



**CITY COUNCIL AGENDA**  
**June 7, 2010**

**6:00 – 7:00 p.m.**

Closed session as provided by Section 2.2-3712 of the Virginia Code  
(Second Floor Conference Room)

**TYPE OF ITEM**

**SUBJECT**

**CALL TO ORDER**  
**PLEDGE OF ALLEGIANCE**  
**ROLL CALL**

**AWARDS/RECOGNITIONS**

CHS Choral Group Recognition; Rosa Atkins, Superintendent of the Year

**ANNOUNCEMENTS**

**MATTERS BY THE PUBLIC**

Public comment will be permitted until 7:35 p.m. (limit of 3 minutes per speaker) and at the end of the meeting on any item, including items on the agenda, provided that a public hearing is not planned or has not previously been held on the matter. Persons are asked to sign up in advance of the start of the meeting.

**COUNCIL RESPONSES TO MATTERS BY THE PUBLIC**

**1. CONSENT AGENDA\***

(Items removed from the consent agenda will be considered at the end of the regular agenda.)

- a. Minutes of May 17
- b. APPROPRIATION: \$52,031 – New Transit Facility / Rainwater Harvest Grant (2<sup>nd</sup> of 2 readings)
- c. APPROPRIATION: \$1,999,244 - New Fire Trucks and Related Equipment Purchase (1<sup>st</sup> of 2 readings)
- d. APPROPRIATION: \$375.07 - Travel Reimbursement from the Virginia Building Code Officials Association (1<sup>st</sup> of 1 reading)
- e. APPROPRIATION: \$77,100 – Reprogramming of CDBH and HOME Funds (1<sup>st</sup> of 2 readings)
- f. APPROPRIATION: Workforce Development Programs Carryover Funding (1<sup>st</sup> of 1 reading)
- g. RESOLUTION: Creation of City Community Policy Management Team (CPMT) (1<sup>st</sup> of 1 reading)
- h. RESOLUTION: Amendment of Fire Services Agreement with Albemarle County (1<sup>st</sup> of 1 reading)
- i. RESOLUTION: Amendment to CDBG and HOME Annual Action Plans (1<sup>st</sup> of 1 reading)
- j. RESOLUTION: Resolution Identifying the Local Energy Alliance Program (LEAP) as the Community partner to the Southeast Community Retrofit Ramp-Up Consortium (1<sup>st</sup> of 1 reading)
- k. RESOLUTION: Contribution to Charlottesville Civic Action 2010 - \$550 (1<sup>st</sup> of 1 reading)
- l. RESOLUTION: Predatory Lending (1<sup>st</sup> of 1 reading)
- m. RESOLUTION: Permit Parking 700 Block of Farish St. (1<sup>st</sup> of 1 reading)
- n. RESOLUTION: Approval of \$50,000 match commitment for Promise Neighborhood Grant (1<sup>st</sup> of 1 reading)
- o. ORDINANCE: Changes to the Validity of Special Permits and Site Plans (2<sup>nd</sup> of 2 readings)
- p. ORDINANCE: Quitclaim Gas Easement (Innovation Drive near Airport Road in Albemarle County) To VDOT (2<sup>nd</sup> of 2 readings)
- q. ORDINANCE: Amend City Code section 15-210(c)(1) to increase parking permits for 510 Valley Road (2<sup>nd</sup> of 2 readings)
- r. ORDINANCE: New Utility Rates and Service Fees (2<sup>nd</sup> of 2 readings)
- s. ORDINANCE: Homeowner Tax Relief Grant Program (1<sup>st</sup> of 2 readings)
- t. ORDINANCE: Update to the Residential Zoning Matrix (1<sup>st</sup> of 2 readings)
- u. ORDINANCE: Petition to rezone property located at 834 Prospect Avenue (1<sup>st</sup> of 2 readings)
- v. ORDINANCE: Expansion of Permit Parking Zone 7 (9th St SW and Forest Hills Ave Permit Parking) (1<sup>st</sup> of 2 readings)

w. ORDINANCE: Street wall adjustment for West Main Street (1<sup>st</sup> of 2 readings)

**2. PUBLIC HEARING /  
RESOLUTION**

Virginia Resources Authority (VRA) Loan Funding Resolution (1<sup>st</sup> of 1 reading)

**3. REPORT**

Carl "Chubby" Proffitt, Jr. Resolution (Renaming of field at McIntire Park)  
(1<sup>st</sup> of 1 reading)

**4. REPORT**

Belmont Noise Update

**5. REPORT**

Azalea Park Master Plan

**OTHER BUSINESS  
MATTERS BY THE PUBLIC  
ADJOURNMENT**

\*ACTION NEEDED (Appropriations require two readings; ordinances require two readings; resolutions require one reading.)

*Reasonable accommodations will be provided for persons with disabilities if requested.*

**APPROPRIATION**  
Rainwater Harvest System (P-00211)  
\$52,031

**WHEREAS**, Cabell- Brand has made Virginia Department of Conservation and Recreation grant funds available to the City of Charlottesville in the amount of \$52,031 for the Rainwater Harvest System at the new Transit Facility; and

**WHEREAS**, expenditure of these capital grant funds requires a City match of \$54,500 which has already been satisfied by the City contribution to P-00211;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the following is hereby appropriated in the following manner:

**Revenue**

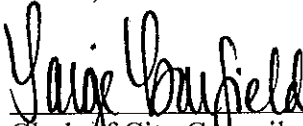
\$52,031      Fund: 426    Project: P-00211                      G/L Account: 430110

**Expenditures**

\$52,031      Fund: 426    Project: P-00211                      G/L Account: 599999

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$52,031 from the Virginia Department of Conservation and Recreation via Cabell-Brand Group.

Approved by Council  
June 7, 2010

  
Clerk of City Council

**APPROPRIATION**  
**Travel Reimbursement from the Virginia Building Code Officials Association**  
**\$375.07**

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$375.07, to be received by the Virginia Building Code Officials Association, is hereby appropriated in the following manner:

**Revenues - \$375.07**


Fund: 105                      Cost Center: 3901001000                      G/L Account: 451999

**Expenditures - \$375.07**

Fund: 105                      Cost Center: 3901001000                      G/L Account: 530100

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned up receipt of \$375.07 from the Virginia Building Codes Officials Association.

