



CITY COUNCIL AGENDA
Monday, April 16, 2018

5:00 p.m. **Closed session as provided by Section 2.2-3712 of the Virginia Code**
Second Floor Conference Room

6:30 p.m. **Regular Meeting - CALL TO ORDER**
Council Chambers

PLEDGE OF ALLEGIANCE
ROLL CALL

CITY MANAGER RESPONSE TO COMMUNITY MATTERS

COMMUNITY MATTERS Public comment is provided for up to 16 speakers at the beginning of the meeting (limit 3 minutes per speaker.) Pre-registration is available for up to 8 spaces, and pre-registered speakers are announced by noon the day of the meeting. The number of speakers is unlimited at the end of the meeting.

1. CONSENT AGENDA*: (Items removed from consent agenda will be considered at the end of the regular agenda.)

Bellamy/Signer 5-0

a. Minutes for April 2, 2018

b. **APPROPRIATION:** Reimbursed funds to the Charlottesville Albemarle Convention & Visitors Bureau – \$35,517
(2nd of 2 readings)

c. **APPROPRIATION:** Domestic Violence Services Coordinator Grant – \$49,336 (1st of 2 readings)

d. **RESOLUTION:** Zoning Map Amendment Initiation – Restaurants: Drive-through windows in Highway
Corridor (1st of 1 reading) **Pulled for Discussion**

e. **RESOLUTION:** Extend Zoning Text Amendment (ZTA) Deadline for City Council Initiation of a Zoning Map
Amendment (1st of 1 reading)

f. **RESOLUTION:** Donation of surplus City Police Bicycles and Found Property Bicycles to the Charlottesville
Police Foundation for "Pedal Power" (1st of 1 reading)

g. **ORDINANCE:** Storm Drain Easement at 1170 Emmet Street (2nd of 2 readings)

h. **ORDINANCE:** Monticello Road Rezoning Request (2nd of 2 readings)

**2. PUBLIC HEARING /
REPORT*:** Downtown Parks Renaming

**3. PUBLIC HEARING /
RESOLUTION*:** \$11.7 Million Bond Issue (maximum amount) – New Debt (1st of 1 reading)
Bellamy/Galvin 5-0

4. REPORT: Office of Human Rights Annual Review

5. REPORT: Re-Entry Council Update

6. RESOLUTION*: Therapeutic Docket Funding Request – \$55,000 (1st of 1 reading) **Galvin/Hill 5-0**

7. REPORT: Annual Housing Report

8. ORDINANCE*: Land Bank Corporation Ordinance (1st of 2 readings) **Galvin/Bellamy**

9. REPORT: SPCA Annual Report – *deferred by presenters*

10. REPORT ONLY: Rivanna Quarterly Update (*no verbal presentation*)

RESOLUTION: Zoning Map Amendment Initiation – Restaurants: Drive-through windows in Highway
Corridor (1st of 1 reading) **Bellamy/Signer 4-1**

**OTHER BUSINESS
MATTERS BY THE PUBLIC**

*ACTION NEEDED

APPROPRIATION
\$35,517

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$35,517 is hereby appropriated in the following manner:

Revenue – \$35,517

\$35,517	Fund: 986	Cost Center: 8101001000	G/L Account: 451050
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Expenditures - \$35,517

\$30,000	Fund: 986	Cost Center: 8101001000	G/L Account: 530520
\$ 5,517	Fund: 986	Cost Center: 8101001000	G/L Account: 530120

RESOLUTION
EXTENDING THE PLANNING COMMISSION'S TIME FOR REVIEWING THE CITY
COUNCIL INITIATED MAP AMENDMENT PROPOSING CONSIDERATION OF
ADDITIONAL AREAS WITHIN THE PARKING MODIFIED ZONE REFERENCED WITHIN
CITY CODE §34-971(E)(3)

WHEREAS, by resolution approved on March 5, 2018, this City Council initiated a zoning map amendment for consideration through a public hearing process, proposing to add additional areas to the Parking Modified Zone referenced in City Code §34-971(e)(3) ("Map Amendment"), and referred the Map Amendment to the City Planning Commission for its recommendations; and

WHEREAS, Virginia Code §15.2-2285 specifies that, once the City Council has referred a proposed zoning map amendment to the Planning Commission, the Planning Commission has 100 days (after the first meeting of the commission after the proposed amendment has been referred to it) to report its recommendations to City Council (100-day Deadline); and

WHEREAS, one of the landowners within the areas proposed to be included within the Map Amendment has informed staff that the timing of neighborhood meetings and a parking study relating to their development plans do not line up well with the timing of this public hearing process; and

WHEREAS, City Council desires for this public hearing process to be informed by as much public input and landowner input as possible;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville that the Planning Commission is granted an extension of the 100-day Deadline, and the Planning Commission shall act on this matter so that an Ordinance to enact the proposed Map Amendment, accompanied by the Planning Commission's recommendations, will be ready for a first reading on City Council's Agenda by October 15, 2018.

