



CITY COUNCIL AGENDA

August 16, 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

Women's Equality Day 2010

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 August 2
- b. APPROPRIATION: • \$1,500 – Charlottesville Sheriff's Office Calendar sales (2nd of 2 readings)
- c. APPROPRIATION: • \$65,000 – Teens GIVE Service Learning & Life Skills Program (1st of 2 readings)
- d. APPROPRIATION: • \$225,400 – New Police Cruisers and Related Equipment Purchase and Financing (1st of 2 readings)
- e. RESOLUTION: • Initiation of Zoning Text Amendment – Retail Alcoholic Beverage Stores (1st of 1 reading)
- f. RESOLUTION: • New Police Cruisers and Related Equipment Purchase and Financing Agreement (1st of 1 reading)
- g. RESOLUTION: • Allocation of Charlottesville Housing Funds (1st of 1 reading)
- h. RESOLUTION: • Agency Budget Review Team and Budget Office Community Agency Funding for FY 2012 – Prioritization Process Recommendation (1st of 1 reading)
- i. ORDINANCE: • NDS Fee Schedule Additions (2nd of 2 readings)
- j. ORDINANCE: • Density Regulations for Townhouse Developments (2nd of 2 readings)
- k. ORDINANCE: • Amendment to Mixed Use Districts (2nd of 2 readings)
- l. ORDINANCE: • Truck Restrictions on Altavista Avenue and Shamrock Road (2nd of 2 readings)
- m. ORDINANCE: • Street Vending During Certain Hours (1st of 2 readings)

2. REPORT/ PUBLIC HEARING

Setting Priorities for CDBG/HOME Program Year 11-12

3. REPORT/ ORDINANCE

- Noise Ordinance Amendment (2nd of 2 readings)

4. REPORT/ ORDINANCE

- Amendment to Panhandling Code (2nd of 2 readings)

**5. REPORT/
ORDINANCE**

Keeping Goats in the City of Charlottesville (1st of 2 readings)

**6. REPORT/
RESOLUTION**

Architectural Plans for Single Room Occupancy Project (1st of 1 reading)

**7. REPORT/
RESOLUTION**

- Approving an Economic Development Performance Agreement that Provides Tax Increment Financing for a Downtown Development (1st of 1 reading)

**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 upon request.

APPROPRIATION

Charlottesville Sheriff's Office Calendar Sales

\$1,500

WHEREAS, the City of Charlottesville, through the Charlottesville City Sheriff's Office, has received calendar sales fees of \$1,500 which will be used for expenses related to the Community Relations operations;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$1,500, received from supporters of the Charlottesville City Sheriff's Office are hereby appropriated in the following manner:

Revenue – \$1,500

\$1,500 Fund: 105 I/O: 2000086 G/L Account: 435120

Expenditures - \$700

\$700 Fund: 105 I/O: 2000086 G/L Account: 599999

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$1,500;

BE IT FURTHER RESOLVED, that future fees and contributions to the Charlottesville City Sheriff's Office will be hereby considered as a continuing appropriation and immediately available for the Sheriff's Office to spend appropriately for Community Relations programs.

Approved by Council
August 16, 2010



Clerk of Council

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August 16, 2010



Clerk of Council

Resolution

Amendments to Zoning Ordinance to create, if necessary, regulations on the location of privately owned retail alcoholic beverage stores.

WHEREAS, the City Council of the City of Charlottesville believes that changes to the City Code, Chapter 34 (Zoning) may become necessary to create regulatory control over privately owned retail alcoholic beverage stores; and

WHEREAS, this Council finds and determines that the public necessity, convenience, general welfare, and good zoning practice require the initiation of a study of certain amendments to Chapter 34 (Zoning) of the Charlottesville City Code, 1990, as amended.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville that the Planning Commission is hereby directed to study proposed amendment(s) to Chapter 34 of the Charlottesville City Code, 1990 as amended, for regulatory control over privately owned retail alcoholic beverage stores.

BE IT FURTHER RESOLVED that the Planning Commission will submit its findings and recommendations to the City Council no later than 100 days from the date of this Resolution.

Approved by Council
August 16, 2010


Clerk of Council

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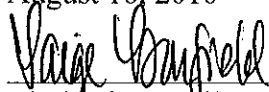
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Approved by Council
August 16, 2010



Clerk of Council

**RESOLUTION OF THE COUNCIL OF THE CITY OF
CHARLOTTESVILLE, VIRGINIA, APPROVING FORM
AND THE TERMS, CONDITIONS AND PROVISIONS
OF AN EQUIPMENT LEASE PURCHASE AGREEMENT
BY AND BETWEEN THE CITY AND SUNTRUST BANK**

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

SECTION 1. Findings and Determinations. The Council (the "Council") of the City of Charlottesville, Virginia (the "Council") hereby finds and determines as follows:

(a) The City has entered into an agreement to purchase nine police cruisers and related equipment for an aggregate purchase price of not to exceed \$225,400, to be financed from moneys to be advanced to the City by SunTrust Bank under an Equipment Lease Purchase Agreement (the "Equipment Lease Purchase Agreement") by and between SunTrust Bank, as Lessor, and the City, as Lessee.

(b) The Council has determined to approve the form of the Equipment Lease Purchase Agreement and the terms, conditions and provisions of the Equipment Lease Purchase Agreement and to authorize the execution and delivery of the Equipment Lease Purchase Agreement for the purpose of financing the purchase price of the equipment described in Section 1(a).

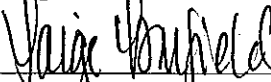
SECTION 2. Approval of Form and Terms, Conditions and Provisions of Equipment Lease Purchase Agreement; Authorizing Execution of Equipment Lease Purchase Agreement. (a) The Council hereby approves the form and the terms, conditions and provisions of the Equipment Lease Purchase Agreement and authorizes the Chief Operating Officer/Chief Financial Officer to execute and deliver the Equipment Lease Purchase Agreement to SunTrust Bank in such form, together with such changes as he shall approve on advice of counsel (which may be the City Attorney or Bond Counsel to the City), such approval to be conclusively evidenced by his execution of the Equipment Lease Purchase Agreement, it being understood that the rental payments payable by the City under the Equipment Lease Purchase Agreement in each fiscal year of the City shall be subject to appropriation of moneys for such purpose by the Council from time to time.

(b) The Council hereby determines that the financing effected by the City under the Equipment Lease Purchase Agreement is contemplated to be and is hereby designated as a "qualified tax-exempt obligation" for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986.

SECTION 3. Effectiveness of Resolution. This resolution shall take effect upon its adoption.