Approved by Council  
June 7, 2010

  
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Clerk of City Council

**APPROPRIATION**  
**Workforce Development Programs Funding – FY 2011**

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Charlottesville, Virginia, that the following amounts, or whatever amounts remain as of June 30, 2010, shall be permitted to be carried over and expended in the General Fund's respective internal orders in the following fiscal year (FY 2011) for the purpose continued funding of various workforce development programs:

2000074	CHRA Training Access	\$9,427
2000075	Buford/CHS SWP	\$24,500
2000076	Walkfer/Buford WWA	\$10,500
2000077	CATEC: TWE	\$2,600

**BE IT FURTHER RESOLVED**, that the following are transferred in the following manner:

**Transfer From**

\$30,073                      Fund: 425                      Project: P-00385

**Transfer To**

\$20,573	Fund: 105	I/O: 2000074
\$7,000	Fund: 105	I/O: 2000077
\$2,500	Fund: 105	I/O: 2000078

Approved by Council  
June 7, 2010

  
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Clerk of City Council

**RESOLUTION TO ESTABLISH  
A COMMUNITY POLICY AND MANAGEMENT TEAM**

**WHEREAS**, pursuant to Virginia Code §§2.2-5204 et seq., the City of Charlottesville desires to create a Community Policy and Management Team (CPMT); and

**WHEREAS**, the CPMT shall have the powers and duties as set forth in Chapter 52 (Comprehensive Services Act for At-Risk Youth and Families) of the Virginia Code; and

**WHEREAS**, the CPMT shall be comprised of the following members appointed by the City:

1. An appointed official from the City of Charlottesville, Leslie Beauregard;
2. A representative from the Community Services Board, Robert Johnson;
3. A representative from the Sixteenth District Juvenile Court Services Unit, Martha Carroll;
4. A representative from the Thomas Jefferson Health District, Dr. Lillian Peake;
5. Charlottesville Department of Social Services Interim Director, Diane Kuknyo, or her designee;
6. Charlottesville City Schools Representative, Beth Baptist, or her designee;
7. A representative from Community Youth and Family Services (CYFS), Jackie Bryant;
8. A representative from Community Attention, Mike Murphy; and
9. A parent representative from the Charlottesville community, Amy Laufer; and

**WHEREAS**, the term of appointment for members holding public positions shall be for so long as they serve in that public position or until replaced by City Council; and

**WHEREAS**, the term of appointment for all other representative shall be for three (3) years, such term commencing from the date of appointment, or until replaced by City Council; and

**WHEREAS**, the City CPMT will conduct joint meetings with the County of Albemarle CPMT to ensure continuing efficiency and consistency within the Charlottesville/Albemarle community.

**NOW, THEREFORE, BE IT RESOLVED** that the Charlottesville City Council hereby creates and establishes a CPMT pursuant to Virginia Code §§2.2-5204 et seq. with all the powers and duties as set forth in Virginia Code §§2.2-5205 and 2.2-5206 consisting of the members identified above for the prescribed terms of service.

Approved by Council  
June 7, 2010

  
Clerk of City Council

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Approved by Council  
June 7, 2010

  
Clerk of City Council

**A RESOLUTION  
APPROVING A SECOND AMENDMENT TO THE FIRE SERVICES  
AGREEMENT BETWEEN THE CITY AND ALBEMARLE COUNTY  
FOR AN ADDITIONAL FIVE YEAR TERM FROM 2013 TO 2018**

**WHEREAS**, the City of Charlottesville and the County of Albemarle entered into an agreement governing the provision of fire services for both localities dated May 3, 2000 with an expiration date of June 30, 2010; and,

**WHEREAS**, the Agreement was amended in August 2008 to allow for up to three (3) additional one year terms, through June 30, 2013; and,

**WHEREAS**, the City and the County wish to provide for the continuation of the Agreement for an additional five year term, from July 1, 2013 to June 30, 2018.

**NOW, THEREFORE, BE IT RESOLVED** by the Council for the City of Charlottesville, Virginia that the Mayor is authorized to execute on behalf of the City the attached "Second Amendment of Fire Services Agreement Between the City of Charlottesville and Albemarle County to Authorize Extended Term of Agreement", dated May 17, 2010.

Approved by Council  
June 7, 2010

  
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Clerk of City Council



RESOLUTION OF THE COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA  
TO REQUEST THAT THE GENERAL ASSEMBLY AND  
GOVERNOR OF VIRGINIA  
TAKE ACTION TO PROHIBIT ALL PREDATORY, USURIOUS LENDING PRACTICES  
IN THE COMMONWEALTH OF VIRGINIA

WHEREAS, the Council of the City of Charlottesville, Virginia, represents the citizens of the City of Charlottesville, Virginia;

WHEREAS, the Council of the City of Charlottesville, Virginia, believes the citizens of our City remain concerned over predatory, usurious lending practices within the City of Charlottesville and elsewhere in the Commonwealth, including practices that may exploit dedicated and brave members of the United States armed forces who are called for deployment in defense of our Nation both in the United States and various parts of the world;

WHEREAS, the Council of the City of Charlottesville, Virginia, shares these same, significant concerns and wishes to express the collective sentiments of the People of the City of Charlottesville, Virginia, that the General Assembly and Governor of Virginia, need to take action to prohibit all predatory usurious lending practices; and

WHEREAS, it is vital that the General Assembly and the Governor of Virginia give their earnest attention to these matters at the next regular session of the General Assembly and enact laws that will strictly prohibit and deter all predatory, usurious lending practices in the Commonwealth of Virginia.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the General Assembly and the Governor of the Commonwealth of Virginia are requested to take action during the next regular session of the General Assembly of Virginia to enact laws strictly prohibiting and deterring all predatory, usurious lending practices, including but not limited to the provisions that would:

1. Impose an interest rate cap of thirty-six percent (36%), calculated as an effective annual percentage rate including all fees or charges of any kind, for any consumer credit extended in the Commonwealth of Virginia;
2. Prohibit a creditor's use of a personal check or other device as a means, directly or indirectly, to gain access to a consumer's bank account; and
3. Incorporate into the Virginia Code the protections regarding consumer credit to military personnel as reflected in the Military Lending Act, 10 United States Code Section 987.

Approved by Council  
June 7, 2010

  
Clerk of City Council

**RESOLUTION  
APPROVING THE 700 BLOCK OF FARISH STREET  
AS A RESTRICTED PARKING AREA**

**WHEREAS**, residents of the 700 block of Farish Street have requested that City Council designate that block as a restricted parking area; and

**WHEREAS**, in accordance with City Code Section 15-201, *et seq*, the City Traffic Engineer has conducted on street parking surveys and mailed notice to all residents of the affected area that Council will consider designating such area as a restricted parking area; and

**WHEREAS**, the surveys have shown that at least 75% of the total number of on street parking spaces in the proposed restricted parking area were occupied, and at least 50% of the total number of on street parking spaces in that area were occupied by commuter vehicles; and


**WHEREAS**, in accordance with City Code Section 15-203(b)(3), the City Manager has certified that the parking surveys have met the minimum parking occupancy requirements for permit parking controls; and

**WHEREAS**, Council has considered:

- (a) the purpose and intent of the permit parking ordinance and regulations;
- (b) the alternate means of transportation, if any, to and from the restricted parking area being established;
- (c) the adverse impact that restricting parking in such area might have on nearby neighborhoods that do not have permit parking;
- (d) the adverse impact that such restrictions may have on the non-residents of the proposed restricted parking area and their ability to find available parking near their place of work; and
- (e) the hours, if any, during which the proposed restricted parking area is affected by commuter vehicles; now, therefore

**BE IT RESOLVED** by the Council of the City of Charlottesville that the 700 block of Farish Street is hereby designated as a restricted parking area.