RESOLUTION
Donation of Surplus Bicycles to “Pedal Power”

WHEREAS, the City of Charlottesville Police Department operates a community bike program called “Pedal Power” which provides bikes, helmets and opportunities to interact with the children of the community; and

WHEREAS, the City currently has fourteen unclaimed bikes in surplus property;

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Charlottesville that the bikes be donated to the Charlottesville Police Foundation for use in the Pedal Power program.

**AN ORDINANCE
AUTHORIZING THE PARTIAL RELEASE OF A STORM DRAINAGE EASEMENT,
AND ACCEPTANCE OF LAND FOR PUBLIC RIGHT OF WAY, EASEMENTS FOR
PUBLIC UTILITIES AND SIDEWALK ON EMMET STREET, ALL AS PART
OF THE REDEVELOPMENT OF 1170 EMMET STREET**

WHEREAS, Meadowbrook Corner, LLC is the Owner of land situated at the corner of the intersection of Barracks Road and Emmet Street, addressed as 1170 Emmet Street and designated on City Tax Map 1 as Parcels 4 and 4.1 (the “Property”); and

WHEREAS, to accommodate construction of a retail project on the Property, said Owner has requested the partial release of a storm drainage easement, conveyed to the City of Charlottesville by deed dated November 23, 1960, of record in the Clerk’s Office for the Circuit Court of the City of Charlottesville in Deed Book 223, Pages 467-470 (hereinafter referred to as the “Subject Easement”); and

WHEREAS, the Owner has represented that, in consideration of the partial release of the Subject Easement, it will: (1) Install a new storm drain pipe in a different location and maintain such storm drain pipe; (2) Dedicate 979 square feet of its land (part of Tax Map Parcel 1-4) to be added to the Barracks Road public right-of-way; (3) Grant two public utility easements; and (4) Grant a public access easement on Emmet Street to be used for extension of the sidewalk right-of-way, all in accordance with details set forth within the approved final site plan for the retail development; and

WHEREAS, the Directors of Neighborhood Development Services (NDS) and Utilities support the partial release of the Subject Easement, as depicted on the above-referenced site plan, and the acceptance of the above-named easements and right-of-way; and

WHEREAS, in accordance with Virginia Code Sec. 15.2-1800(B), a public hearing has been conducted by City Council, giving the public an opportunity to comment on the proposed partial release of the Subject Easement; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that: (i) the proposed partial release of the Subject Easement is hereby approved, subject to and expressly conditioned upon compliance with the conditions set forth below; and (ii) the Mayor is hereby authorized to execute a deed, in such form as may be approved by the City Attorney, for the partial release of the Subject Easement as contemplated within this ordinance:

1. A parcel of land 979 square feet in area, currently a part of Owner’s property (TMP 1-4) shall be dedicated as part of the Barracks Road public right-of-way;
2. A public utility easement, 5’ in width, across the Property (TMP 1-4.1) near Emmet Street shall be granted to the City;
3. A public utility easement, 10’ in width, across the Property (TMP 1-4) near Barracks Road shall be granted to the City; and
4. A variable width public access easement across the Property (TMP 1-4.1) to provide additional sidewalk on Emmet Street shall be granted to the City.

Prepared by Lisa A. Robertson (VSB #32486)
Charlottesville City Attorney Office, P.O. Box 911, Charlottesville, VA 22902
Tax Map Parcels 010004000 and 010004100 (1170 Emmet Street North)

This deed is exempt from state recordation taxes imposed by Virginia Code §58.1-802 pursuant to Virginia Code §58.1-811(C)(4).