Approved by Council

August 16, 2010


Clerk of Council

**RESOLUTION OF THE COUNCIL OF THE CITY OF
CHARLOTTESVILLE, VIRGINIA, APPROVING FORM
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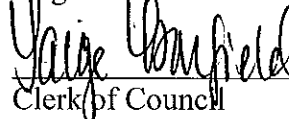
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Approved by Council

August 16, 2010


Clerk of Council

RESOLUTION

Allocation of FY'2011 Charlottesville Housing Fund (\$1,200,000)
And \$83,000 in Unallocated FY'2010 Dollars in Charlottesville Housing Fund

Be it Resolved by the City Council of the City of Charlottesville, that Charlottesville Housing Fund dollars be allocated as follows:

HOME Match	\$ 40,000
Paint Program	\$ 15,000
Administration	\$ 95,000
Emergency Rehab	\$ 50,000
Inventory/Survey	\$ 50,000
Elliott Avenue Site Work	\$ 30,000
Eco-Remod	\$ 130,000
Miscellaneous	\$ 73,000
RFP for Units	<u>\$ 800,000</u>
	\$1,283,000

Be it Further Resolved that priority be given to projects which:

1. Leverage other funds
2. Provide for repayment of funds to the Charlottesville Housing Fund
3. Have a ratio of units to CHF dollars of 1 unit per \$30,000 or better.

Approved by Council
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August 16, 2010


Clerk of Council

RESOLUTION

**Agency Budget Review Team and Budget Office Community Agency Funding for FY 2012 –
Prioritization Process Recommendation**

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that recommendations made by City staff relative to the Agency Budget Review Team and Budget Office Community Agency prioritization process are to be carried forth and implemented during the FY 2012 budget cycle as described in the attached memo.

Approved by Council

August 16, 2010



Clerk of Council

**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date:	August 16, 2010
Action Required:	Approve Recommendation
Presenter:	Gretchen Ellis, Director, Commission on Children and Families
Staff Contacts:	Leslie Beauregard, Director, Budget and Performance Management
Title:	Agency Budget Review Team and Budget Office Community Agency Funding for FY 2012 – Prioritization Process Recommendation

Background:

The Commission on Children and Families (CCF) and its predecessor, the CACY Commission, has managed the Agency Budget Review Team (ABRT) process since the early 1980s. Over the years, the process has evolved, most significantly with the move to an outcome measurement based application in 2001 and the introduction of an objective point-based evaluation rubric in 2004. Members of the team and applicant agencies are surveyed each year and the process has been modified based on feedback received. Most recently, the application and process were revised prior to the FY 11 cycle after City Council requested several modifications, including adding a non-profit representative to the Team, requiring specific Conditions of Eligibility, and requesting specific information about collaboration and involvement of consumers in governance.

In October, 2009, after agency applications were received, the City Manager's and County Executive's Offices requested that ABRT establish priorities for funding. This request was made based on the serious financial problems anticipated for FY11. The City Manager's Office provided a tool used in another community to assist in the formation of priority rankings. A subcommittee of the ABRT (including representatives from both local governments, a non-profit, and the United Way) reviewed the tool and recommended some modifications including the addition of the two Human Service Priorities adopted by the Board and City Council in 2007: "affordable early care and education for children from birth to age five" and "affordable youth development services". The City Manager's and County Executive's Offices approved use of the modified tool which included the following criteria:

1. Taxpayers would generally and reasonably expect, desire, and support the localities' funding for the service.
2. The service provides a sound return on the investment of public funds and would broadly be accepted by taxpayers as "public money well spent."
3. The service provides a broad and significant public good that is legitimate, appropriate, expected, fair, accessible, and necessary to the vitality of the localities and their citizens.
4. The service or facility is essential to protecting and supporting the public's health and safety.
5. The service does not duplicate a service that is provided by local or state government.

6. The service promotes affordable, early care and education for children from birth through age 5.
7. The service promotes affordable youth development services.

Members of the ABRT reviewed each applicant program's stated mission to rate the program purpose on the seven criteria. Programs that met 5 or more criteria were ranked as high priorities, those meeting 3 or 4, were ranked as moderate priorities, and programs that met fewer than 3 criteria were rated as low priorities. Programs were also rated on the quality of the program using the standard evaluation tool. Finally, programs were placed on a matrix based on priority and quality and funding recommendations were established based on this.

Discussion:

ABRT Funding Process

Members of the ABRT and agency representatives expressed concerns about the FY 2011 pilot process. Team members concerns centered in three areas:

1. The ABRT process has striven to be a transparent and collaborative, working in partnership with community agencies to develop and modify the application process. Other than the vendor representative on the ABRT (whose agency does not participate in the process), there was no other agency input.
2. Agencies were not informed of the process until after applications were received and could not tailor their applications to address priorities (I have mixed feelings about this critique since program mission and purpose should not be changed based on funding opportunities.)
3. The criteria were subjective and not specific. Amongst themselves, Team members agreed to approach Criteria 1 as an "average" resident and Criteria 3 with the additional information they have as human service professionals.

Agency representatives shared these three concerns and also were worried about broader community perception of programs that were ranked as moderate and low priorities.

In response to these concerns, CCF asked Professor Suzanne Morse Moomaw of the University of Virginia's Planning Department in the Architecture School to have her graduate level planning class research methods for establishing community priorities. As you know, the report, while providing some interesting observations and recommendations, did not address methods for establishing priorities (despite being titled "Setting Human Service Priorities in Charlottesville/Albemarle".) Therefore, it will be necessary to conduct an internal study and prioritization process. I think that a minimum of six months (and ideally eight months) of planning is required prior implementation of priority-based funding (see preliminary work plan below).

When the UVA report was presented in May, CCF Commissioners, members of the ABRT, and agency staff were present. Agencies represented included: Blue Ridge Medical Center, Boys and Girls Club, the Charlottesville Free Clinic, CYFS, CHIP, Legal Aid, the Home Visiting Collaborative, MACAA, OAR, Piedmont CASA, the Partnership for Children, the Shelter for Help in Emergency, and the United Way, over half of the agencies funded under the ABRT process. These thirteen agencies receive \$1,349,210 of the City's \$1,540,309 or 88% of the recommended funding. They receive \$1,079,758 of the County's \$1,105,560 or 98% of the County's recommended funding.

After the UVA presentation, there was general discussion of how to proceed with the prioritization process given the disappointing results of the research. In the course of the discussion, an idea was proposed of "level" funding ABRT agencies for the FY12 cycle, and using the intervening year to

conduct a rigorous study and prioritization process to be used for the FY13 cycle. There was consensus by those present that this was a good idea.

Budget Office Community Agencies Funding Process

There has recently been discussion to also freeze the Budget Office community agencies process for the same reasons that ABRT would be frozen – that is, to work on a prioritization process that better aligns with community goals. This will allow the Budget Office process to be more closely aligned with ABRT process, with greater focus on measureable outcomes and meeting identified needs. And, it affords the opportunity to create a more equitable process.

Budgetary Impact:

There would not be significant budget impact going into FY 2012 since agencies will be level funded or reduced accordingly; in FY 2013 when the new processes are in place, there could be some impacts but those are unknown at this time.

Recommendation:

1. Freeze ABRT and Budget Office Community Agencies funding at the FY11 level with funding changes mirroring overall City and County Budgets.
2. Conduct a comprehensive prioritization study to be used in future funding for both ABRT and Budget Office programs.
3. Provide Council, in the FY 2012 Proposed Budget, with a pool of funds for agencies or programs they wish to fund above and beyond budget recommendations.
4. Agencies that have formal jurisdictional agreements that currently reside in the Budget Office community agencies process (Library, SPCA, Region 10, Health Department, Regional Jail, Juvenile Detention Center, JABA, CACVB, ECC) would not submit an application but would still submit their request based on the agreements in place.