Approved by Council  
June 7, 2010

  
Clerk of City Council

**A RESOLUTION  
CONFIRMING CITY COUNCIL'S COMMITMENT TO MATCH  
A PROMISE NEIGHBORHOOD GRANT**

**WHEREAS**, the Federal Government is offering Promise Neighborhood Planning Grants to help break the cycle of generational poverty by improving the educational outcomes and overall life prospects of low-income children and their families, and;

**WHEREAS**, the Promise Neighborhoods program will award one-year grants to support the development of a plan to implement a Promise Neighborhood, and;

**WHEREAS**, if awarded a grant, the City will have a feasible plan to implement a continuum of solutions that will significantly improve results for children in the community being served, and;

**WHEREAS**, the City Council shares this worthy objective and supports improving the quality of life for all of our residents, and;

**WHEREAS**, the City of Charlottesville is working with the community to prepare a grant application for the Promise Neighborhood Program, and;

**WHEREAS**, it is a requirement of this grant that the project funding be matched with local funds;

**BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that if the City is awarded a Promise Neighborhood Grant, the City Council will support a match of up to \$50,000 as required by the program.

Approved by Council  
June 7, 2010

  
Clerk of Council

**AN ORDINANCE  
AMENDING AND REORDAINING SECTIONS 34-164  
AND 34-822 OF CHAPTER 34 (ZONING) OF THE  
CHARLOTTESVILLE CITY CODE, 1990, AS AMENDED,  
RELATING TO LENGTH OF TIME A SPECIAL USE PERMIT  
AND PRELIMINARY SITE PLAN MAY REMAIN VALID.**

**BE IT ORDAINED** by the Council for the City of Charlottesville, Virginia, that Sections 34-164 and 34-822 of Chapter 34 (Zoning) of the Charlottesville City Code, 1990, as amended, are hereby amended and reordained, as follows:

**CHAPTER 34. ZONING  
ARTICLE I. ADMINISTRATION**

**Division 8. Special Use Permits**

...

**Sec. 34-164. Applicability; expiration validity.**

- (a) A special use permit, together with any amendments and modifications thereto, shall apply to the property for which it was issued so long as such property is used for the purpose approved within such permit, and shall not be transferable to any other property.
- (b) The validity period of a special use permit associated with new construction shall be consistent with that of the approved preliminary and final site plan pursuant to sections 34-822 and 34-825.
- (c) A special use permit shall expire:
  - (1) ~~Eighteen (18) months from the date of permit approval, in the event that construction of necessary improvements has not commenced to a degree that, in the opinion of the zoning administrator, clearly establishes an intent to utilize the property in the manner approved by the special use permit, or by the city council, if no site plan is required and a building permit to construct the authorized improvements has not been approved.~~
  - (2) Eighteen (18) ~~Twelve (12)~~ months from the date of approval, if the use approved within such permit has not been established, or by the city council, if no building permit is required and the use has not commenced operation in the manner approved by a special use permit.
  - (3) ~~Immediately, where the use approved within the permit, once established, has been abandoned. Eighteen (18) months from the date of approval by the city council, in the case of proposed new construction, if preliminary site plan approval has not been granted.~~
  - (4) Upon revocation of an approved preliminary site plan or expiration of an approved final site plan, if the special use permit is associated with new construction upon which a valid site plan is required.
  - (5) In the event that the use approved by a special use permit once established is not operated for a period of two (2) consecutive years.
- (d) Prior to the expiration of a special use permit, upon written request by the applicant to the Director, the Director, if he finds that the special use permit is still in compliance with all applicable ordinances and policies, may grant an extension of up to one (1) year. A request for an extension shall be submitted prior to expiration. Written notification of the decision on the extension request shall be provided by the Director within fourteen (14) business days.

- (e) A special use permit shall be revocable upon written order of the city council at any time because of the failure of the owner or operator of the use allowed by the permit to observe all requirements with respect to the maintenance and conduct of the use and all conditions in connection with the permit. The city council may revoke the special use permit after notice and hearing as provided by Virginia Code Section 15.2-2204.

...

**ARTICLE VII. SITE PLANS**

**Division 2. Procedures**

...

**Sec. 34-822. Final site plan submittal.**

~~(a) A final site plan shall be submitted for approval within one (1) year of the approval of a preliminary site plan. Thereafter, the preliminary site plan approval shall expire. The application shall be submitted to the department of neighborhood development services.~~

- (a) Once a preliminary site plan is approved, it shall be valid for a period of five (5) years, provided the property owner (i) submits a final site plan within one (1) year of such approval and (ii) thereafter diligently pursues approval of the final site plan. Diligent pursuit of approval means that the property owner has incurred extensive obligations or substantial expenses relating to the submitted final site plan or modifications thereto. However, no sooner than three (3) years following such preliminary site plan approval, and upon ninety (90) days' written notice by certified mail to the property owner, the planning commission or director may revoke such approval upon a specific finding of facts that the property owner has not diligently pursued approval of the final site plan.

(b) ...

(c) ...

Approved by Council  
June 7, 2010

  
Clerk of Council

**AN ORDINANCE  
TO QUITCLAIM NATURAL GAS LINE EASEMENT  
LOCATED ACROSS INNOVATION DRIVE AT ITS  
INTERSECTION WITH AIRPORT ROAD  
IN ALBEMARLE COUNTY  
TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION**

**WHEREAS**, the Virginia Department of Transportation (VDOT) is prepared to take over maintenance of the roadway known as Innovation Drive in the North Fork Research Park in Albemarle County; and

**WHEREAS**, the City owns natural gas lines located within this roadway, and also owns an easement for such line, and VDOT has asked that the foregoing easement be released upon VDOT's acceptance of the roadway; and

**BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia that the Mayor is hereby authorized to execute a deed of quitclaim, substantially the same in form as the deed attached hereto, approved by the City Attorney, for release of the above-described gas line easement to the Virginia Department of Transportation conditioned upon receipt by the City of a VDOT permit allowing said line to continue to be located in said right-of-way.

Approved by Council  
June 7, 2010

  
Clerk of Council

**AN ORDINANCE  
AMENDING AND REORDAINING SECTION 15-210  
OF ARTICLE V OF CHAPTER 15 (MOTOR VEHICLES)  
OF THE CHARLOTTESVILLE CITY CODE, 1990, AS AMENDED,  
INCREASING THE NUMBER OF RESTRICTED PARKING PERMITS  
ALLOWED FOR 510 VALLEY ROAD.**

**BE IT ORDAINED** by the Council for the City of Charlottesville, Virginia, that Section 15-210 of Article V of Chapter 15 of the Code of the City of Charlottesville, 1990, as amended, is hereby amended and reordained, as follows:

**Sec. 15-210. Administration of permits.**

- (a) ...
- (b) ...
- (c) Except as otherwise provided, upon proof of vehicle ownership, proof of an applicant's residence on a block within a restricted parking area and payment of applicable fee(s), the treasurer shall issue permits authorizing the parking of a vehicle in a restricted parking area, as follows:

- (1) To a person who resides within an affected household, for a vehicle owned by such person, or for a vehicle not owned by such person if the vehicle is used exclusively by such person ("residential decal"). A two-family dwelling and a multi-family dwelling each constitute a single affected household. The maximum number of permits issued with respect to any single- or two-family dwelling shall be four (4). The number of permits which may be issued to a multi-family dwelling shall be the lesser of: (a) a number equal to the city's minimum off street parking requirements for new construction of such dwelling, minus the number of actual off-street parking spaces available for that dwelling, as determined by the city's traffic engineer, or (b) a number determined by applying a certain percentage to the total number of on-street parking spaces available on the block where such dwelling is located, such percentage to be calculated by dividing the linear street frontage allocable to the multi-family dwelling along such block by the total linear street frontage subject to permit parking restrictions along such block.

