoing, the City will not consider offers to purchase any City-owned property currently designated as a public park except as provided for in Section 8 of this policy. For purposes of this policy, public parks shall include any parks designated in Chapter 18 of the Code of the City of Charlottesville.
- (2) **Staff Review.** Requests for the purchase of City-owned property shall be forwarded to the City Assessor, the Department of Neighborhood Development Services, the Department of Public Works, the Department of Utilities, and the Department of Parks and Recreation for review, comment and recommendation. Information to be solicited through City staff review shall include the following:
 - (a) The current real property tax assessment of any adjacent property; the fair market value of the property proposed for sale, with recent comparable sales of similarly-situated property; when the City property will be added to a larger parcel, the increase in the tax assessment of the larger parcel resulting from the sale; if the person making the request is proposing an exchange of real property, the current tax assessment and the fair market value of the privately- owned property proposed for the exchange; the consideration, if any, the City paid to acquire the property.
 - (b) The current zoning of the property and any adjacent property owned by the person requesting the sale; whether the adjacent property is being considered for site plan, subdivision, rezoning, special use permit or other land use approval; whether the proposed use of the property is consistent with the City's comprehensive plan and any other applicable land use regulations; and the extent to which additional development rights will accrue to the purchaser in the event the property is sold by the City.

- (c) The existence of any existing utility lines or facilities within the property, and whether the City may need the property for any public purpose in the future.
 - (d) The extent to which the City will be relieved of any current maintenance obligations if the property is sold.
- (3) **Initial Denial of Request.** If the staff review demonstrates that the property should not be sold because of a current or planned public use for the property, the person making the request shall be notified in writing, with a copy of the correspondence to City Council. No further consideration will be given to the request unless the Mayor or any two members of City Council direct staff to place the request on a future City Council agenda for consideration.
- (4) **Council Review.** If the City has no current or planned use of the property, the request shall be placed on a City Council agenda for consideration. All City staff review materials and recommendations, if any, shall be forwarded to City Council. If consideration of the request will involve negotiations with the person offering to purchase the property and a public discussion will adversely affect the negotiating strategy of the City, the City Council may, upon request of the City Attorney, initially consider the proposed sale in a properly convened closed session.
- (5) **Public Notice.** A public hearing is required prior to the sale of City-owned property. In addition to general notice requirements, City staff shall notify any adjoining property owners, the relevant neighborhood association and any other party known to be interested in the proposed sale of the scheduled public hearing. A sign advertising the proposed sale shall be posted on the property by City staff at least two (2) weeks in advance of the public hearing.
- (6) **Consideration.** With few exceptions City-owned property is an asset of the City. Accordingly, it will be presumed that City Council will only authorize the sale of the property for its full fair market value. For larger tracts of land or where the value of the property is in question, City Council may authorize staff to retain an independent appraiser to render an opinion on the fair market value of the property. In considering the proposed sale City Council may give consideration to non-monetary forms of compensation, such as the exchange of real property of equal or greater value, or the applicant's willingness to provide public improvements on the property at its expense. Council may also give consideration to the extent to which the sale will promote an identified goal of City Council.
- (7) **Approval.** The sale of City-owned property can only be authorized by an ordinance passed by City Council after two readings. Pursuant to Virginia law, some public property can only be sold after approved by four members of City Council. The City Attorney will advise Council whether the constitutional "super-majority" requirement is applicable to the proposed sale. If the sale is authorized, the purchaser will be required to pay, in addition to the sales price, the expense of preparing a recordable plat of the property, and any applicable recording fees.

- (8) Sale of Parkland. If an individual desires to purchase land currently used as a public park by the City, the individual must first receive the approval of three members of City Council. One of the Council members shall contact the City Attorney informing them of the Council's desire to consider a possible sale of a public park. The City Attorney shall then initiate sections 2, 4, 5, and 6 of this policy.

RESOLUTION
Support for listing the Jackson P. Burley High School
on the Virginia Landmarks Register and the National Register of Historic Places.

