



CITY COUNCIL AGENDA
April 4, 2011

6:30 – 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
ANNOUNCEMENTS

Planning Commission Awards; Child Abuse Prevention Month; Minority Health Month

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 March 21
- b. APPROPRIATION: \$95,000 – U.S. Department of Agriculture (USDA) Summer Food Service Program (2nd of 2 readings)
- c. APPROPRIATION: \$92,029 – Police Department – Insurance Recovery and Misc. Revenue and Fees (2nd of 2 readings)
- d. RESOLUTION: \$6,000 – Purchase of Azure Sculpture from 2009-2010 Art in Place Show (1st of 1 reading)
- e. RESOLUTION: SUP for 1417 Emmet St. (1st of 1 reading)
- f. RESOLUTION: CDBG and HOME Funding (1st of 1 reading)
- g. RESOLUTION: Transfer of Funds to Wayfinding Account - \$23,500 (1st of 1 reading)
- h. ORDINANCE: Voting Precinct Reconfiguration (2nd of 2 readings)
- i. ORDINANCE: Tax Exemption for Disabled Veterans (2nd of 2 readings)
- j. ORDINANCE: Overlay Zoning Restriction for 233 4th St NW / Individually Protected Property Designation (Jefferson School) (1st of 2 readings)
- k. ORDINANCE: Telecommunications Franchise – Windstream (1st of 2 readings)
- l. RESOLUTION: Pavilion Naming Rights (1st of 1 reading)

2. PUBLIC HEARING

City Council's Proposed FY 2012 Budget

3. ORDINANCE*

Annual Tax Levy (1st of 2 readings)

4. ORDINANCE*

Annual Budget Appropriation for FY 2012 (1st of 2 readings)

5. REPORT/RESOLUTION*

Belmont Bridge Sidewalk Repair (1st of 1 reading)

6. REPORT/ORDINANCE*

Zoning Text Changes for Music Halls (1st of 2 readings)

7. REPORT

City/County Service Consolidation Report

*ACTION NEEDED

APPROPRIATION

**U.S. Department of Agriculture Summer Food Service Program
\$95,000**

WHEREAS, the City of Charlottesville, through Parks and Recreation, has received approval for reimbursement up to \$95,000 from the U.S. Department of Agriculture to provide free breakfast and lunch to children attending summer camp programs; and

WHEREAS, the grant award covers the period from period June 1, 2011 through December 31, 2011.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$95,000, received from the U.S. Department of Agriculture, is hereby appropriated in the following manner:

Revenue – \$95,000

Fund: 211 Internal Order: 1900161 G/L Account: 431110

Expenditures - \$95,000

Fund: 211 Internal Order: 1900161 G/L Account: 530670

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$95,000 from the U. S. Department of Agriculture.

APPROPRIATION

Police Department – Insurance Recovery and Misc. Revenue and Fees
\$92,029

WHEREAS, the City of Charlottesville Police Department has received revenue, in excess of budgeted revenue, for insurance recovery and misc. revenues and fees, totaling \$92,029; and

WHEREAS, this revenue (\$92,029) is proposed to cover operational expenses of the Police specified below for the remainder of the fiscal year.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$92,029 which has been received is hereby appropriated as follows:

Revenue

Fund	Cost Center	G/L Account	Amount
105	3101001000	451110 - Insurance Recovery	\$38,504
105	3101001000	434580 - False Alarm Fees	\$ 8,500
105	3101001000	434581 – Funeral Escorts	\$ 2,550
105	3101001000	434810 – Misc Sales	\$11,000
105	3101001000	451999 – Other Misc Revenue	\$31,475

Expenditures

Fund	Cost Center	G/L Account	Amount
105	3101001000	520990 – Other supplies	\$92,029

RESOLUTION
Purchase of “Azure” Sculpture from 2009-2010 Art In Place Show
\$6,000

WHEREAS, the City desires to purchase the sculpture “Azure” from the Art in Place 2009-2010 show; and

WHEREAS, the City has negotiated a purchase price of six-thousand dollars (\$6,000) for the sculpture with the artist, Philip Kyle Hathcock; and

WHEREAS, the City shall fund the purchase of “Azure” from the Percent for Art Capital Project (P-00180); and

WHEREAS, a private donation in the amount of \$1,500 is expected to help purchase the sculpture, which will be approved by Council in a separate appropriation once the funds are received; and

WHEREAS, the sculpture “Azure”, will be included in the City’s permanent sculpture collection and will physically remain on display in its current location within Schenk’s Greenway on McIntire Road.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia that the sum of \$6,000 is hereby paid from the Percent for Art Program account in the Capital Improvement Fund (Fund 425, Funded Program P-00180) for purchase of the sculpture “Azure”.