Notwithstanding the foregoing, for the permit years beginning on and after August 1, 2001, the following dwellings shall be entitled only to the number of permits specified below:

...

524 Valley Road	five (5) permits; five (5) guest permits
505 Valley Road	five (5) permits; two (2) guest permits
506 Valley Road	zero (0) permits; one (1) guest permit
507 Valley Road	four (4) permits; two (2) guest permits

510 Valley Road	<del>one (1)</del> <u>three (3)</u> permits; two (2) guest permits
513 Valley Road	five (5) permits; two (2) guest permits
514 Valley Road	three (3) permits; two (2) guest permits
515 Valley Road	two (2) permits; two (2) guest permits
516 Valley Road	two (2) permits; three (3) guest permits
520 Valley Road	four (4) permits; four (4) guest permits
521 Valley Road	four (4) permits; two (2) guest permits
523 Valley Road	zero (0) permits; one (1) guest permit
524 Valley Road	five (5) permits; two (2) guest permits
525 Valley Road	one (1) permit; one (1) guest permit
526 Valley Road	four (4) permits; one (1) guest permit
528 Valley Road	three (3) permits; two (2) guest permits
...	

Under no circumstances shall any affected household, for the permit year beginning on August 1, 2001, receive fewer permits than those to which it was entitled under this ordinance in effect on August 1, 2001.

- (2) ...
- (3) ...
- (4) ...
- (d) ...

Approved by Council  
June 7, 2010

  
Clerk of Council



**AN ORDINANCE  
AMENDING AND REORDAINING  
CHAPTER 31 (UTILITIES) OF THE CODE  
OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED,  
TO ESTABLISH NEW UTILITY RATES AND SERVICE FEES  
FOR CITY GAS, WATER AND SANITARY SEWER.**

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

**1. Sections 31-56, 31-60, 31-61, 31-62, 31-153 and 31-156 of Chapter 31, of the Code of the City of Charlottesville, 1990, as amended, are hereby amended and reordained as follows:**

**CHAPTER 31. UTILITIES**

**ARTICLE II. GAS**

**DIVISION 2. TYPES OF SERVICE; SERVICE CHARGES**

**Sec. 31-56. Rates - Generally.**

The firm service gas rates based on monthly meter readings shall be as follows:

Basic Monthly Service Charge	\$ 10.00	
First 3,000 cubic feet, per 1,000 cubic feet	\$ <del>12.7844</del>	<u>14.2670</u>
Next 3,000 cubic feet, per 1,000 cubic feet	\$ <del>12.0173</del>	<u>13.4110</u>
Next 144,000 cubic feet, per 1,000 cubic feet	\$ <del>10.7389</del>	<u>11.9843</u>
All over 150,000 cubic feet, per 1,000 cubic feet	\$ <del>10.4832</del>	<u>11.6989</u>

**Sec. 31-57. Same - Summer air conditioning.**

(a) Gas service at the following rate shall be available to customers who request such service in writing and who have installed and use air conditioning equipment operated by natural gas as the principal source of energy. The air conditioning rate will be available for bills rendered during the months of May through October of each year and shall be as follows:

- (1) *Single Family Residential.* For the first four thousand (4,000) cubic feet of gas used per month, the charge shall be the sum as set forth under section 31-56, and for all gas used in excess of four thousand (4,000) cubic feet per month, the rate shall be nine dollars (\$9.00) per one thousand (1,000) cubic feet.
- (2) *Other.* All gas used for summer air conditioning shall be separately billed at the rate of nine dollars (\$9.00) per one thousand (1,000) cubic feet. All gas used during billing periods other than May through October of each year shall be at the rates set forth in section 31-56, 31-60 or 31-61 of this Code, as applicable.

(b) The director of finance may, when it is impracticable to install a separate meter for air conditioning equipment, permit the use of one (1) meter for all gas delivered to the customer, in which instance the director of finance shall estimate the amount of gas for uses other than air conditioning and shall bill for such gas at the rates provided in applicable sections of this division.

...

### **Sec. 31-60. Interruptible sales service.**

(a) *Conditions.* . . .

(b) *Customer's agreement as to discontinuance of service.* . . .

(c) *Basic monthly service charge.* The basic monthly charge for interruptible sales service shall be sixty dollars (\$60.00).

(d) *Rate.* For all gas consumed by interruptible customers the rate shall be ~~\$10.0170~~ \$11.2050 per one thousand (1,000) cubic feet for the first six hundred thousand (600,000) cubic feet, and ~~\$8.4431~~ \$9.4180 per one thousand (1,000) cubic feet for all volumes over six hundred thousand (600,000) cubic feet.

(e) *Annual Minimum Quantity.* Interruptible rate customers shall be obligated to take or pay for a minimum quantity of one million two hundred thousand (1,200,000) cubic feet of gas annually. Each year, as of June 30, the director of finance shall calculate the total consumption of each interruptible customer for the preceding twelve (12) monthly billing periods, and shall bill any customer that has consumed less than the minimum quantity for the deficient amount at the rate of ~~\$8.4431~~ \$9.4180 per one thousand (1,000) cubic feet. Any new customer shall be required to enter into a service agreement with the City prior to the start of service. If an interruptible customer terminates service the annual minimum requirement shall be prorated on the basis of one hundred thousand (100,000) cubic feet per month for each month the customer has received service since the last June 30 adjustment.

(f) *Contract required.* . . .

### **Section 31-61. Interruptible Transportation Service.**

(a) *Generally.* ...

(b) *Rate.* The rate for transportation service shall be ~~\$4.3724~~ \$4.5146 per decatherm for a combined IS and TS customer and ~~\$2.94~~ \$3.04 per decatherm for a customer receiving only TS gas.

(c) *Basic Monthly Service Charge.* Each combined IS and TS customer shall pay a monthly service charge of \$150.00 per meter for the right to receive TS service plus the basic monthly service charge of \$60.00 per meter for IS gas. TS only customers shall pay a monthly service charge of \$150 per meter.

- (d) ...
- (e) ...
- (f) ...
- (g) ...
- (h) ...
- (i) ...
- (j) ...

**Section 31-62. Purchased gas adjustment.**

In computing gas customer billings, the basic rate charges established under sections 31-56, 31-57, 31-60 and 31-61 shall be adjusted to reflect increases and decreases in the cost of gas supplied to the city. Such increases or decreases shall be computed as follows:

(1) For the purpose of computations herein, the costs and charges for determining the base unit costs of gas are:

- a. Pipeline tariffs;
- b. Contract quantities; and
- c. Costs of natural gas, in effect or proposed March 1, ~~2009~~ 2010.