Alternatives:

If this is not an option Council approves, then a discussion with staff over other options that would be preferred needs to occur as soon as possible. The normal funding cycle would begin end of August/early September which is when applications would normally be distributed.

Attachments:

- FY 2011 Agency Funding (Adopted Budget) – ABRT and Budget Office Community Agencies
- Prioritization Workplan
- Letter sent to Agencies

RESOLUTION

**Agency Budget Review Team and Budget Office Community Agency Funding for FY 2012 –
Prioritization Process Recommendation**

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that recommendations made by City staff relative to the Agency Budget Review Team and Budget Office Community Agency prioritization process are to be carried forth and implemented during the FY 2012 budget cycle as described in the attached memo.

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August 16, 2010


Clerk of Council

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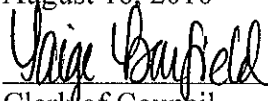
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Approved by Council

August 16, 2010

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Clerk of Council

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CITY COUNCIL AGENDA**



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Background:

The Commission on Children and Families (CCF) and its predecessor, the CACY Commission, has managed the Agency Budget Review Team (ABRT) process since the early 1980s. Over the years, the process has evolved, most significantly with the move to an outcome measurement based application in 2001 and the introduction of an objective point-based evaluation rubric in 2004. Members of the team and applicant agencies are surveyed each year and the process has been modified based on feedback received. Most recently, the application and process were revised prior to the FY 11 cycle after City Council requested several modifications, including adding a non-profit representative to the Team, requiring specific Conditions of Eligibility, and requesting specific information about collaboration and involvement of consumers in governance.

In October, 2009, after agency applications were received, the City Manager's and County Executive's Offices requested that ABRT establish priorities for funding. This request was made based on the serious financial problems anticipated for FY11. The City Manager's Office provided a tool used in another community to assist in the formation of priority rankings. A subcommittee of the ABRT (including representatives from both local governments, a non-profit, and the United Way) reviewed the tool and recommended some modifications including the addition of the two Human Service Priorities adopted by the Board and City Council in 2007: "affordable early care and education for children from birth to age five" and "affordable youth development services". The City Manager's and County Executive's Offices approved use of the modified tool which included the following criteria:

1. Taxpayers would generally and reasonably expect, desire, and support the localities' funding for the service.
2. The service provides a sound return on the investment of public funds and would broadly be accepted by taxpayers as "public money well spent."
3. The service provides a broad and significant public good that is legitimate, appropriate, expected, fair, accessible, and necessary to the vitality of the localities and their citizens.
4. The service or facility is essential to protecting and supporting the public's health and safety.
5. The service does not duplicate a service that is provided by local or state government.

6. The service promotes affordable, early care and education for children from birth through age 5.
7. The service promotes affordable youth development services.

Members of the ABRT reviewed each applicant program's stated mission to rate the program purpose on the seven criteria. Programs that met 5 or more criteria were ranked as high priorities, those meeting 3 or 4, were ranked as moderate priorities, and programs that met fewer than 3 criteria were rated as low priorities. Programs were also rated on the quality of the program using the standard evaluation tool. Finally, programs were placed on a matrix based on priority and quality and funding recommendations were established based on this.

Discussion:

ABRT Funding Process

Members of the ABRT and agency representatives expressed concerns about the FY 2011 pilot process. Team members concerns centered in three areas:

1. The ABRT process has striven to be a transparent and collaborative, working in partnership with community agencies to develop and modify the application process. Other than the vendor representative on the ABRT (whose agency does not participate in the process), there was no other agency input.
2. Agencies were not informed of the process until after applications were received and could not tailor their applications to address priorities (I have mixed feelings about this critique since program mission and purpose should not changed based on funding opportunities.)
3. The criteria were subjective and not specific. Amongst themselves, Team members agreed to approach Criteria 1 as an "average" resident and Criteria 3 with the additional information they have as human service professionals.

Agency representatives shared these three concerns and also were worried about broader community perception of programs that were ranked as moderate and low priorities.

In response to these concerns, CCF asked Professor Suzanne Morse Moomaw of the University of Virginia's Planning Department in the Architecture School to have her graduate level planning class research methods for establishing community priorities. As you know, the report, while providing some interesting observations and recommendations, did not address methods for establishing priorities (despite being titled "Setting Human Service Priorities in Charlottesville/Albemarle".) Therefore, it will be necessary to conduct in internal study and prioritization process. I think that a minimum of six months (and ideally eight months) of planning is required prior implementation of priority-based funding (see preliminary work plan below).

When the UVA report was presented in May, CCF Commissioners, members of the ABRT, and agency staff were present. Agencies represented included: Blue Ridge Medical Center, Boys and Girls Club, the Charlottesville Free Clinic, CYFS, CHIP, Legal Aid, the Home Visiting Collaborative, MACAA, OAR, Piedmont CASA, the Partnership for Children, the Shelter for Help in Emergency, and the United Way, over half of the agencies funded under the ABRT process. These thirteen agencies receive \$1,349,210 of the City's \$1,540,309 or 88% of the recommended funding. They receive \$1,079,758 of the County's \$1,105,560 or 98% of the County's recommended funding.

After the UVA presentation, there was general discussion of how to proceed with the prioritization process given the disappointing results of the research. In the course of the discussion, an idea was proposed of "level" funding ABRT agencies for the FY12 cycle, and using the intervening year to

conduct a rigorous study and prioritization process to be used for the FY13 cycle. There was consensus by those present that this was a good idea.

Budget Office Community Agencies Funding Process

There has recently been discussion to also freeze the Budget Office community agencies process for the same reasons that ABRT would be frozen – that is, to work on a prioritization process that better aligns with community goals. This will allow the Budget Office process to be more closely aligned with ABRT process, with greater focus on measureable outcomes and meeting identified needs. And, it affords the opportunity to create a more equitable process.

Budgetary Impact:

There would not be significant budget impact going into FY 2012 since agencies will be level funded or reduced accordingly; in FY 2013 when the new processes are in place, there could be some impacts but those are unknown at this time.

Recommendation:

1. Freeze ABRT and Budget Office Community Agencies funding at the FY11 level with funding changes mirroring overall City and County Budgets.
2. Conduct a comprehensive prioritization study to be used in future funding for both ABRT and Budget Office programs.
3. Provide Council, in the FY 2012 Proposed Budget, with a pool of funds for agencies or programs they wish to fund above and beyond budget recommendations.
4. Agencies that have formal jurisdictional agreements that currently reside in the Budget Office community agencies process (Library, SPCA, Region 10, Health Department, Regional Jail, Juvenile Detention Center, JABA, CACVB, ECC) would not submit an application but would still submit their request based on the agreements in place.

Alternatives:

If this is not an option Council approves, then a discussion with staff over other options that would be preferred needs to occur as soon as possible. The normal funding cycle would begin end of August/early September which is when applications would normally be distributed.