**RESOLUTION GRANTING A SPECIAL USE PERMIT
TO DENG FENG AND XIAN JIAN WANG
TO OPERATE A MUSIC HALL AT 1417 NORTH EMMET STREET**

WHEREAS, Dengfeng and Xian Jian Wang, Lessee of the property at 1417 North Emmet Street (Ming Dynasty Restaurant), as the authorized agent of the property owner, has requested a special use permit with respect to the property identified on City Tax Map 40 as Parcel 1.4, consisting of approximately 0.811 acres (“Subject Property”), to allow operation of a music hall; and

WHEREAS, the Subject Property is zoned “URB” (Urban Corridor Mixed Use District) with Entrance Corridor Overlay and, pursuant to §34-796 of the City Code, such use of the property is allowed by Special Use Permit; and

WHEREAS, following a joint public hearing before this Council and the Planning Commission, duly advertised and held on March 8, 2011, this Council finds that such use is allowed under City Code Section 34-796 (specifically under the category “Non-residential: General and Misc. Commercial”) by special use permit, and will conform to the criteria applicable to special permits generally under Chapter 34 of the City Code; now, therefore

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that a special use permit is hereby approved and granted to Dengfeng and Xian Jian Wang to operate a music hall at 1417 North Emmet Street. Approval of this special use permit is conditioned upon the following:

1. The hours of operation of the music hall will be limited to 8:00 p.m. to 2:00 a.m.
2. No source of sound emanating from the music hall during the hours between 11:00 p.m. and 6:00 a.m. shall exceed seventy-five (75) dB (A) when measured at or outside the property boundary.
3. All music hall events shall be held within the building.
4. This approval shall be subject to the facility meeting the appropriate building and fire code requirements to operate this use.
5. The applicant shall verify that the site meets the parking requirements outlined in the zoning ordinance.

RESOLUTION
AMENDMENT TO COMMUNITY DEVELOPMENT BLOCK GRANT ACCOUNT
Reprogramming of Funds for FY 11-12

WHEREAS, Council has previously approved the appropriation of certain sums of federal grant receipts to specific accounts in the Community Development Block Grant (CDBG) funds; and

WHEREAS, it now appears that these funds have not been spent and need to be reprogrammed, and therefore,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that appropriations made to the following expenditure accounts in the CDBG fund are hereby reduced or increased by the respective amounts shown, and the balance accumulated in the Fund as a result of these adjustments is hereby reappropriated to the respective accounts shown as follows:

Program Year	Account Code	Purpose	Proposed Revised Reduction	Proposed Revised Addition	Proposed Revised Appropriation
00-01	P-00001-04-08	Handicap Access	\$0.04		\$0
09-10	P-00001-02-36	Mediation Center	\$900.00		\$0
09-10	P-00001-02-39	PHAR	\$51.15		\$0
09-10	P-00001-02-40	JABA	\$1,863.06		\$0
09-10	P-00001-02-38	FOCUS	\$25.44		\$0
09-10	P-00001-04-63	MACAA	\$221.00		\$0
11-12		AHIP- Homeowner Rehabs		\$3,060.69	\$3,060.69
		TOTALS:	\$3,060.69	\$3,060.69	\$3,060.69

BE IT RESOLVED by the City Council of the City of Charlottesville that funds be transferred within the Capital Improvement Program as follows:

Transfer From:

Amount	Fund	Cost Center/Project	G/L Account
\$23,500	425	P-00178	599999

Transfer To:

Amount	Fund	Cost Center/Project	G/L Account
\$23,500	425	P-00130	599999

Prepared 3/15/2011

First Reading on March 21, 2011

AN ORDINANCE AMENDING AND REORDAINING ARTICLES I AND II OF CHAPTER 9 (ELECTIONS) OF THE CODE OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED, BY REVISING THE BOUNDARIES OF THE FOUR WARDS IN THE CITY, BY CREATING A NEW PRECINCT IN THE THIRD WARD TO BE NAMED BUFORD PRECINCT, BY RENAMING SEVERAL OF THE EXISTING PRECINCTS, BY REVISING THE BOUNDARY LINES OF ALL EXISTING PRECINCTS, AND BY ESTABLISHING NEW POLLING PLACES AT JOHNSON ELEMENTARY SCHOOL, 1645 CHERRY AVENUE, FOR THE JOHNSON PRECINCT AND AT THE BOYS AND GIRLS CLUB, 1000 CHERRY AVENUE, FOR THE BUFORD PRECINCT.

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia that Sections 9-1 of Article I, and 9-26 through 9-30 of Article II, of Chapter 9 of the Charlottesville City Code, 1990, as amended, are hereby amended and reordained, as follows:

ARTICLE I. IN GENERAL

Sec. 9.1. Designation and boundaries of wards.

- (a) *Generally.* The territory within the city shall be divided into four (4) wards whose boundaries shall be as prescribed in this section.
- (b) *First ward.* The first ward shall embrace all the territory in the eastern part of the city which is not embraced within the boundaries of the second ward and the third ward.
- (c) *Second ward.* The second ward shall embrace all territory lying within the following boundaries: north of the centerline of Main Street, beginning at the intersection of Main Street and 2nd Street, N.E., thence west along the centerline of Main Street to the intersection of the centerline of 10th Street, N.W.; thence north with a along the centerline of 10th Street, N.W. to the centerline of Page Street, to the intersection of the centerline of Preston Avenue; thence in a northwesterly direction along the centerline of Preston Avenue to the intersection of the centerline of Rugby Road and Preston Avenue; thence in the same northwesterly direction along the centerline of Rugby Road to the junction of the centerline of Hydraulic Road and Rugby Road; thence along the centerline of Page Street west to the intersection of the centerline of 11th Street NW; thence in a northern direction along the centerline of 11th Street, N.W. to the centerline of Grady Avenue; thence in a northwestern direction along the centerline of Grady Avenue to the centerline of Rugby Road; thence in a northwesterly direction along the centerline of Rugby Road to the junction of the centerline of Hydraulic Road and Rugby Road; thence along the centerline of Hydraulic Road to the southeastern corner of the intersection of U.S. Route 29 North and Hydraulic Road; thence along the eastern margin of U.S. Route 29 North, north to the city corporate limits; thence in an easterly direction along the city corporate limits

~~line to the southern margin of Virginia Highway 631; thence along the southern margin of Virginia Highway 631 to the western margin of the Southern Railway Company right of way; thence south along the western margin of the Southern Railway Company right of way to the intersection of the centerline of Route 250A; thence east along the centerline of Route 250A to the intersection of the centerline of McIntire Road; thence along the corporate limits south until the intersection with Park Street; thence continuing along the corporate limits to the confluence of the Rivanna River and Meadow Creek, thence along the centerline of Meadow Creek in a western direction to the intersection with the western boundary of Pen Park (City Tax Map 48B, Parcel 1), thence in a southern direction along that boundary to the centerline of Megan Court; thence in a southern direction along the centerline of Megan Court to the centerline of Locust Lane; thence in a southeastern direction along the centerline of Locust Lane to the centerline of Locust Avenue; thence in a southwesterly direction along the centerline of Locust Avenue to the centerline of the U.S. Route 250 Bypass; thence in a northwestern direction along the centerline of the U.S. Route 250 Bypass to the centerline with McIntire Road; thence in a southeasterly southern direction along the centerline of McIntire Road to the intersection of the centerline of Nelson Drive; thence along the centerline of Nelson Drive to the intersection of the centerline of 2nd Street, N.E.; thence along the centerline of 2nd Street, N.E. to the point of beginning.~~