WHEREAS, the City Council of the City of Charlottesville, through its Vision Statement, the City's Comprehensive Plan and the City's Strategic Plan has recognized the value of preserving and protecting historic and cultural resources; and

WHEREAS, the City Council wishes to encourage such efforts; and

WHEREAS, the Jackson P. Burley High School located in the City of Charlottesville is significant relative to both local and regional African-American history; and

WHEREAS, Jackson P. Burley was an African American, born in 1865 near Stony Point, attended the Hampton Institute, became a teacher at the Albemarle Training School, and acquired a home and property on Henry Avenue, including a 17-acre portion sold by his widow as the site for the Jackson P. Burley High School; and

WHEREAS, prior to its opening in 1951 and as a result of court decisions requiring educational facilities for both races, the City and the County of Albemarle worked cooperatively to construct and operate Burley High School; and

WHEREAS, despite being constructed during a period of segregation and racial inequality, the academic, athletic, and artistic accomplishments of Burley's students left a long and profound impact on this community; and

WHEREAS, despite being discriminated against and treated unfairly as professionals, Burley's educators, coaches, staff and administrators were unwavering in their commitment to providing inspiration and guidance to thousands of students; and

WHEREAS, the Virginia State Review Board for the Virginia Department of Historic Resources will on September 17, 2020 consider listing the Jackson P. Burley High School on the Virginia Landmarks Register and, with that, recommend that the U.S. Department of the Interior list the school on the National Register of Historic Places;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Charlottesville, Virginia endorses this effort to recognize the historical significance of the Jackson P. Burley High School and supports its listing on both the Virginia Landmarks Register and the National Register of Historic Places.

RESOLUTION

In Support of Nominating River View Farm and the Carr-Greer Farmhouse (Ivy Creek Natural Area) for Listing on the Virginia Landmarks Register and the National Register of Historic Places

WHEREAS, the City Council of the City of Charlottesville, through its Vision Statement, the City's Comprehensive Plan and the City's Strategic Plan has recognized the value of preserving and protecting historic and cultural resources; and

WHEREAS, the City Council wishes to encourage such efforts; and

WHEREAS, the River View Farm and the Carr-Greer Farmhouse located at the Ivy Creek Natural Area are significant relative to their connection to local African-American history; and

WHEREAS, Hugh Carr was an advocate for education of African American children and his descendants, including Mary Carr Greer, became prominent teachers and educators during a period of segregation and inequality; and

WHEREAS, the City is a co-owner of the Ivy Creek Natural Area and thus a steward in the preservation and protection of the River View Farm and the Carr-Greer Farmhouse; and

WHEREAS, on September 17, 2020, the Virginia State Review Board for the Virginia Department of Historic Resources will consider listing the River View Farm and the Carr-Greer Farmhouse on the Virginia Landmarks Register and, upon approval, recommend that the U.S. Department of the Interior list the school on the National Register of Historic Places;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Charlottesville, Virginia endorses this effort to recognize the historical significance of the River View Farm and the Carr-Greer Farmhouse and supports its listing on both the Virginia Landmarks Register and the National Register of Historic Places.

**RESOLUTION
APPROVING A SPECIAL USE PERMIT
FOR PROPERTY LOCATED AT
218 WEST MARKET STREET**

WHEREAS, landowner Market Street Promenade, LLC is the current owner of a lot identified on 2019 City Tax Map 33 as Parcel 276 (City Parcel Identification No. 330276000), having an area of approximately 0.562 acre (24,480 square feet) (the "Subject Property"), and

WHEREAS, the landowner proposes to redevelop the Subject Property by constructing a mixed use building at a height of up to 101 feet on the Subject Property, with retail space on the ground floor facing West Market Street, residential dwelling units at a density of up to 240 dwelling units per acre, and underground parking ("Project"); and

WHEREAS, the Subject Property is located within the Downtown Architectural Design Control District established by City Code §34-272(1) and contains an existing building that is classified as a "contributing structure", and the City's board of architectural review (BAR) has been notified of this special use permit application and the BAR believes that any adverse impacts of the requested additional height, the loss of the existing contributing structure, and the massing of the proposed building to be constructed can be adequately addressed within the process of obtaining a certificate of appropriateness from the BAR;

WHEREAS, the Project is described in more detail within the Applicant's application materials dated submitted in connection with SP19-00006 and a preliminary site plan dated August 13, 2019, as required by City Code §34-158 (collectively, the "Application Materials"); and