Attachments:

- FY 2011 Agency Funding (Adopted Budget) – ABRT and Budget Office Community Agencies
- Prioritization Workplan
- Letter sent to Agencies

**AN ORDINANCE
APPROVING AND ADOPTING A SCHEDULE OF FEES
PURSUANT TO CITY CODE 34-10(a)
APPLICABLE TO VARIOUS SERVICES AND FUNCTIONS ADMINISTERED BY THE
CITY'S DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES, RELATED
TO APPLICATIONS, PETITIONS, INSPECTIONS, PERMITS AND APPROVALS
REQUIRED BY THE CITY'S ZONING ORDINANCE, SUBDIVISION ORDINANCE,
WATER PROTECTION ORDINANCE AND ORDINANCES RELATING TO THE USE AND
OCCUPANCY OF CITY STREETS AND RIGHTS-OF-WAY**

WHEREAS, §15.2-2241, §15.2-2286 and §15.2-2292.1 of the Code of Virginia (1950), as amended, provide for the collection of fees to cover the cost of making inspections, issuing permits, advertising of notices and other expenses incident to the administration of zoning and subdivision ordinances and to the filing or processing of any appeal or amendment thereto; and

WHEREAS, the Code of the City of Charlottesville (1990), as amended, provides in various places for City Council's approval from time to time of a schedule of fees associated with other types of applications, petitions, inspections, permits and approvals administered by the City's Department of Neighborhood Development Services ("NDS"), pursuant to Va. Code §10.1-562; §10.1-603.3; §36-98 (and 13 VAC 5-62-70, et seq.), §36-105 and Section 14, Subsection Twenty of the Charlottesville City Charter; and

WHEREAS, following advertisement of this change in accordance with the requirements of Virginia Code §15.2-107 this Council has held a public hearing on the proposed NDS fee schedule;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Charlottesville, Virginia, that the NDS fee schedule is hereby approved and adopted, and shall take effect upon the date of enactment.

Approved by Council

August 16, 2010



Clerk of Council

**AN ORDINANCE
APPROVING AND ADOPTING A SCHEDULE OF FEES
PURSUANT TO CITY CODE 34-10(a)
APPLICABLE TO VARIOUS SERVICES AND FUNCTIONS ADMINISTERED BY THE
CITY'S DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES, RELATED
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Approved by Council

August 16, 2010


Clerk of Council

**AN ORDINANCE AMENDING AND REORDAINING
ARTICLE VI (MIXED USE CORRIDOR DISTRICTS) OF CHAPTER 34 (ZONING)
CHANGING THE MINIMUM PERCENTAGE OF GROSS FLOOR AREA
OF RESIDENTIAL OR COMMERCIAL USE
REQUIRED IN CERTAIN MIXED USE ZONING DISTRICTS.**

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia, that Sections 34-562, 34-619, 34-640, 34-746, 34-766, and 34-771 of Article VI of Chapter 34 of the Code of the City of Charlottesville, are hereby amended and reordained, as follows:

DIVISION 2. REGULATIONS – DOWNTOWN CORRIDOR (“D”)

Sec. 34-562. Mixed-use developments –Additional regulations.

- (a) ~~No less than twenty-five (25) percent of the gross floor area of a mixed-use development must be designed and occupied for residential use.~~
- (b) . . .
- (c) . . .
- (d) . . .

...

DIVISION 5. REGULATIONS – WEST MAIN STREET NORTH CORRIDOR (“WMN”)

Sec. 34-619. Mixed-use developments—Additional regulations.

~~At least twenty-five (25) percent of the gross floor area of any mixed-use building or development must be designed and occupied for non-residential use. No ground floor residential uses or parking garage, other than ingress and egress to the garage, may front on a primary street, unless a building fronts on more than one (1) primary street, in which case ground floor residential uses may front on one (1) primary street. Under no circumstances, however, shall any ground floor residential uses front on West Main Street.~~

DIVISION 6. REGULATIONS – WEST MAIN STREET SOUTH CORRIDOR (“WMS”)

Sec. 34-640. Mixed-use developments—Additional regulations.

~~At least twenty-five (25) percent of the gross floor area of any mixed-use building or development must be designed and occupied for non-residential use. No ground floor residential uses or parking garage, other than ingress and egress to the garage, may front on a primary street, unless a building fronts on more than one (1) primary street, in which case ground floor residential uses may front on one (1) primary street. Under no circumstances, however, shall any ground floor residential uses front on West Main Street.~~

...

DIVISION 11. REGULATIONS – WATER STREET DISTRICT (“WSD”)

Sec. 34-746. Mixed-use developments—Additional regulations.

- (a) ~~No less than twenty five (25) percent of the gross floor area of a mixed-use development must be designed and occupied for residential use.~~
- (b) No ground floor residential uses may front on a primary street, unless a building fronts on more than one (1) primary street, in which case ground floor residential uses may front on one (1) primary street. Under no circumstances, however, shall any ground floor residential uses front on Main Street, Market Street or Water Street.
- (c) All entrances shall be sheltered from the weather, and lighted.
- (d) Where any building or development occupies one (1) or more parcels constituting an entire city block, courtyards shall be provided (subject to the street wall requirements set forth, above, within this division). Such courtyards shall be accessible from adjacent streets.

...

DIVISION 13. REGULATIONS – SOUTH STREET DISTRICT (“SS”)

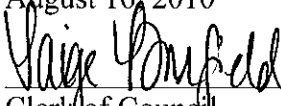
Sec. 34-766. Mixed-use developments—Additional regulations.

- (a) ~~No less than twenty five (25) percent of the gross floor area of a mixed-use development must be designed and occupied for residential use.~~
- (b) No ground floor residential uses may front on a primary street, unless a building fronts on more than one (1) primary street, in which case ground floor residential uses may front on one (1) primary street. Under no circumstances, however, shall any ground floor residential uses front on Main Street, Market Street or Water Street.
- (c) All entrances shall be sheltered from the weather, and lighted.
- (d) Where any building or development occupies one (1) or more parcels constituting an entire city block, courtyards shall be provided (subject to the street wall requirements set forth, above, within this division). Such courtyards shall be accessible from adjacent streets.

DIVISION 14. REGULATIONS – CORNER DISTRICT (“CD”)

Sec. 34-771. Mixed-use developments—Additional regulations.

At least twenty-five (25) percent of the gross floor area of any mixed-use building or development must be designed and occupied for non-residential use. No ground floor residential uses or parking garage, other than ingress and egress to the garage, may front on a primary street, unless a building fronts on more than one (1) primary street, in which case ground floor residential uses may front on one (1) primary street. Under no circumstances, however, shall any ground floor residential uses front on University Avenue or Elliewood Avenue.

Approved by Council
 August 16, 2010

 Clerk of Council

**AN ORDINANCE AMENDING AND REORDAINING
ARTICLE VI (MIXED USE CORRIDOR DISTRICTS) OF CHAPTER 34 (ZONING)
CHANGING THE MINIMUM PERCENTAGE OF GROSS FLOOR AREA
OF RESIDENTIAL OR COMMERCIAL USE
REQUIRED IN CERTAIN MIXED USE ZONING DISTRICTS.**

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia, that Sections 34-562, 34-619, 34-640, 34-746, 34-766, and 34-771 of Article VI of Chapter 34 of the Code of the City of Charlottesville, are hereby amended and reordained, as follows:

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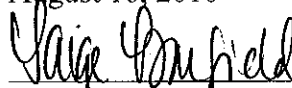
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Approved by Council

August 16, 2010



Clerk of Council

**AN ORDINANCE
REPEALING SECTION 34-389 OF THE CODE
OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED,
RELATING TO DENSITY REGULATIONS FOR TOWNHOUSE DEVELOPMENTS.**

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia, that Section 34-389 of Article III (Residential Zoning Districts) of Chapter 34 (Zoning) of the Charlottesville City Code, as amended, is hereby repealed.