(2) Such base unit costs are ~~\$6.2964~~ \$7.3509 per one thousand (1,000) cubic feet for firm gas service and ~~\$4.8311~~ \$5.7240 per one thousand (1,000) cubic feet for interruptible gas service.

(3) In the event of any changes in pipeline tariffs, contract quantities or costs of scheduled natural gas, the unit costs shall be recomputed on the basis of such change in accordance with procedures approved by the city manager. The difference between the unit costs so computed and the base unit costs shall represent the purchased gas adjustment to be applied to all customer bills issued beginning the first billing month after each such change.

...

**ARTICLE IV. WATER AND SEWER SERVICE CHARGES**

...

**Sec. 31-153. Water rates generally.**

(a) Water rates shall be as follows:

	<u>May-September</u>	<u>October-April</u>
(1) Monthly service charge.	\$4.00	\$4.00
(2) Metered water consumption, per 1,000 cu. ft .	<del>\$48.79</del> <u>50.00</u>	<del>\$37.53</del> <u>38.46</u>

(b) This section shall not apply to special contracts for the consumption of water which have been authorized by the city council.

...

**Sec. 31-156. Sewer service charges generally.**

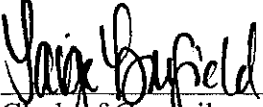
(a) Any person having a connection directly or indirectly, to the city sewer system shall pay therefor a monthly charge as follows:

- (1) A basic monthly service charge of four dollars (\$4.00).
- (2) An additional charge of ~~forty dollars and thirty cents (\$40.25)~~ forty two dollars and sixteen cents (\$42.16) per one thousand (1,000) cubic feet, of metered water consumption.

(b) Any water customer not discharging the entire volume of water used into the city's sanitary sewer system shall be allowed a reduction in the charges imposed under this section, provided such person installs, at his expense, a separate, City-approved water connection to record water which will not reach the City sewer system. The cost and other terms of City Code section 31-102 shall apply. For customers with monthly water consumption in excess of thirty thousand (30,000) cubic feet, where the director of finance considers the installation of a separate meter to be impracticable, the director may establish a formula which will be calculated to require such person to pay the sewer charge only on that part of the water used by such person which ultimately reaches the city sewers.

**2. The foregoing amendments shall become effective July 1, 2010.**

Approved by Council  
June 7, 2010

  
Clerk of Council

**AN ORDINANCE  
AMENDING AND REORDAINING  
CHAPTER 31 (UTILITIES) OF THE CODE  
OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED,  
TO ESTABLISH NEW UTILITY RATES AND SERVICE FEES  
FOR CITY GAS, WATER AND SANITARY SEWER.**

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

**1. Sections 31-56, 31-60, 31-61, 31-62, 31-153 and 31-156 of Chapter 31, of the Code of the City of Charlottesville, 1990, as amended, are hereby amended and reordained as follows:**

**CHAPTER 31. UTILITIES**

**ARTICLE II. GAS**

**DIVISION 2. TYPES OF SERVICE; SERVICE CHARGES**

**Sec. 31-56. Rates - Generally.**

The firm service gas rates based on monthly meter readings shall be as follows:

Basic Monthly Service Charge	\$ 10.00	
First 3,000 cubic feet, per 1,000 cubic feet	\$ <del>12.7844</del>	<u>14.2670</u>
Next 3,000 cubic feet, per 1,000 cubic feet	\$ <del>12.0173</del>	<u>13.4110</u>
Next 144,000 cubic feet, per 1,000 cubic feet	\$ <del>10.7389</del>	<u>11.9843</u>
All over 150,000 cubic feet, per 1,000 cubic feet	\$ <del>10.4832</del>	<u>11.6989</u>

**Sec. 31-57. Same - Summer air conditioning.**

(a) Gas service at the following rate shall be available to customers who request such service in writing and who have installed and use air conditioning equipment operated by natural gas as the principal source of energy. The air conditioning rate will be available for bills rendered during the months of May through October of each year and shall be as follows:

- (1) *Single Family Residential.* For the first four thousand (4,000) cubic feet of gas used per month, the charge shall be the sum as set forth under section 31-56, and for all gas used in excess of four thousand (4,000) cubic feet per month, the rate shall be nine dollars (\$9.00) per one thousand (1,000) cubic feet.
- (2) *Other.* All gas used for summer air conditioning shall be separately billed at the rate of nine dollars (\$9.00) per one thousand (1,000) cubic feet. All gas used during billing periods other than May through October of each year shall be at the rates set forth in section 31-56, 31-60 or 31-61 of this Code, as applicable.

(b) The director of finance may, when it is impracticable to install a separate meter for air conditioning equipment, permit the use of one (1) meter for all gas delivered to the customer, in which instance the director of finance shall estimate the amount of gas for uses other than air conditioning and shall bill for such gas at the rates provided in applicable sections of this division.

...

**Sec. 31-60. Interruptible sales service.**

(a) *Conditions. . . .*

(b) *Customer's agreement as to discontinuance of service. . . .*

(c) *Basic monthly service charge.* The basic monthly charge for interruptible sales service shall be sixty dollars (\$60.00).

(d) *Rate.* For all gas consumed by interruptible customers the rate shall be ~~\$10.0170~~ \$11.2050 per one thousand (1,000) cubic feet for the first six hundred thousand (600,000) cubic feet, and ~~\$8.4431~~ \$9.4180 per one thousand (1,000) cubic feet for all volumes over six hundred thousand (600,000) cubic feet.

(e) *Annual Minimum Quantity.* Interruptible rate customers shall be obligated to take or pay for a minimum quantity of one million two hundred thousand (1,200,000) cubic feet of gas annually. Each year, as of June 30, the director of finance shall calculate the total consumption of each interruptible customer for the preceding twelve (12) monthly billing periods, and shall bill any customer that has consumed less than the minimum quantity for the deficient amount at the rate of ~~\$8.4431~~ \$9.4180 per one thousand (1,000) cubic feet. Any new customer shall be required to enter into a service agreement with the City prior to the start of service. If an interruptible customer terminates service the annual minimum requirement shall be prorated on the basis of one hundred thousand (100,000) cubic feet per month for each month the customer has received service since the last June 30 adjustment.

(f) *Contract required. . . .*

**Section 31-61. Interruptible Transportation Service.**

(a) *Generally. ...*

(b) *Rate.* The rate for transportation service shall be ~~\$4.3724~~ \$4.5146 per decatherm for a combined IS and TS customer and ~~\$2.94~~ \$3.04 per decatherm for a customer receiving only TS gas.

(c) *Basic Monthly Service Charge.* Each combined IS and TS customer shall pay a monthly service charge of \$150.00 per meter for the right to receive TS service plus the basic monthly service charge of \$60.00 per meter for IS gas. TS only customers shall pay a monthly service charge of \$150 per meter.

- (d) ...
- (e) ...
- (f) ...
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- (j) ...