WHEREAS, the Planning Commission and City Council conducted a joint public hearing, after notice and advertisement as required by law, on November 12, 2019; and

WHEREAS, upon consideration of the comments received during the joint public hearing, the information provided by the landowner within its application materials, and the information provided within the Staff Report, the Planning Commission voted to recommend approval of the proposed special use permit for the Project; and

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

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that, pursuant to City Code §§ 34-557 and 34-560, a special use permit is hereby approved and granted to authorize a building height of up to 101 feet, and residential density of up to 240 dwelling units per acre, for the Project, subject to the following conditions:

1. The specific development being approved by this special use permit ("Project"), as described within the August 13, 2019 site plan exhibit submitted as part of the application materials, as required by City Code §34-158(a)(l), shall have the following minimum attributes/ characteristics:
 - a. Not more than one building shall be constructed on the Subject Property (the "Building"). The Building shall be a Mixed Use Building, containing residential and commercial uses in the percentages required by the Ordinance adopted by City Council on July 16, 2018 amending Article VI (Mixed Use Corridor Districts) of Chapter 34 (Zoning Ordinance) (relating to bonus height or density within mixed use zoning districts).
 - b. The commercial floor area within the Building shall contain space to be occupied and used for retail uses, which shall be located on the ground floor of the Building. The square footage of this retail space shall be at least the minimum required by the City's zoning ordinance or, if none, equivalent square footage in relation to the gross floor area of the Building as depicted in the August 13, 2019 site plan exhibit submitted as part of the application materials (subject to adjustment of the GFA, as necessary to comply with requirements of any COA approved by the BAR).
 - c. Underground parking shall be provided within a parking garage structure constructed underneath the Building.
2. The mass of the Building shall be broken up to provide compatibility with the character-defining features of the Downtown Architectural Design Control District (City Code §34-272(1)), subject to approval by the City's board of architectural review.
3. There shall be pedestrian engagement with the street with an active, transparent, and permeable facade at street level.
4. The Landowner (including, without limitation, any person who is an agent, assignee, transferee or successor in interest to the Landowner) shall prepare a Protective Plan for the building located on property adjacent to the Subject Property at 110 Old Preston Avenue ("Adjacent Property"). The Protective Plan shall provide for baseline documentation, ongoing monitoring, and specific safeguards to prevent damage to the building, and the Landowner shall implement the Protective Plan during all excavation, demolition and construction activities within the Subject Property ("Development Site"). At minimum, the Protective Plan shall include the following:

- a. *Baseline Survey*--Landowner shall document the existing condition of the building at 110 Old Preston Avenue ("Baseline Survey"). The Baseline Survey shall take the form of written descriptions, and visual documentation which may include color photographs and video recordings. The Baseline Survey shall document the existing conditions observable on the interior and exterior of the Adjacent Property, with close-up images of cracks, staining, indications of existing settlement, and other fragile conditions that are observable.

The Landowner shall engage an independent third-party structural engineering firm (one who has not participated in the design of the Landowner's Project or preparation of demolition or construction plans for the Landowner, and who has expertise in the impact of seismic activity on historic structures) and shall bear the cost of the Baseline Survey and preparation of a written report thereof. The Landowner and the Owner of the Adjacent Property ("Adjacent Landowner") may both have representatives present during the process of surveying and documenting the existing conditions. A copy of a completed written Baseline Survey Report shall be provided to the Adjacent Landowner, and the Adjacent Landowner shall be given fourteen (14) days to review the Baseline Survey Report and return any comments to the Landowner.

- b. *Protective Plan*--The Landowner shall engage the engineer who performed the Baseline Survey to prepare a Protective Plan to be followed by all persons performing work within the Development Site, that shall include seismic monitoring or other specific monitoring measures of the Adjacent Property as recommended by the engineer preparing the Protective Plan. A copy of the Protective Plan shall be provided to the Adjacent Landowner. The Adjacent Landowner shall be given fourteen (14) days to review the Report and return any comments to the Landowner.
- c. *Advance notice of commencement of activity*--The Adjacent Landowner shall be given 14 days' advance written notice of commencement of demolition at the Development Site, and of commencement of construction at the Development Site. This notice shall include the name, mobile phone number, and email address of the construction supervisor(s) who will be present on the Development Site and who may be contacted by the Adjacent Landowner regarding impacts of demolition or construction on the Adjacent Property.