**CHAPTER 34. ZONING
ARTICLE III. RESIDENTIAL ZONING DISTRICTS
DIVISION 4. STANDARDS FOR TOWNHOUSES.**

Sec. 34-386. Applicability.

The standards set forth within this division shall apply to townhouse developments, wherever permitted within the city. In the event of a conflict between these standards and those generally applicable within a particular zoning district, the standards within this division shall govern.

Sec. 34-387. Groupings.

- (a) No more than eight (8) townhouses shall be included within any grouping ("row").
- (b) The facades of townhouses within a townhouse development may be varied by changed front yards, varied architectural features or designs, roof lines, etc.
- (c) Required distance between any two (2) rows of townhouses: Ten (10) feet, minimum.

Sec. 34-388. Dimensional requirements.

- (a) The minimum area of a site containing a townhouse development shall be twelve thousand (12,000) square feet.
- (b) Within a townhouse development, there shall be an average minimum lot width (measured at the front building line) of twenty (20) feet; in no case shall any lot frontage be less than sixteen (16) feet. Lot width for end units shall be adequate to provide required front and side yards. Each individual townhouse unit shall have frontage on a dedicated public street, or on a private street.
- (c) No townhouse shall exceed a height of forty-five (45) feet.

Sec. 34-389. Density of development. [Repealed]

~~No townhouse development, or portion thereof, shall have an overall density of more than one (1) dwelling unit per two thousand four hundred (2,400) square feet of the gross area of the development site.~~

Sec. 34-390. Access.

If access to a townhouse development is to be provided by means of a private street or access easement, the following minimum standards shall be observed:

- (1) Minimum pavement width: Twenty-four(24) feet, exclusive of parking.
- (2) Concrete curb and gutter: Required on both sides of the street or easement.
- (3) Sidewalks: sidewalks of at least five (5) feet in width must be provided on at least one (1) side of the street or easement.
- (4) The radius for all cul-de-sacs shall be at least forty (40) feet, to be paved to a minimum radius of thirty-five (35) feet.
- (5) Trees shall be planted along the frontage of the street/easement, at fifty (50) foot intervals (maximum).

Sec. 34-391. Common areas.

Within a townhouse development, open space and common areas (including, without limitation, the amenities required within section 34-366), and all buildings, structures, facilities, lighting and landscaping located therein, shall be and remain, for the life of the development, under ownership of a single individual, entity or association responsible for maintenance thereof. The developer of a townhouse development shall demonstrate to the satisfaction of the city that this requirement is satisfied, prior to issuance of any building permit(s) for construction within such development.

Secs. 34-392--34-405. Reserved.

Approved by Council

August 16, 2010


Clerk of Council

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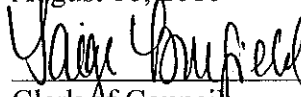
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Secs. 34-392--34-405. Reserved.

Approved by Council
August 16, 2010


Clerk of Council

**AN ORDINANCE
AMENDING AND REORDAINING SECTIN 15-73
OF THE CHARLOTTESVILLE CITY CODE, 1990, AS AMENDED,
PROHIBITING TRACTOR TRUCK TRAFFIC ON
ALTAVISTA AVENUE AND SHAMROCK ROAD**

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia that Section 15-73 of the Code of the City of Charlottesville, 1990, as amended, is hereby amended and reordained, as follows:

Sec. 15-73. Streets closed to certain trucks.

(a) Tractor trucks (defined as any motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the load and weight of the vehicle attached thereto) and any other trucks of more than two (2) axles, with the exceptions described in subsection (b) of this section, are prohibited from using the following city streets:

- (1) Jefferson Park Avenue from its intersection with Fontaine Avenue and Maury Avenue to its intersection with Harris Road.
- (2) Harris Road from its intersection with Fifth Street, S.E. to its intersection with Jefferson Park Avenue and Camellia Drive.
- (3) Park Street from the 250 Bypass to the northern city limits.
- (4) North Avenue from Park Street to Sheridan Avenue.
- (5) Calhoun Street from Sheridan Avenue to St. Clair Avenue.
- (6) Locust Avenue.
- (7) St. Clair Avenue from the 250 Bypass to Peartree Lane.
- (8) Belleview Avenue from River Road to St. Clair Avenue.
- (9) Watson Avenue from the westbound Locus Avenue ramp to Park Street.
- (10) Brandywine Avenue from the 250 Bypass to its intersection with Greenbrier Drive.
- (11) Greenbrier Drive from Brandywine Drive to its intersection with Rio Road.
- (12) Old Lynchburg Road from its intersection with Jefferson Park Avenue to the southern City limits.
- (13) Altavista Avenue from its intersection with Monticello Avenue to Sixth Street.
- (14) Shamrock Road from Cherry Avenue to Jefferson Park Avenue.

(b) The streets listed in subsection (a) of this section may be used by tractor trucks and other trucks with more than two (2) axles only for the purpose of making deliveries or pick-ups of goods or passengers on that street, or when use of such street is the only safe means of access to another nearby street. The above-described portion of Park Street may also be used by trucks otherwise prohibited when those trucks are making deliveries or pick-ups on Rio Road between its intersection with the city limits and its intersection with Greenbrier Drive.

(c) This section shall have no application to pickup trucks, which are defined as "any motor vehicle designed for the transportation of property with a registered gross weight of seven thousand five hundred (7,500) pounds or less.

Approved by Council
August 16, 2010


Clerk of Council

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- (4) North Avenue from Park Street to Sheridan Avenue.
- (5) Calhoun Street from Sheridan Avenue to St. Clair Avenue.
- (6) Locust Avenue.
- (7) St. Clair Avenue from the 250 Bypass to Peartree Lane.
- (8) Belleview Avenue from River Road to St. Clair Avenue.
- (9) Watson Avenue from the westbound Locus Avenue ramp to Park Street.
- (10) Brandywine Avenue from the 250 Bypass to its intersection with Greenbrier Drive.
- (11) Greenbrier Drive from Brandywine Drive to its intersection with Rio Road.
- (12) Old Lynchburg Road from its intersection with Jefferson Park Avenue to the southern City limits.
- (13) Altavista Avenue from its intersection with Monticello Avenue to Sixth Street.
- (14) Shamrock Road from Cherry Avenue to Jefferson Park Avenue.

(b) The streets listed in subsection (a) of this section may be used by tractor trucks and other trucks with more than two (2) axles only for the purpose of making deliveries or pick-ups of goods or passengers on that street, or when use of such street is the only safe means of access to another nearby street. The above-described portion of Park Street may also be used by trucks otherwise prohibited when those trucks are making deliveries or pick-ups on Rio Road between its intersection with the city limits and its intersection with Greenbrier Drive.