**Section 31-62. Purchased gas adjustment.**

In computing gas customer billings, the basic rate charges established under sections 31-56, 31-57, 31-60 and 31-61 shall be adjusted to reflect increases and decreases in the cost of gas supplied to the city. Such increases or decreases shall be computed as follows:

(1) For the purpose of computations herein, the costs and charges for determining the base unit costs of gas are:

- a. Pipeline tariffs;
- b. Contract quantities; and
- c. Costs of natural gas, in effect or proposed March 1, ~~2009~~ 2010.

(2) Such base unit costs are ~~\$6.2961~~ \$7.3509 per one thousand (1,000) cubic feet for firm gas service and ~~\$4.8311~~ \$5.7240 per one thousand (1,000) cubic feet for interruptible gas service.

(3) In the event of any changes in pipeline tariffs, contract quantities or costs of scheduled natural gas, the unit costs shall be recomputed on the basis of such change in accordance with procedures approved by the city manager. The difference between the unit costs so computed and the base unit costs shall represent the purchased gas adjustment to be applied to all customer bills issued beginning the first billing month after each such change.

...

**ARTICLE IV. WATER AND SEWER SERVICE CHARGES**

...

**Sec. 31-153. Water rates generally.**

(a) Water rates shall be as follows:

	<u>May-September</u>	<u>October-April</u>
(1) Monthly service charge.	\$4.00	\$4.00
(2) Metered water consumption, per 1,000 cu. ft .	<del>\$48.79</del> <u>50.00</u>	<del>\$37.53</del> <u>38.46</u>

(b) This section shall not apply to special contracts for the consumption of water which have been authorized by the city council.

...

**Sec. 31-156. Sewer service charges generally.**

(a) Any person having a connection directly or indirectly, to the city sewer system shall pay therefor a monthly charge as follows:

- (1) A basic monthly service charge of four dollars (\$4.00).
- (2) An additional charge of ~~forty dollars and thirty cents (\$40.25)~~ forty two dollars and sixteen cents (\$42.16) per one thousand (1,000) cubic feet, of metered water consumption.

(b) Any water customer not discharging the entire volume of water used into the city's sanitary sewer system shall be allowed a reduction in the charges imposed under this section, provided such person installs, at his expense, a separate, City-approved water connection to record water which will not reach the City sewer system. The cost and other terms of City Code section 31-102 shall apply. For customers with monthly water consumption in excess of thirty thousand (30,000) cubic feet, where the director of finance considers the installation of a separate meter to be impracticable, the director may establish a formula which will be calculated to require such person to pay the sewer charge only on that part of the water used by such person which ultimately reaches the city sewers.

**2. The foregoing amendments shall become effective July 1, 2010.**

Approved by Council  
June 7, 2010

  
Clerk of Council



**A RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED SEVEN MILLION DOLLARS (\$7,000,000) PRINCIPAL AMOUNT OF GENERAL OBLIGATIONS OF THE CITY OF CHARLOTTESVILLE, VIRGINIA, IN THE FORM OF GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS OF THE CITY OF CHARLOTTESVILLE, VIRGINIA, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF CAPITAL IMPROVEMENT PROJECTS OF AND FOR THE CITY, INCLUDING, WITHOUT LIMITATION, SEWER REHABILITATION PROJECTS AND OTHER CAPITAL IMPROVEMENTS TO THE WASTEWATER TREATMENT AND SANITARY SEWER SYSTEM OWNED AND OPERATED BY SUCH CITY; APPROVING THE FORM OF SUCH BONDS AND DELEGATING TO THE CITY MANAGER OR ACTING CITY MANAGER AUTHORITY TO APPROVE CERTAIN DETAILS OF SUCH BONDS; APPOINTING THE DIRECTOR OF FINANCE AS REGISTRAR AND PAYING AGENT FOR SUCH BONDS; PROVIDING FOR THE ISSUANCE OF SUCH BONDS TO THE VIRGINIA RESOURCES AUTHORITY, AS ADMINISTRATOR OF THE VIRGINIA WATER FACILITIES REVOLVING FUND, TO EVIDENCE THE BORROWING TO BE MADE BY SUCH CITY FROM SUCH FUND PURSUANT TO A FINANCING AGREEMENT BY AND BETWEEN SUCH AUTHORITY AND SUCH CITY; AND AUTHORIZING AND DIRECTING THE EXECUTION AND DELIVERY OF SUCH FINANCING AGREEMENT AND THE TAX COMPLIANCE AGREEMENT REFERRED TO THEREIN**

WHEREAS, in the judgment of the Council (the "Council") of the City of Charlottesville, Virginia (the "City"), it is desirable to authorize the issuance of not to exceed \$7,000,000 principal amount of general obligations of the City in the form of General Obligation Public Improvement Bonds to provide funds to pay the cost of capital improvement projects of and for the City, including, without limitation, sewer rehabilitation projects and other capital improvements to the wastewater treatment and sanitary sewer system owned and operated by the City;

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

SECTION 1. Pursuant to Chapter 26 of Title 15.2 of the Code of Virginia, 1950, the same being the Public Finance Act of 1991, for the purpose of providing funds to pay the cost of capital improvement projects of and for the City, including, without limitation, sewer rehabilitation projects and other capital improvements to the wastewater treatment and sanitary sewer system owned and operated by the City, there are authorized to be issued not to exceed Seven Million Dollars (\$7,000,000) principal amount of general obligation bonds of the City to be designated "General Obligation Public Improvement Bonds" (the "Bonds").

SECTION 2. The Bonds shall be issued to the Virginia Resources Authority ("VRA"), as administrator of the Virginia Water Facilities Revolving Fund (the "Fund"), pursuant to the terms, conditions and provisions of, and to evidence the borrowing to be made by the City from VRA under, a Commitment Letter (the "Commitment Letter"), from VRA to the

City, and a Financing Agreement (the "Financing Agreement"), by and between VRA, as administrator of the Fund, and the City, as the Borrower thereunder. The City Manager or Acting City Manager is hereby authorized and directed to execute and deliver to VRA a Commitment Letter and a Financing Agreement in such forms as the City Manager or Acting City Manager shall approve upon the advice of counsel (including the City Attorney and Bond Counsel to the City), such approval to be conclusively evidenced by the execution and delivery thereof by the City Manager or Acting City Manager. The City Manager or Acting City Manager is hereby further authorized and directed to execute and deliver to the VRA a Tax Compliance Agreement (as such term is defined in Section 1.1 of the Financing Agreement) and such other closing documents relating to the borrowing to be made by the City from the VRA under the Financing Agreement as the City Manager or Acting City Manager shall, upon the advice of the City Attorney or Bond Counsel to the City, deem to be necessary or desirable.

There is hereby delegated to the City Manager or Acting City Manager authority to determine by certificate the dated date of the Bonds, the principal amount of the Bonds (*provided* that such principal amount of the Bonds shall not exceed Seven Million Dollars (\$7,000,000)), the dates on which principal of and interest (or "Cost of Funds" as defined in the Financing Agreement) on the Bonds shall be payable (*provided* that the final maturity date of the Bonds shall not be later than thirty-five (35) years after the dated date of the Bonds) and the interest rate to be borne by the Bonds (*provided* that such interest rate, exclusive of any "Supplemental Interest", if and when payable under the Financing Agreement, shall not exceed six percent (6.00%) per annum).