The Landowner shall also offer the Adjacent Landowner an opportunity to have meetings: (i) prior to commencement of demolition at the Development Site, and (ii) at least fourteen (14) days prior to commencement of construction at the Development Site, on days/ times reasonably agreed to by both parties. During any such preconstruction meeting, the Adjacent Landowner will be provided information as to the nature and duration of the demolition or construction activity

and the Landowner will review the Protective Plan as it will apply to the activities to be commenced.

Permits--No demolition or building permit, and no land disturbing permit, shall be approved or issued to the Landowner, until the Landowner provides to the department of neighborhood development services: (i) copies of the Baseline Survey Report and Protective Plan, and NDS verifies that these documents satisfy the requirements of these SUP Conditions, (ii) documentation that the Baseline Survey Report and Protective Plan were given to the Adjacent Landowner in accordance with these SUP Conditions.

5. Additional Building design requirements. In addition to the requirements of condition 2 herein, and also in addition to any other stepback requirements of the zoning ordinance, the Building shall incorporate the following design elements:
 - a. The Building shall have windows on all elevations.
 - b. The Building shall incorporate voluntary stepbacks as follows: (i) beginning with the 7th floor, the Building shall be stepped back an additional minimum of 10 feet from East Market Street; (ii) beginning with the 7th floor, the Building shall be stepped back a minimum of 10 feet from the western property line; (iii) beginning with the 7th floor, the Building shall be stepped back a minimum of 10 feet from the eastern property line.
6. Affordable Housing. The Owner shall comply with the requirements of City Code Section s follows:
 - a. Number and Location of Affordable Units. Prior to issuance of the permanent certificate of occupancy for the Building the Owner shall construct 8 affordable dwelling units either on-site or off-site, or some combination of on-site and off-site. The aggregate size of all affordable units will be at least 5,800 square feet of gross floor area. Prior to commencing construction of the affordable units, the Owner will consult with and seek guidance as to the on-site and/or off-site locations of such affordable units from organizations such as, but not limited to, Piedmont Housing Alliance, Charlottesville Redevelopment and Housing Authority, New Hill Development Corporation, and from Neighborhood Development Services and the City's Housing Coordinator.
 - b. Levels of Affordability. The 8 affordable dwelling units shall have the following levels of affordability: (i) 4 units shall be affordable to those earning up to 80% of the Area Median Income ("AMI"); (ii) 2 units shall be affordable to those earning up to 60% AMI; (iii) 2 units shall be affordable to those earning up to 50% AMI.
 - c. Affordable Term. The 8 affordable dwelling units shall remain affordable for the following terms: (i) 6 of the affordable units shall remain affordable for a period

of at least 8 years; (ii) 2 of the affordable units shall remain affordable for a period of at least 16 years.

- d. Non-Concentration of Units. If there are 3 or more affordable units constructed within the Building, they will not be concentrated or isolated to a single floor of the Building, but instead will be spread out among 2 or more floors.
- e. Variety of Unit Type and Size. If there are 3 or more affordable units constructed within the Building, they will be of a variety of unit types, to include a mix of studios, one-bedroom, and two-bedroom units.

7. Reduced Rent for Community Space. The Owner will make commercial space within the Building available to a community organization at a discounted rent rate on the following terms:

- a. The community space will be available to a 501(c)(3) organization whose primary mission is to further financial literacy, job creation, or business growth for the Black community of Charlottesville, such as, but not limited to Conscious Capital Group or Vinegar Hill Magazine.
- b. The community space shall contain at least 700 square feet of gross floor area and shall be built out to a standard of “white box construction” ready for tenant improvements.
- c. The lease term shall be for a minimum of 5 years.
- d. The base rent rate shall not exceed 50% of the market rent rate for such comparable space (other commercial space in the Building, if any, otherwise other Class A commercial space in downtown Charlottesville).
- e. Other commercially reasonable lease terms typical for similar commercial space

Approved by Council
September 8, 2020



Kyna Thomas, CMC
Clerk of Council

*Scrivener's error corrected 4-27-23