- (d) *Third ward.* The third ward shall embrace all territory lying within the following boundaries: south of the centerline of Main Street beginning at the intersection of Main Street and the centerline of 2nd Street, N.E., west to the intersection of the centerline of 9th Street, S.W.; thence along the centerline of 9th Street, S.W., south to the western margin of the Southern Railway Company right of way; thence along the western margin of the Southern Railway Company right of way to the city limits; thence in a southeasterly and easterly direction along the city limits to the centerline of Virginia Highway 742; thence along the centerline of 6th Street, S.E., north to the northern margin of the Chesapeake & Ohio Railway Company right of way; thence along the northern margin of the Chesapeake & Ohio Railway Company right of way west to the intersection of the centerline of 2nd Street, S.E.; thence north along the centerline of 2nd Street, S.E., to the point of beginning; thence west along Main Street to the intersection of the centerline of Jefferson Park Avenue; thence in a southwestern direction along the corporate limits to the intersection with Fontaine Avenue, thence in a southern direction continuing along the corporate limits to the centerline of Old Lynchburg Road, thence continuing along the corporate limits in an eastern direction to intersection with the centerline of 6th Street SE, thence north long the centerline of 6th Street SE to the centerline of Rougemont Avenue; thence along the centerline of Rougemont Avenue in a western direction to the centerline of Hartmans Mill Road; thence along the centerline of Hartmans Mill in a northern direction to the centerline of 1st Street South.; thence in a northeastern direction along the centerline of 1st Street South to the southwest corner of Parcel 218 (Crescent Halls) of City Tax Map 28, thence along the southern boundary of said Parcel to the southeast corner, thence north along the eastern boundary of said Parcel to the centerline of 2nd Street SE; thence north along the centerline of 2nd Street SE to the beginning.
- (e) *Fourth ward.* The fourth ward shall embrace all the territory in the western part of the city which is not embraced within the boundaries of the second ward and the third ward.

ARTICLE II. ELECTION DISTRICTS AND VOTING PLACES

Sec. 9-26. Generally.

Each ward of the city shall constitute two (2) election ~~districts or~~ precincts, as defined in this article, except in the third ward, which shall constitute three (3) election precincts. Elections in each district in each ward shall be held at such voting places as may from time to time be designated by the council. The voting places, as now constituted, shall be so continued unless and until changed by the council, but no change shall be made in any voting place within sixty (60) days next preceding any general election.

State law references: Duty of council to establish election districts or precincts and voting places, Code of Virginia, § ~~24.1-36~~ 24.2-307.

Sec. 9-27. First ward.

(a) Clark ~~School~~ precinct. The Clark ~~School~~ precinct of the first ward shall embrace all territory in the first ward lying south of the centerline of the Chesapeake & Ohio Railway Company right-of-way. The voting place for this precinct shall be the Clark Elementary School.

(b) Recreation ~~center~~ precinct. The ~~R~~Recreation ~~center~~ precinct of the first ward shall embrace all territory in the first ward lying north of the centerline of the Chesapeake & Ohio Railway Company right-of-way. ~~Effective September 4, 2002, t~~The voting place for this precinct shall be the Herman Key Recreation Center at 800 East Market Street. ~~City Hall, 605 East Main Street, which shall continue to be the polling place until renovation of the downtown recreation center is complete.~~

Sec. 9-28. Second ward.

(a) Carver precinct. The Carver precinct of the second ward shall embrace all territory in the second ward lying south of the centerline of Rugby Avenue and south of the centerline of that portion of the U.S. Route 250 Bypass which is east of Rugby Avenue and west of McIntire Road. The voting place for this precinct shall be the Carver ~~R~~recreation ~~C~~center located at 233 Fourth Street, N.W.

(b) Walker ~~School~~ precinct. The Walker ~~School~~ precinct of the second ward shall embrace all territory in the second ward lying north of the centerline of Rugby Avenue and north of the centerline of that portion of the U.S. Route 250 Bypass which is east of Rugby Avenue and west of Locust Avenue. The voting place for this precinct shall be the Walker Upper Elementary ~~Junior High~~ School.

Sec. 9-29. Third ward.