(c) This section shall have no application to pickup trucks, which are defined as "any motor vehicle designed for the transportation of property with a registered gross weight of seven thousand five hundred (7,500) pounds or less.

Approved by Council
August 16, 2010


Clerk of Council

**AN ORDINANCE
AMENDING AND REORDAINING SECTIN 15-73
OF THE CHARLOTTESVILLE CITY CODE, 1990, AS AMENDED,
PROHIBITING TRACTOR TRUCK TRAFFIC ON
ALTAVISTA AVENUE AND SHAMROCK ROAD**

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia that Section 15-73 of the Code of the City of Charlottesville, 1990, as amended, is hereby amended and reordained, as follows:

Sec. 15-73. Streets closed to certain trucks.

(a) Tractor trucks (defined as any motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the load and weight of the vehicle attached thereto) and any other trucks of more than two (2) axles, with the exceptions described in subsection (b) of this section, are prohibited from using the following city streets:

- (1) Jefferson Park Avenue from its intersection with Fontaine Avenue and Maury Avenue to its intersection with Harris Road.
- (2) Harris Road from its intersection with Fifth Street, S.E. to its intersection with Jefferson Park Avenue and Camellia Drive.
- (3) Park Street from the 250 Bypass to the northern city limits.
- (4) North Avenue from Park Street to Sheridan Avenue.
- (5) Calhoun Street from Sheridan Avenue to St. Clair Avenue.
- (6) Locust Avenue.
- (7) St. Clair Avenue from the 250 Bypass to Peartree Lane.
- (8) Belleview Avenue from River Road to St. Clair Avenue.
- (9) Watson Avenue from the westbound Locus Avenue ramp to Park Street.
- (10) Brandywine Avenue from the 250 Bypass to its intersection with Greenbrier Drive.
- (11) Greenbrier Drive from Brandywine Drive to its intersection with Rio Road.
- (12) Old Lynchburg Road from its intersection with Jefferson Park Avenue to the southern City limits.
- (13) Altavista Avenue from its intersection with Monticello Avenue to Sixth Street.
- (14) Shamrock Road from Cherry Avenue to Jefferson Park Avenue.

(b) The streets listed in subsection (a) of this section may be used by tractor trucks and other trucks with more than two (2) axles only for the purpose of making deliveries or pick-ups of goods or passengers on that street, or when use of such street is the only safe means of access to another nearby street. The above-described portion of Park Street may also be used by trucks otherwise prohibited when those trucks are making deliveries or pick-ups on Rio Road between its intersection with the city limits and its intersection with Greenbrier Drive.

(c) This section shall have no application to pickup trucks, which are defined as "any motor vehicle designed for the transportation of property with a registered gross weight of seven thousand five hundred (7,500) pounds or less.

Approved by Council
August 16, 2010


Clerk of Council

**AN ORDINANCE
AMENDING AND REORDAINING SECTION 16-11
OF CHAPTER 16 (NOISE CONTROL) OF THE CODE
OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED,
REGULATING NOISE LEVELS FROM MUSIC HALLS
AND REDUCING THE MAXIMUM NOISE LEVEL IN THE
NEIGHBORHOOD COMMERCIAL CORRIDOR DISTRICT.**

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia, that Section 16-11 of Chapter 16 of the Charlottesville City Code, 1990, as amended, is hereby amended and reordained, as follows:

Sec. 16-11. Sound levels; restaurants and music halls.

No person shall permit, operate or cause any amplified sound to create a sound level emanating from a restaurant or music hall during the hours between 11:00 p.m. and 6:00 a.m. in excess of seventy-five (75) dB(A) (~~sixty-five (65)~~ fifty-five (55)) dB(A) in the Neighborhood Commercial Corridor district, described at City Code section 34-541) when measured at a residential property boundary.

Approved by Council
August 16, 2010



Clerk of Council

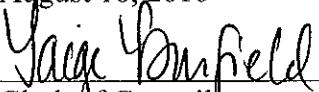
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AMENDING AND REORDAINING SECTION 16-11
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Approved by Council
August 16, 2010


Clerk of Council

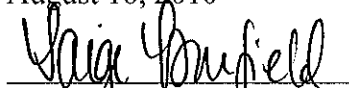
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AMENDING AND REORDAINING SECTION 16-11
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Approved by Council
August 16, 2010


Clerk of Council

**AN ORDINANCE
AMENDING AND REORDAINING SECTIN 28-31 OF THE CODE
OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED,
RELATING TO SOLICITING.**

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia, that Section 28-31 of Article I of Chapter 28 (Streets and Sidewalks) of the Charlottesville City Code, 1990, as amended, is hereby amended and reordained, as follows:

Sec. 28-31. PanhandlingSoliciting.

(a) It shall be unlawful for any person to solicit money or other things of value, or to solicit the sale of goods or services:

- (1) In an aggressive manner in any public area;
- (2) In any public transportation vehicle, or bus station or stop; provided, however, that this paragraph shall not apply to services rendered in connection with such transportation services;
- (3) Within fifteen (15) feet of any entrance or exit of any bank during the hours of operation of such bank;
- (4) Within fifteen (15) feet of any automated teller machine, during the hours of operation of such machine;
- (5) From or to any person seated within an outdoor café area, during the hours of operation of such outdoor café; ~~and~~
- ~~(6) From or to any person who is conducting business at any vendor table or cart;~~
- ~~(67) On private property, if the owner, tenant, or lawful occupant has asked the person not to solicit on the property, or has posted a sign clearly indicating that solicitations are not welcome on the property;~~
- ~~(78) While walking on, standing on or going into any street or highway used for motor vehicle travel, or any area appurtenant thereto (including medians, shoulder areas, turning lanes, ramps and exit ramps) within three hundred (300) feet (in any direction) of any of the following intersections:
 - a. The intersection of Emmet Street and Barracks Road;
 - b. The intersection of Emmet Street and Hydraulic Road;
 - c. The intersection of Route 250 and River Road ("Free Bridge");
 - d. The intersection of Main Street and Ridge/McIntire Road.~~
- ~~(9) On the Downtown Mall within fifty (50) feet (in any direction) of 2nd Street West and 4th Street East, when those streets are open to vehicular traffic.~~

(b) For the purposes of this section the following words and phrases shall have the meanings ascribed to them below, unless a different meaning is plainly required by the context:

Aggressive manner means and includes:

- (1) Intentionally or recklessly making any physical contact with or touching another person in the course of the solicitation, without the person's consent;
- (2) Approaching or following the person being solicited, if that conduct is: (i) intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or (ii) is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;
- (3) Continuing to solicit the person being solicited after the person has made a negative response, if continuing the solicitation is: (i) intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or (ii) is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;
- (4) Intentionally or recklessly blocking the safe or free passage of the person being solicited or requiring the person to take evasive action to avoid physical contact with the person making the solicitation; and
- (5) Intentionally or recklessly using obscene or abusive language or gestures: (i) intended to or likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or (ii) words intended to or reasonably likely to intimidate the person into responding affirmatively to the solicitation.