SECTION 3. The full faith and credit of the City are irrevocably pledged to the punctual payment of the principal of and interest on the Bonds as the same become due. In each year while the Bonds, or any of them, are outstanding and unpaid, the Council is authorized and required to levy and collect annually, at the same time and in the same manner as other taxes in the City are assessed, levied and collected, a tax upon 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 interest on the Bonds to the extent other funds of the City are not lawfully available and appropriated for such purpose.

SECTION 4. The Bonds shall be executed, for and on behalf of the City, by the manual signature of the Mayor of the City and shall have the corporate seal of the City impressed thereon, attested by the manual signature of the Clerk of Council of the City.

The Bonds shall be in substantially the form set forth as Exhibit A to the definitive form of the Financing Agreement.

The Director of Finance is hereby appointed as the Registrar and Paying Agent for the Bonds.

SECTION 5. (a) The City covenants that it shall not take or omit to take any action the taking or omission of which will cause the bonds issued by the VRA, a portion of the proceeds of which are being used to purchase the Bonds from the City pursuant to the Financing Agreement (the "VRA Bonds"), to be "arbitrage bonds," within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, including regulations applicable to the VRA

Bonds (the "Code"), or otherwise cause interest on the VRA Bonds to be includable in the gross income for federal income tax purposes of the registered owners thereof under existing law.

(b) The City covenants that it shall not permit the proceeds of the Bonds or the facilities financed with the proceeds of the Bonds to be used in any manner that would result in (i) 5% or more of such proceeds or facilities being financed with such proceeds being used in any trade or business carried on by any person other than a governmental unit, as provided in Section 141(b) of the Code, (ii) 5% or more of such proceeds or facilities being financed 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 (iii) 5% or more of such proceeds or facilities being financed with such proceeds being used directly or indirectly to make or finance loans to any person other than a governmental unit, as provided in Section 141(c) of the Code; *provided, however*, that if the VRA and the City receive an opinion of nationally recognized bond counsel that compliance with any such covenants need not be complied with to prevent the interest on the VRA 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.

SECTION 6. The Mayor, the City Manager, the Acting City Manager, the Chief Operating Officer/Chief Financial Officer, the City Attorney, the Clerk of Council and other appropriate officers and employees of the City shall take all actions as shall be necessary to carry out the provisions of this Resolution.

SECTION 7. There is hereby delegated to the Chief Operating Officer/Chief Financial Officer the authority to take any action the City Manager or Acting City Manager is authorized to take under this Resolution in the absence or unavailability of the City Manager or Acting City Manager.

SECTION 8. The City Attorney of the City is directed to file a copy of this Resolution, certified by the Clerk of Council of the City to be a true and correct copy hereof, with the Circuit Court of the City in accordance with Section 15.2-2607 of the Code of Virginia, 1950.

SECTION 9. All ordinances, resolutions and proceedings in conflict herewith are, to the extent of such conflict, repealed. This Resolution shall constitute the "Local Resolution" as such term is defined in Section 1.1 of the Financing Agreement.

SECTION 10. This Resolution shall take effect upon its adoption.

Approved by Council  
June 7, 2010

  
Clerk of Council

**A RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED SEVEN MILLION DOLLARS (\$7,000,000) PRINCIPAL AMOUNT OF GENERAL OBLIGATIONS OF THE CITY OF CHARLOTTESVILLE, VIRGINIA, IN THE FORM OF GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS OF THE CITY OF CHARLOTTESVILLE, VIRGINIA, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF CAPITAL IMPROVEMENT PROJECTS OF AND FOR THE CITY, INCLUDING, WITHOUT LIMITATION, SEWER REHABILITATION PROJECTS AND OTHER CAPITAL IMPROVEMENTS TO THE WASTEWATER TREATMENT AND SANITARY SEWER SYSTEM OWNED AND OPERATED BY SUCH CITY; APPROVING THE FORM OF SUCH BONDS AND DELEGATING TO THE CITY MANAGER OR ACTING CITY MANAGER AUTHORITY TO APPROVE CERTAIN DETAILS OF SUCH BONDS; APPOINTING THE DIRECTOR OF FINANCE AS REGISTRAR AND PAYING AGENT FOR SUCH BONDS; PROVIDING FOR THE ISSUANCE OF SUCH BONDS TO THE VIRGINIA RESOURCES AUTHORITY, AS ADMINISTRATOR OF THE VIRGINIA WATER FACILITIES REVOLVING FUND, TO EVIDENCE THE BORROWING TO BE MADE BY SUCH CITY FROM SUCH FUND PURSUANT TO A FINANCING AGREEMENT BY AND BETWEEN SUCH AUTHORITY AND SUCH CITY; AND AUTHORIZING AND DIRECTING THE EXECUTION AND DELIVERY OF SUCH FINANCING AGREEMENT AND THE TAX COMPLIANCE AGREEMENT REFERRED TO THEREIN**

WHEREAS, in the judgment of the Council (the "Council") of the City of Charlottesville, Virginia (the "City"), it is desirable to authorize the issuance of not to exceed \$7,000,000 principal amount of general obligations of the City in the form of General Obligation Public Improvement Bonds to provide funds to pay the cost of capital improvement projects of and for the City, including, without limitation, sewer rehabilitation projects and other capital improvements to the wastewater treatment and sanitary sewer system owned and operated by the City;

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

SECTION 1. Pursuant to Chapter 26 of Title 15.2 of the Code of Virginia, 1950, the same being the Public Finance Act of 1991, for the purpose of providing funds to pay the cost of capital improvement projects of and for the City, including, without limitation, sewer rehabilitation projects and other capital improvements to the wastewater treatment and sanitary sewer system owned and operated by the City, there are authorized to be issued not to exceed Seven Million Dollars (\$7,000,000) principal amount of general obligation bonds of the City to be designated "General Obligation Public Improvement Bonds" (the "Bonds").

SECTION 2. The Bonds shall be issued to the Virginia Resources Authority ("VRA"), as administrator of the Virginia Water Facilities Revolving Fund (the "Fund"), pursuant to the terms, conditions and provisions of, and to evidence the borrowing to be made by the City from VRA under, a Commitment Letter (the "Commitment Letter"), from VRA to the

City, and a Financing Agreement (the "Financing Agreement"), by and between VRA, as administrator of the Fund, and the City, as the Borrower thereunder. The City Manager or Acting City Manager is hereby authorized and directed to execute and deliver to VRA a Commitment Letter and a Financing Agreement in such forms as the City Manager or Acting City Manager shall approve upon the advice of counsel (including the City Attorney and Bond Counsel to the City), such approval to be conclusively evidenced by the execution and delivery thereof by the City Manager or Acting City Manager. The City Manager or Acting City Manager is hereby further authorized and directed to execute and deliver to the VRA a Tax Compliance Agreement (as such term is defined in Section 1.1 of the Financing Agreement) and such other closing documents relating to the borrowing to be made by the City from the VRA under the Financing Agreement as the City Manager or Acting City Manager shall, upon the advice of the City Attorney or Bond Counsel to the City, deem to be necessary or desirable.