(a) Benjamin Tonsler precinct. The Benjamin Tonsler precinct of the third ward shall embrace all the territory in the third ward lying east of the line running along the centerline of Roosevelt Brown Boulevard, 9th Street, S.W., Forest Hills Avenue and Cherry Avenue (between Forest Hills Avenue and Rock Creek), and east of Rock Creek and 5th Street, S.W.; ~~thence south along the centerline of 7 1/2 Street, S.W.; thence south along the centerline of Prospect Avenue to Bailey Road; thence along the centerline of Bailey Road east to the centerline of 5th Street, S.W.; thence along the centerline of 5th Street, S.W. to the city limits.~~ The voting place for this precinct shall be the Tonsler Park Recreation Center on Cherry Avenue.

(b) ~~Jefferson Park Johnson~~ precinct. The ~~Jefferson Park Johnson~~ precinct of the third ward shall embrace all territory in the third ward lying west of ~~the line set forth in subsection (a) of this section~~. the centerline of 5th Street, S.W. between the corporate limits and Rock Creek, and west of Rock Creek between 5th Street S.W., and Cherry Avenue; and south of a line beginning at the intersection of Rock Creek and Cherry Avenue, thence continuing southwest along the centerline of Cherry Avenue to Shamrock Road; thence northwest along the centerline of Shamrock Road to to the Southern Railway right-of-way, thence southwest along the railroad right-of-way to Jefferson Park Avenue, thence north along the centerline of Jefferson Park Avenue to the centerline of Maury Avenue, thence north along the centerline of Maury Avenue to the corporate limits. The voting place for this precinct shall be the Johnson Elementary School at 1645 Cherry Avenue. ~~Municipal Arts Building at 1119 5th Street, S.W.~~

(c) Buford precinct. The Buford precinct shall embrace all territory in the third ward lying west of the centerline of Roosevelt Brown Boulevard and 9th Street, S.W. to its intersection with Forest Hills Avenue, and north of a line running west from 9th Street, S.W. along the centerline of Forest Hills Avenue to Cherry Avenue, thence west along the centerline of Cherry Avenue to Shamrock Road, thence northwest along the centerline of Shamrock Road to the Southern Railway right-of-way, thence southwest along the railroad right-of-way to Jefferson Park Avenue, thence north along the centerline of Jefferson Park Avenue to the centerline of Maury Avenue, thence north along the centerline of Maury Avenue to the corporate limits. The voting place for this precinct shall be the Boys and Girls Club at 1000 Cherry Avenue, Building B.

Sec. 9-30. Fourth ward.

(a) Venable ~~School~~ precinct. The Venable ~~School~~ precinct of the fourth ward shall embrace all territory in the fourth ward lying east of the centerline of Rugby Road between University Avenue and Grady Avenue, and south of the centerline of Grady Avenue between Rugby Road and 11th Street, N.W. north of a line beginning at Main Street and 10th Street, N.W.; thence along the centerline of Main Street to its intersection with Ivy Road; thence along the centerline of Ivy Road to the city limits. The voting place for this precinct shall be Venable Elementary School.

(b) Alumni Hall precinct. The Alumni Hall precinct of the fourth ward shall embrace all territory in the fourth ward lying south of the centerline of Hydraulic Road and west of the centerline of Rugby Road. ~~the line set forth in subsection (a) of this section~~. The voting place for this precinct shall be Alumni Hall located on Emmet Street.

Sec. 9-31. Central absentee voter district.

There is hereby established a central absentee voter election district in city hall for the purpose of receiving, counting and recording all absentee ballots in all elections cast within the city. Such central absentee voter election district shall receive, count and record all absentee ballots in accordance with the requirements of section 24.1-233.1 of the Code of Virginia and all other applicable provisions of law. This shall be effective February 1, 1979, and shall remain in effect until repealed by the council.

The revisions set forth in these amendments shall not be implemented until after May 15, 2011, and after notification that the United States Department of Justice does not interpose an objection to the revisions under the provisions of Section 5 of the Voting Rights Act of 1965.