THIS DEED OF DEDICATION, VACATION AND RELEASE OF EASEMENT made this ____ day of _____, 2018, by and among the **CITY OF CHARLOTTESVILLE, VIRGINIA**, a municipal corporation and political subdivision of the Commonwealth of Virginia (hereinafter, the “CITY”), to be indexed as Grantor and Grantee, **MEADOWBROOK CORNER, LLC**, a Virginia limited liability company (“Corner”), to be indexed as Grantor and Grantee, whose address is 1754 Stony Point Road, Charlottesville, Virginia 22911, and **MEADOWBROOK SHOPPING CENTRE, LLC**, a Virginia limited liability company (“Meadowbrook”), to be indexed as Grantor and Grantee, whose address is 1754 Stony Point Road, Charlottesville, Virginia 22911.

WITNESSETH:

WHEREAS, Corner is the owner in fee simple of certain real property located in the City of Charlottesville, Virginia, designated on City Real Estate Tax Map 1 as Parcel 4.1 (the “Corner Property”), being the same property acquired by Corner by Deed of Boundary Line Adjustment from Meadowbrook and 1170 Emmet Street, LLC, dated October 11, 2017, of record in the Clerk’s Office for the Circuit Court of the City of Charlottesville (the “Clerk’s Office”) as Instrument No. 2018-00000073; and

WHEREAS, Meadowbrook is the owner in fee simple of certain real property located in the City of Charlottesville, Virginia, designated on City Real Estate Tax Map 1 as Parcel 4 (the “Meadowbrook Property”), being the same property acquired by Meadowbrook by Deed from Mary R. Wheeler, dated December 9, 1996, of record in the Clerk’s Office in Deed Book 685, page 683; and

WHEREAS, by plats of record in the Clerk’s Office in Deed Book 223, Page 470, and Deed Book 366, page 158, the CITY was conveyed a certain twenty-four foot (24’) storm water easement which crosses the Corner Property and a portion of the Meadowbrook Property (the “Existing Drainage Easement”); and

WHEREAS, Meadowbrook and Corner have requested the CITY to Vacate and Release a portion of the Existing Drainage Easement, as it crosses the Corner Property and the Meadowbrook Property and relocate the drainage easement as shown on the plat attached hereto as Exhibit A (the “Plat”); and

WHEREAS, in consideration for the release and vacation of a portion of the Existing Drainage Easement, Meadowbrook has agreed to dedicate certain right-of-way to the CITY, as more particularly shown on the Plat (the “R-O-W Dedication”); and

WHEREAS, the CITY has agreed to release that portion of the Existing Drainage Easement in the location shown on the Plat, as requested by Meadowbrook and Corner, after holding a public hearing, advertised in accordance with Virginia Code Sec. 15.2-1800(B), and adoption of an

Ordinance by the Charlottesville City Council on April 16, 2018.

WITNESSETH:

NOW, THEREFORE, in consideration of the mutual premises, Meadowbrook hereby grants, conveys, gives and dedicates for public use to the CITY, its successors and assigns, with GENERAL WARRANTY AND ENGLISH COVENANTS OF TITLE, the following real property, containing a total of 979 square feet, to wit:

ALL that piece or parcel of land, comprised of 979 square feet, more or less, and labeled as “R-O-W DEDICATION PARCEL 979 S.F.” on that certain plat entitled “PLAT SHOWING PUBLIC UTILITY, PUBLIC ACCESS EASEMENT DEDICATION & PARTIAL EASEMENT VACATION FOR MEADOWBROOK SHOPPING CENTER, LLC CITY OF CHARLOTTESVILLE, VIRGINIA” prepared by Roudabush, Gale & Associates, Inc., dated March 12, 2018, attached hereto as Exhibit A and recorded herewith.

This conveyance is made expressly subject to all restrictions, conditions, rights-of-way and easements, if any, contained in duly recorded deeds, plats and other instruments constituting constructive notice in the chain of title to the property conveyed hereby, insofar as the same affect the property conveyed hereby, which have not expired by a time limitation contained therein or have not otherwise become ineffective.

AND FURTHER, in consideration of the sum of ONE DOLLAR (\$1.00), receipt of which is hereby acknowledged, and the R-O-W Dedication, the CITY does hereby VACATE and RELEASE and forever QUITCLAIM all its right, title and interest in and to that portion of the Existing Drainage Easement, as described above and shown on the Plat dated March 12, 2018, by Roudabush, Gale & Associates, which Plat is attached hereto and recorded herewith.