Public area means an area to which the public or a substantial group of persons has access, including, but not limited to: alleys, bridges, buildings, driveways, parking lots, parks, playgrounds, sidewalks, streets open to the general public, and the doorways and entrances to buildings, together with the grounds enclosing them.

Solicit means to request an immediate donation of money or other thing of value from another person, regardless of the solicitor's purpose or intended use of the money or other thing of value. A solicitation may take the form of, without limitation, the spoken, written or printed word, or by other means of communication (for example: an outstretched hand, an extended cup or hat, etc.).

(c) Any person violating the provisions of this section shall be guilty of a class 3 misdemeanor.

Approved by Council

August 16, 2010



Clerk of Council

**AN ORDINANCE
AMENDING AND REORDAINING SECTIN 28-31 OF THE CODE
OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED,
RELATING TO SOLICITING.**

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- (5) From or to any person seated within an outdoor café area, during the hours of operation of such outdoor café; ~~and~~
- ~~(6) From or to any person who is conducting business at any vendor table or cart;~~
- ~~(67) On private property, if the owner, tenant, or lawful occupant has asked the person not to solicit on the property, or has posted a sign clearly indicating that solicitations are not welcome on the property;~~
- ~~(78) While walking on, standing on or going into any street or highway used for motor vehicle travel, or any area appurtenant thereto (including medians, shoulder areas, turning lanes, ramps and exit ramps) within three hundred (300) feet (in any direction) of any of the following intersections:
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Public area means an area to which the public or a substantial group of persons has access, including, but not limited to: alleys, bridges, buildings, driveways, parking lots, parks, playgrounds, sidewalks, streets open to the general public, and the doorways and entrances to buildings, together with the grounds enclosing them.

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Approved by Council

August 16, 2010


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(c) Any person violating the provisions of this section shall be guilty of a class 3 misdemeanor.

Approved by Council

August 16, 2010


Clerk of Council

**APPROVING RESOLUTION OF THE
CITY COUNCIL
OF THE CITY OF CHARLOTTESVILLE, VIRGINIA**

WHEREAS, the Economic Development Authority of the City of Charlottesville, Virginia (**the "Authority"**), a political subdivision of the Commonwealth of Virginia (**the "Commonwealth"**), was established to promote economic development in the City of Charlottesville, Virginia (**the "City"**), expand the City tax base and encourage more job opportunities for the citizens of the City by, among other things, promoting industry and developing trade in the City and encouraging and inducing multi-state regional or national offices or operations centers and commercial enterprises to commit resources to locate or remain in the City; and

WHEREAS, the City Council of the City is empowered pursuant to Section 15.2-953 of the *Code of Virginia*, 1950, as amended (**the "Code"**), to make appropriations of public funds to the Authority for the purpose of promoting economic development in the City; and

WHEREAS, the Authority is empowered pursuant to Section 15.2-4901, *et seq.*, of the Code to, among other things, accept contributions, grants and other financial assistance from the City and make grants to any person, partnership, association, corporation, business, or governmental entity for the purposes of promoting economic development in the City; and

WHEREAS, the Authority, pursuant to that certain proposed Economic Development Performance Agreement (**the "Agreement"**), attached hereto as **Exhibit A**, is proposing to provide a certain financial incentive grant to the Developer (as defined in the Agreement) in order to encourage and induce the Developer to (i) invest a significant amount of money of not less than \$20,000,000 in certain real estate improvements ("**Improvements**") to a property (**the "Property"**) located in the City, (ii) create and maintain or cause to be created and maintained a minimum of 215 new jobs at businesses to be located on the Property at a minimum annual average salary of \$45,000 for jobs to be performed at businesses to be located on the Property and (iii) complete construction and equipping of the Improvements by no later than the Completion Date (as defined in the Agreement); and

WHEREAS, the Authority, while recognizing that the City Council of the City (**the "City Council"**) is not empowered under Virginia law to make any binding commitment beyond the current fiscal year of the City, has requested that the City Council annually appropriate monies to the Authority for the purpose of promoting economic development in the City by funding certain financial obligations of the Authority pursuant to and during the term of the Agreement; and

WHEREAS, there has been presented to this meeting a draft of the Agreement which sets forth the understanding and agreement between the Authority and the Developer.

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

1. The City Council finds and determines that the terms and conditions of the Agreement, including the provisions for the Grant, is consistent with the mission, goals and purposes of the Authority.

2. It is the current intention of the City Council to make sufficient annual appropriation of monies to the Authority for the purpose of promoting economic development in the City by funding certain financial obligations of the Authority pursuant to and during the term of the Agreement.

3. The City Manager or any other officer charged with the responsibility of preparing the City budget is hereby authorized and directed to include in the City budget for each fiscal year of the City during the term of the Agreement a request that the City Council appropriate sufficient monies to the Authority for the purpose of promoting economic development in the City and funding certain financial obligations of the Authority pursuant to the terms of the Agreement during such fiscal year.

4. The City Manager is hereby authorized to acknowledge the City's understanding of the Agreement and to execute such documents as he deems appropriate in relation to such Agreement.

5. All other acts of the City Manager, the Director of Economic Development or any other officer of the City relating to the purposes and intent of this resolution are hereby approved and ratified.

6. This resolution shall take effect immediately.

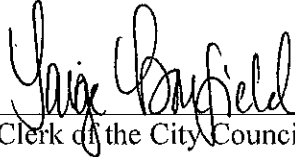
ADOPTED: August 16th, 2010

CERTIFICATION OF ADOPTION OF RESOLUTION

I, the undersigned Clerk of the City Council of the City of Charlottesville, Virginia, hereby certify that the foregoing is a true, correct and complete copy of a Resolution duly adopted by a majority of the members of the City Council at an open meeting duly called and held on August 16th, 2010 and that such Resolution has not been repealed, revoked, rescinded or amended, but is in full force and effect on the date hereof. The following represent the votes taken at such meeting:

Member	Ayes	Nays	Abstentions
	Brown		
	Edwards		
	Huja		
	Norris		
	Szalkos		

WITNESS my hand and the seal of the Authority, this 16th day of August, 2010.



Clerk of the City Council of the
City of Charlottesville, Virginia

[SEAL]

**APPROVING RESOLUTION OF THE
CITY COUNCIL
OF THE CITY OF CHARLOTTESVILLE, VIRGINIA**

WHEREAS, the Economic Development Authority of the City of Charlottesville, Virginia (**the “Authority”**), a political subdivision of the Commonwealth of Virginia (**the “Commonwealth”**), was established to promote economic development in the City of Charlottesville, Virginia (**the “City”**), expand the City tax base and encourage more job opportunities for the citizens of the City by, among other things, promoting industry and developing trade in the City and encouraging and inducing multi-state regional or national offices or operations centers and commercial enterprises to commit resources to locate or remain in the City; and

WHEREAS, the City Council of the City is empowered pursuant to Section 15.2-953 of the *Code of Virginia*, 1950, as amended (**the “Code”**), to make appropriations of public funds to the Authority for the purpose of promoting economic development in the City; and

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WHEREAS, the Authority, pursuant to that certain proposed Economic Development Performance Agreement (**the “Agreement”**), attached hereto as **Exhibit A**, is proposing to provide a certain financial incentive grant to the Developer (as defined in the Agreement) in order to encourage and induce the Developer to (i) invest a significant amount of money of not less than \$20,000,000 in certain real estate improvements (**“Improvements”**) to a property (**the “Property”**) located in the City, (ii) create and maintain or cause to be created and maintained a minimum of 215 new jobs at businesses to be located on the Property at a minimum annual average salary of \$45,000 for jobs to be performed at businesses to be located on the Property and (iii) complete construction and equipping of the Improvements by no later than the Completion Date (as defined in the Agreement); and

WHEREAS, the Authority, while recognizing that the City Council of the City (**the “City Council”**) is not empowered under Virginia law to make any binding commitment beyond the current fiscal year of the City, has requested that the City Council annually appropriate monies to the Authority for the purpose of promoting economic development in the City by funding certain financial obligations of the Authority pursuant to and during the term of the Agreement; and

WHEREAS, there has been presented to this meeting a draft of the Agreement which sets forth the understanding and agreement between the Authority and the Developer.