There is hereby delegated to the City Manager or Acting City Manager authority to determine by certificate the dated date of the Bonds, the principal amount of the Bonds (*provided* that such principal amount of the Bonds shall not exceed Seven Million Dollars (\$7,000,000)), the dates on which principal of and interest (or "Cost of Funds" as defined in the Financing Agreement) on the Bonds shall be payable (*provided* that the final maturity date of the Bonds shall not be later than thirty-five (35) years after the dated date of the Bonds) and the interest rate to be borne by the Bonds (*provided* that such interest rate, exclusive of any "Supplemental Interest", if and when payable under the Financing Agreement, shall not exceed six percent (6.00%) per annum).

SECTION 3. The full faith and credit of the City are irrevocably pledged to the punctual payment of the principal of and interest on the Bonds as the same become due. In each year while the Bonds, or any of them, are outstanding and unpaid, the Council is authorized and required to levy and collect annually, at the same time and in the same manner as other taxes in the City are assessed, levied and collected, a tax upon 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 interest on the Bonds to the extent other funds of the City are not lawfully available and appropriated for such purpose.

SECTION 4. The Bonds shall be executed, for and on behalf of the City, by the manual signature of the Mayor of the City and shall have the corporate seal of the City impressed thereon, attested by the manual signature of the Clerk of Council of the City.

The Bonds shall be in substantially the form set forth as Exhibit A to the definitive form of the Financing Agreement.

The Director of Finance is hereby appointed as the Registrar and Paying Agent for the Bonds.

SECTION 5. (a) The City covenants that it shall not take or omit to take any action the taking or omission of which will cause the bonds issued by the VRA, a portion of the proceeds of which are being used to purchase the Bonds from the City pursuant to the Financing Agreement (the "VRA Bonds"), to be "arbitrage bonds," within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, including regulations applicable to the VRA

Bonds (the "Code"), or otherwise cause interest on the VRA Bonds to be includable in the gross income for federal income tax purposes of the registered owners thereof under existing law.

(b) The City covenants that it shall not permit the proceeds of the Bonds or the facilities financed with the proceeds of the Bonds to be used in any manner that would result in (i) 5% or more of such proceeds or facilities being financed with such proceeds being used in any trade or business carried on by any person other than a governmental unit, as provided in Section 141(b) of the Code, (ii) 5% or more of such proceeds or facilities being financed 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 (iii) 5% or more of such proceeds or facilities being financed with such proceeds being used directly or indirectly to make or finance loans to any person other than a governmental unit, as provided in Section 141(c) of the Code; *provided, however*, that if the VRA and the City receive an opinion of nationally recognized bond counsel that compliance with any such covenants need not be complied with to prevent the interest on the VRA 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.

SECTION 6. The Mayor, the City Manager, the Acting City Manager, the Chief Operating Officer/Chief Financial Officer, the City Attorney, the Clerk of Council and other appropriate officers and employees of the City shall take all actions as shall be necessary to carry out the provisions of this Resolution.

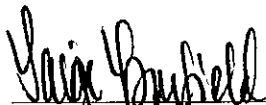
SECTION 7. There is hereby delegated to the Chief Operating Officer/Chief Financial Officer the authority to take any action the City Manager or Acting City Manager is authorized to take under this Resolution in the absence or unavailability of the City Manager or Acting City Manager.

SECTION 8. The City Attorney of the City is directed to file a copy of this Resolution, certified by the Clerk of Council of the City to be a true and correct copy hereof, with the Circuit Court of the City in accordance with Section 15.2-2607 of the Code of Virginia, 1950.

SECTION 9. All ordinances, resolutions and proceedings in conflict herewith are, to the extent of such conflict, repealed. This Resolution shall constitute the "Local Resolution" as such term is defined in Section 1.1 of the Financing Agreement.

SECTION 10. This Resolution shall take effect upon its adoption.

Approved by Council  
June 7, 2010

  
Clerk of Council

## RESOLUTION

**WHEREAS**, Carl D. "Chubby" Proffitt, Jr. is a native of Charlottesville who served in World War II with distinction, and

**WHEREAS**, Mr. Proffitt was decorated with a Distinguished Service Cross, Silver Star, a Bronze Star with cluster for valor and two Purple Hearts for his efforts at Omaha Beach during the invasion of Normandy and during the course of World War II, and;

**WHEREAS**, Mr. Proffitt also received a battlefield commission to second lieutenant, and;

**WHEREAS**, Mr. Proffitt was a proud member of the famed Monticello Guard, and;

**WHEREAS**, Mr. Proffitt was a star player on the 116th Infantry Regiment's Plymouth Yankees service team which won the 1943 ETO (European Theater of Operation) World Series, playing against teams with former major leaguers, and;

**WHEREAS**, Mr. Proffitt upon returning to Charlottesville was active in his community including service to youth and as a participant in Charlottesville Softball Leagues after World War II,

**NOW, THEREFORE BE IT RESOLVED** by the City Council of the City of Charlottesville as follows:

- That the softball fields at McIntire Park be named Carl D. "Chubby" Proffitt Jr. Softball Complex.
- That a sign indicating a new name be erected in a visible location.
- That a plaque commemorating the service of Carl D. "Chubby" Proffitt Jr. be erected at the fields.

Approved by Council  
June 7, 2010

  
Clerk of Council

## RESOLUTION

**WHEREAS**, Carl D. "Chubby" Proffitt, Jr. is a native of Charlottesville who served in World War II with distinction, and

**WHEREAS**, Mr. Proffitt was decorated with a Distinguished Service Cross, Silver Star, a Bronze Star with cluster for valor and two Purple Hearts for his efforts at Omaha Beach during the invasion of Normandy and during the course of World War II, and;

**WHEREAS**, Mr. Proffitt also received a battlefield commission to second lieutenant, and;

**WHEREAS**, Mr. Proffitt was a proud member of the famed Monticello Guard, and;

**WHEREAS**, Mr. Proffitt was a star player on the 116th Infantry Regiment's Plymouth Yankees service team which won the 1943 ETO (European Theater of Operation) World Series, playing against teams with former major leaguers, and;

**WHEREAS**, Mr. Proffitt upon returning to Charlottesville was active in his community including service to youth and as a participant in Charlottesville Softball Leagues after World War II,

**NOW, THEREFORE BE IT RESOLVED** by the City Council of the City of Charlottesville as follows:

- That the softball fields at McIntire Park be named Carl D. "Chubby" Proffitt Jr. Softball Complex.
- That a sign indicating a new name be erected in a visible location.
- That a plaque commemorating the service of Carl D. "Chubby" Proffitt Jr. be erected at the fields.

Approved by Council

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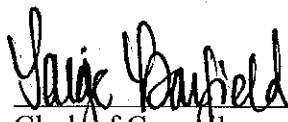
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