**AN ORDINANCE
ADDING A NEW ARTICLE XVIII TO CHAPTER 30 (TAXATION)
OF THE CODE OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED,
RELATING TO THE EXEMPTION OF REAL ESTATE TAXES FOR
PERMANENTLY DISABLED VETERANS**

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia, that a new Article, to be numbered Article XVIII, is hereby added to Chapter 30 (Taxation) of the Charlottesville City Code, 1990, as amended, to read as follows:

CHAPTER 30. TAXATION

ARTICLE XVIII. Real Estate Tax Exemption for Disabled Veterans

Sec. 30-475. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Disabled Veteran means any veteran who has been rated by the U.S. Department of Veterans Affairs or its successor agency pursuant to federal law to have a one hundred percent (100%) service-connected, permanent, and total disability, and who occupies the real property as his principal place of residence.

Exemption means a one hundred percent (100%) exemption from the real property tax imposed by the city allowable under the provisions of this article.

Taxable year means the calendar year, from January first through December thirty-first, for which property tax exemption is claimed under this article.

Sec. 30-476. Purpose of article.

It is hereby declared to be the purpose of this article to provide real estate tax exemptions for qualified property owners who meet the definition of permanently and totally disabled by the U.S. Department of Veterans Affairs.

State law references: Authority of city to grant exemption as provided for in this article, Code of Virginia § 58.1-3219; Similar definition of “disabled veteran,” § 58.1-3219.5.

Sec. 30-477. Qualifications for exemption.

An exemption pursuant to this article shall be granted to certain persons who own and occupy residential real property, where such persons comply with the following provisions:

- 1) The title to the residential property for which the exemption is claimed must be held by the person entitled to claim such exemption ("claimant"), or held jointly by the claimant and his or her spouse.
- 2) The property for which the exemption is claimed must be occupied as the principal place of residence.
- 3) The applicant must be a veteran declared to have a 100 percent service-connected, permanent, and total disability by the U.S. Department of Veterans Affairs.
- 4) The surviving spouse of a veteran eligible for the exemption set forth in this article shall also qualify for the exemption, so long as the death of the veteran occurs on or after January 1, 2011, the surviving spouse does not remarry, and the surviving spouse continues to occupy the real property as his or her principal place of residence.

Sec. 30-478. Application for exemption.

The veteran or surviving spouse claiming the exemption under this article shall file with the commissioner of revenue on forms to be supplied by the commissioner of revenue, an affidavit or written statement (i) setting forth the name of the disabled veteran and the name of the spouse, if any, also occupying the real property, (ii) indicating whether the real property is jointly owned by a husband and wife, and (iii) certifying that the real property is occupied as the veteran's principal place of residence. The veteran shall also provide documentation from the U.S. Department of Veterans Affairs or its successor agency indicating that the veteran has a one hundred percent (100%) service-connected, permanent, and total disability. The veteran shall be required to refile the information required by this section only if the veteran's principal place of residence changes. In the event of a surviving spouse of a veteran claiming the exemption, the surviving spouse shall also provide documentation that the veteran's death occurred on or after January 1, 2011.

Sec. 30-479. Filing false claims.

It shall be unlawful and a Class 1 misdemeanor for any person to falsely claim an exemption under this article.

Cross Reference: Penalty for Class 1 misdemeanor, § 1-11.

Secs. 30-480 – 30-490. Reserved.

RESOLUTION

WHEREAS, the City of Charlottesville entered into a Lease Agreement dated December 15, 2003 with the Charlottesville Economic Development Authority (CEDA), formerly known as the Charlottesville Industrial Development Authority, for the lease of property at the east end of the Downtown Mall; and

WHEREAS, by Sublease, Easement and Management Agreement dated September 30, 2004 (the "Sublease"), the CEDA sublet the property to Charlottesville Pavilion, LLC, which constructed and operates an amphitheater (currently known as the Charlottesville Pavilion, and hereinafter referred to as "Amphitheater") on the leased property; and

WHEREAS, Section 4.1.4 of the Sublease specifically permits Charlottesville Pavilion LLC to select the name of the Amphitheater, provided they receive written approval in advance from CEDA and the City for any name selected; and

WHEREAS, Charlottesville Pavilion, LLC has requested written approval from CEDA and the City of Charlottesville to re-name the Amphitheater as "nTelos Wireless Pavilion"; now, therefore,

BE IT RESOLVED that the City Council for the City of Charlottesville hereby approves the request by Charlottesville Pavilion, LLC to adopt "nTelos Wireless Pavilion" as the official name of the Amphitheater.