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

1. The City Council finds and determines that the terms and conditions of the Agreement, including the provisions for the Grant, is consistent with the mission, goals and purposes of the Authority.

2. It is the current intention of the City Council to make sufficient annual appropriation of monies to the Authority for the purpose of promoting economic development in the City by funding certain financial obligations of the Authority pursuant to and during the term of the Agreement.

3. The City Manager or any other officer charged with the responsibility of preparing the City budget is hereby authorized and directed to include in the City budget for each fiscal year of the City during the term of the Agreement a request that the City Council appropriate sufficient monies to the Authority for the purpose of promoting economic development in the City and funding certain financial obligations of the Authority pursuant to the terms of the Agreement during such fiscal year.

4. The City Manager is hereby authorized to acknowledge the City's understanding of the Agreement and to execute such documents as he deems appropriate in relation to such Agreement.

5. All other acts of the City Manager, the Director of Economic Development or any other officer of the City relating to the purposes and intent of this resolution are hereby approved and ratified.

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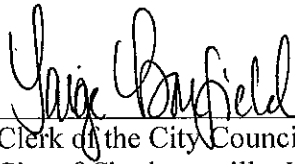
ADOPTED: August 16th, 2010

CERTIFICATION OF ADOPTION OF RESOLUTION

I, the undersigned Clerk of the City Council of the City of Charlottesville, Virginia, hereby certify that the foregoing is a true, correct and complete copy of a Resolution duly adopted by a majority of the members of the City Council at an open meeting duly called and held on August 16th, 2010 and that such Resolution has not been repealed, revoked, rescinded or amended, but is in full force and effect on the date hereof. The following represent the votes taken at such meeting:

Member	Ayes	Nays	Abstentions
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WITNESS my hand and the seal of the Authority, this 16th day of August, 2010.



Clerk of the City Council of the
City of Charlottesville, Virginia

[SEAL]

**APPROVING RESOLUTION OF THE
CITY COUNCIL
OF THE CITY OF CHARLOTTESVILLE, VIRGINIA**

WHEREAS, the Economic Development Authority of the City of Charlottesville, Virginia (**the "Authority"**), a political subdivision of the Commonwealth of Virginia (**the "Commonwealth"**), was established to promote economic development in the City of Charlottesville, Virginia (**the "City"**), expand the City tax base and encourage more job opportunities for the citizens of the City by, among other things, promoting industry and developing trade in the City and encouraging and inducing multi-state regional or national offices or operations centers and commercial enterprises to commit resources to locate or remain in the City; and

WHEREAS, the City Council of the City is empowered pursuant to Section 15.2-953 of the *Code of Virginia*, 1950, as amended (**the "Code"**), to make appropriations of public funds to the Authority for the purpose of promoting economic development in the City; and

WHEREAS, the Authority is empowered pursuant to Section 15.2-4901, *et seq.*, of the Code to, among other things, accept contributions, grants and other financial assistance from the City and make grants to any person, partnership, association, corporation, business, or governmental entity for the purposes of promoting economic development in the City; and

WHEREAS, the Authority, pursuant to that certain proposed Economic Development Performance Agreement (**the "Agreement"**), attached hereto as **Exhibit A**, is proposing to provide a certain financial incentive grant to the Developer (as defined in the Agreement) in order to encourage and induce the Developer to (i) invest a significant amount of money of not less than \$20,000,000 in certain real estate improvements (**"Improvements"**) to a property (**the "Property"**) located in the City, (ii) create and maintain or cause to be created and maintained a minimum of 215 new jobs at businesses to be located on the Property at a minimum annual average salary of \$45,000 for jobs to be performed at businesses to be located on the Property and (iii) complete construction and equipping of the Improvements by no later than the Completion Date (as defined in the Agreement); and

WHEREAS, the Authority, while recognizing that the City Council of the City (**the "City Council"**) is not empowered under Virginia law to make any binding commitment beyond the current fiscal year of the City, has requested that the City Council annually appropriate monies to the Authority for the purpose of promoting economic development in the City by funding certain financial obligations of the Authority pursuant to and during the term of the Agreement; and

WHEREAS, there has been presented to this meeting a draft of the Agreement which sets forth the understanding and agreement between the Authority and the Developer.

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

1. The City Council finds and determines that the terms and conditions of the Agreement, including the provisions for the Grant, is consistent with the mission, goals and purposes of the Authority.

2. It is the current intention of the City Council to make sufficient annual appropriation of monies to the Authority for the purpose of promoting economic development in the City by funding certain financial obligations of the Authority pursuant to and during the term of the Agreement.

3. The City Manager or any other officer charged with the responsibility of preparing the City budget is hereby authorized and directed to include in the City budget for each fiscal year of the City during the term of the Agreement a request that the City Council appropriate sufficient monies to the Authority for the purpose of promoting economic development in the City and funding certain financial obligations of the Authority pursuant to the terms of the Agreement during such fiscal year.

4. The City Manager is hereby authorized to acknowledge the City's understanding of the Agreement and to execute such documents as he deems appropriate in relation to such Agreement.

5. All other acts of the City Manager, the Director of Economic Development or any other officer of the City relating to the purposes and intent of this resolution are hereby approved and ratified.

6. This resolution shall take effect immediately.

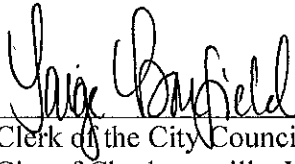
ADOPTED: August 16th, 2010

CERTIFICATION OF ADOPTION OF RESOLUTION

I, the undersigned Clerk of the City Council of the City of Charlottesville, Virginia, hereby certify that the foregoing is a true, correct and complete copy of a Resolution duly adopted by a majority of the members of the City Council at an open meeting duly called and held on August 16th, 2010 and that such Resolution has not been repealed, revoked, rescinded or amended, but is in full force and effect on the date hereof. The following represent the votes taken at such meeting:

Member	Ayes	Nays	Abstentions
	Brown		
	Edwards		
	Huja		
	Norris		
	Szakos		

WITNESS my hand and the seal of the Authority, this 16th day of August, 2010.



Clerk of the City Council of the
City of Charlottesville, Virginia

[SEAL]