[This space intentionally left blank]

GRANTOR:

MEADOWBROOK SHOPPING CENTRE, LLC, a
Virginia limited liability company

By: _____
Clara Belle Wheeler, Manager

COMMONWEALTH OF VIRGINIA
CITY OF CHARLOTTESVILLE

The foregoing instrument was acknowledged before me this _____ day of
_____, 2018 by Clara Belle Wheeler, as Manager, of Meadowbrook Shopping
Centre, LLC, a Virginia limited liability company, on behalf of the company.

NOTARY PUBLIC
Registration #: _____
My commission expires: _____

IN WITNESS WHEREOF, the City of Charlottesville has caused this deed to be executed by its Mayor, pursuant to an Ordinance adopted by City Council on April 16, 2018.

WITNESS the following signatures and seals.

GRANTOR: CITY OF CHARLOTTESVILLE, VIRGINIA

By: _____ (SEAL)
Nikuyah Walker, Mayor

APPROVED AS TO FORM:

Lisa A. Robertson, City Attorney (Acting)
City of Charlottesville, Virginia

COMMONWEALTH OF VIRGINIA
CITY OF CHARLOTTESVILLE

The foregoing instrument was acknowledged before me this _____ day of _____, 2018 by Nikuyah Walker, Mayor, on behalf of the City of Charlottesville, Virginia.

NOTARY PUBLIC
Registration #: _____
My commission expires: _____

**AN ORDINANCE
APPROVING A REQUEST TO REZONE PROPERTY LOCATED AT
0 MONTICELLO ROAD
FROM M-1 (LIGHT INDUSTRIAL) TO R-1S (RESIDENTIAL, SMALL LOT)**

WHEREAS, Henningsen Kestner Architects as the Agent/Architect for Landowner Richard Spurzem (together, “Applicant”) has filed an application seeking a change in zoning with respect to certain property located on Monticello Road, currently designated on City Tax Map 61 as Parcel 265.A, having an address of 0 Monticello Road, and the Applicant seeks a rezoning of such property from M-1 (Light Industrial) to R-1S (Residential-Small Lot) (hereinafter referred to as the “Proposed Rezoning”); and

WHEREAS, a joint public hearing on the Proposed Rezoning was held before the City Council and Planning Commission on March 13, 2018, following notice to the public and to adjacent property owners as required by law; and

WHEREAS, legal notice of the public hearing held on March 13, 2018 was advertised in accordance with Va. Code Sec. 15.2-2204; and

WHEREAS, on March 13, 2018, following the public hearing, the Planning Commission voted to recommend approval of the Proposed Rezoning to the City Council, based on their finding that the rezoning is required by the public necessity, convenience, general welfare or good zoning practice; and

WHEREAS, City Council has considered the matters addressed within the Proposed Rezoning and Staff Report, comments received from the public, including those received at the public hearing in this matter, as well as the Planning Commission’s recommendation; and

WHEREAS, this Council finds and determines that the public necessity, convenience, general welfare or good zoning practice requires the Proposed Rezoning; that the existing zoning classification, as well as the proposed zoning classification, are both 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 from M-1 Light Industrial to R-1S Residential-Small Lot, the property located on Monticello Road, designated on City Tax Map 61 as Parcel 265.A (0 Monticello Road), consisting of approximately 0.0895 acres, or 3,899 square feet

**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 \$11,710,000, 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 (the “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 buildings, (c) public school improvements, (d) improvements to public parks, and (e) improvements to the City’s water, wastewater and stormwater systems (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 one or more series of Bonds in an aggregate principal amount not to exceed \$11,710,000 and to use the proceeds thereof, together with other funds as may be available, to finance costs of the Project and to pay costs incurred in connection with issuing such bonds (if not otherwise paid from other City funds).

2. Election to Proceed under the Public Finance Act. In accordance with the authority contained in Section 15.2-2601 of the Code of Virginia of 1950, as amended (the “Virginia Code”), the City Council 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. The Bonds shall be designated “General Obligation Public Improvement Bonds, Series 2018,” or such other designation as may be determined by the City Manager (which term shall include the Director of Finance). The Bonds shall be in registered form, shall be dated such date as may be determined by the City Manager, shall be in denominations of \$5,000 and integral multiples thereof and shall be numbered R-1 upward, or such other designation as appropriate. Subject to Section 9, the issuance and sale of any series of Bonds are authorized on terms as shall be satisfactory to the City Manager; provided, however, that the Bonds of such series (a) shall have a “true” or “Canadian” interest cost not to exceed 4.5% (taking into account any original issue discount or premium), (b) 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 (c) shall mature in years, or be subject to mandatory sinking fund redemption in annual installments, ending no later than December 31, 2038.

Principal of the Bonds shall be payable 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.

Initially, one Bond certificate for each maturity 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.

In the event that (a) the Securities Depository determines not to continue to act as the securities depository for the Bonds by giving notice to the Registrar, and the City discharges the Securities Depository of its responsibilities with respect to the Bonds, or (b) the City in its sole discretion determines (i) that beneficial owners of Bonds shall be able to obtain certificated Bonds or (ii) to select a new Securities Depository, then the Director of Finance of the City 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 of the City shall be entitled to rely on the records of the Securities Depository as to the beneficial owners or the records of the Securities Depository participants acting on behalf of beneficial owners. Such certificated Bonds will then be registrable, transferable and exchangeable as set forth in Section 8.

So long as there is a Securities Depository for the Bonds, (1) it or its nominee shall be the registered owner of the Bonds; (2) notwithstanding anything to the contrary in this Resolution, determinations of persons entitled to payment of principal, premium, if any, and interest, transfers of ownership and exchanges and receipt of notices shall be the responsibility of the Securities Depository and shall be effected pursuant to rules and procedures established by such Securities Depository; (3) the Registrar and the City shall not be responsible or liable for

maintaining, supervising or reviewing the records maintained by the Securities Depository, its participants or persons acting through such participants; (4) references in this Resolution to registered owners of the Bonds shall mean such Securities Depository or its nominee and shall not mean the beneficial owners of the Bonds; and (5) in the event of any inconsistency between the provisions of this Resolution and the provisions of the above-referenced Letter of Representations such provisions of the Letter of Representations, except to the extent set forth in this paragraph and the next preceding paragraph, shall control.

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

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

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

In the case of an optional redemption, the notice may state that (1) it is conditioned upon the deposit of moneys, in an amount equal to the amount necessary to effect the redemption, no later than the redemption date or (2) the City retains the right to rescind such notice on or prior to the scheduled redemption date (in either case, a "Conditional Redemption"), and such notice and optional redemption shall be of no effect if such moneys are not so deposited or if the notice is rescinded as described herein. Any Conditional Redemption may be rescinded at any time. The City shall give prompt notice of such rescission to the affected Bondholders. Any Bonds subject to Conditional Redemption where redemption has been rescinded shall remain outstanding, and

the rescission shall not constitute an event of default. Further, in the case of a Conditional Redemption, the failure of the City to make funds available on or before the redemption date shall not constitute an event of default, and the City shall give immediate notice to all organizations registered with the Securities and Exchange Commission (“SEC”) as securities depositories or the affected Bondholders that the redemption did not occur and that the Bonds called for redemption and not so paid remain outstanding.

5. Execution and Authentication. The Bonds shall be signed by the manual or facsimile signature of the Mayor, 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; 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 of the City 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 price 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 Bonds within the meaning of Treasury Regulations Section 1.150-1(c).

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

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

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.

RESOLUTION

**Therapeutic Docket
\$55,000**

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia that the sum of \$55,000 is hereby paid from currently appropriated funds in the Council Strategic Initiatives account in the General Fund, from funding set aside for diversion programming and initiatives, to OAR/JACC.

\$55,000

Fund: 105

Cost Center: 10110010000

RESOLUTION
Initiating Zoning Text Amendments
for the Highway Corridor (HW) Mixed Use District

WHEREAS, the intent of the Highway Corridor District is to facilitate development of a commercial nature that is more auto oriented than other mixed use corridor zoning designations; and

WHEREAS, restaurants with drive-through windows are allowed by special use permit in the Cherry Avenue (CH), High Street (HS), Urban Corridor (URB), and the Central City (CC) mixed use districts; and

WHEREAS, a joint City Council/Planning Commission work session on the Hydraulic Small Area Plan has considered the need for such use (drive-through restaurant) to be allowed by special use permit in the Highway Corridor mixed use district; and

WHEREAS, Council finds that the public necessity, convenience, general welfare or good zoning practice requires consideration of a zoning text amendment to the Highway Corridor (HW) Mixed Use District designation to allow restaurants with drive-through windows to be allowed by special use permit;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville that the zoning text amendment referenced above within this Resolution is hereby initiated by City Council, and the Planning Commission is directed to review the proposed text amendment, conduct a joint public hearing with City Council to allow affected persons to be heard on these matters, and then report its findings and recommendations back to City Council within 100 days of the date of this Resolution.