



**CITY COUNCIL AGENDA
May 2, 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**

Officer Thornton; National Tourism Week; Arbor Day

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 April 18
- b. APPROPRIATION: \$41,884.67 – Aquatic Facility Rental Revenue – Crow Indoor Pool
(2nd of 2 readings)
- c. APPROPRIATION: Appropriation of FY 2011 Additional Transit Revenues (2nd of 2 readings)
- d. APPROPRIATION: \$1,500 – Donation Toward Purchase of “Azure” Sculpture (2nd of 2 readings)
- e. APPROPRIATION: \$5,625 – Downtown Mall Directional Signage Purchases (1st of 2 readings)
- f. APPROPRIATION: \$22,840 – City Hall Window Damage - Appropriation of settlement from Nautilus Insurance Company (1st of 2 readings)
- g. APPROPRIATION: \$22,500 – Police Department - Reimbursed Overtime (1st of 2 readings)
- h. RESOLUTION: Emergency Operations Plan (1st of 1 reading)
- i. RESOLUTION: Approval of FY 2011-2012 Annual Action Plan (1st of 1 reading)
- j. RESOLUTION: Approval of Reimbursement for Employee Legal Fees (1st of 1 reading)
- k. RESOLUTION: Acceptance of an extension of Brookwood Drive in the Brookwood Development
(1st of 1 reading)
- l. RESOLUTION: Approval of 2011 Analysis of Impediments to Fair Housing Choice Report
(1st of 1 reading)
- m. ORDINANCE: Amendment of Noise Ordinance (2nd of 2 readings)
- n. ORDINANCE: Unzoned Properties (1st of 2 readings)

**2. PUBLIC HEARING/
RESOLUTION***

Issuance of Series 2011 Bonds (1st of 1 reading)

**3. PUBLIC HEARING/
RESOLUTION***

Hillsdale Condemnation (1st of 1 reading)

**4. PUBLIC HEARING/
ORDINANCE***

Abandonment of Storm Drain Easement (1st of 2 readings)

5. REPORT/ORDINANCE*

Sale of 409 Stadium Rd. (2nd of 2 readings)

APPROPRIATION

Aquatic Facility Rental Revenue – Crow Indoor Pool

\$ 41,884.67

WHEREAS, the City of Charlottesville, through the Charlottesville Parks and Recreation Department, has received payment of facility rental fees for the use of Crow Indoor Pool in the amount of \$41,884.67 which will be used for cover expenses related to the operation of Crow Indoor Pool. These expenses include the cost of lifeguards, pool sanitation chemicals and utilities.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$ 41,884.67, received from those groups renting the Crow Indoor Pool are hereby appropriated in the following manner:

Revenue

\$ 41,884.67 Fund: 105 Cost Center 363100100 G/L Account: 451999

Expenditures

\$ 41,884.67 Fund: 105 Cost Center 363100100 G/L Account: 599999

BE IT FURTHER RESOLVED, that future revenue received by the Parks and Recreation Department for facility rentals at Crow Indoor Pool will be hereby considered as a continuing appropriation for the remainder of FY 2011 and immediately available to the Parks and Recreation Department to cover costs associated with the operation of Crow Indoor Pool for facility rentals.

APPROPRIATION
Transit Revenue
\$30,068.99 (Operating)

WHEREAS, Revenues for insurance recovery, auction sales, vendor refund, UVA shared costs, and state reimbursements have been received by the City of Charlottesville in the amount of \$30,068.99;

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

Revenue

\$ 3,948.77	Fund: 245	Cost Center: 2801001000	G/L: 451110
\$10,353.36	Fund: 245	Cost Center: 2801001000	G/L: 435991
\$ 7,551.13	Fund: 245	Cost Center: 2801001000	G/L: 451050
\$ 6,924.73	Fund: 245	Cost Center: 2801001000	G/L: 432152
\$ 1,291.00	Fund: 245	Cost Center: 2801001000	G/L: 430080

Expenditures

\$14,302.13	Fund: 245	Cost Center: 2801001000	G/L: 520900
\$ 7,551.13	Fund: 245	Cost Center: 2801001000	G/L: 520200
\$ 3,882.38	Fund: 245	Cost Center: 2801001000	G/L: 530050
\$ 3,042.35	Fund: 245	Cost Center: 2801001000	G/L: 525250
\$ 1,291.00	Fund: 245	Cost Center: 2801001000	G/L: 530210

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$30,068.99 in revenue.

RESOLUTION

WHEREAS, the City of Charlottesville is concerned with the health, safety and well-being of its citizens and desires that the best possible emergency service be available to them; and

WHEREAS, the Commonwealth of Virginia Emergency Services and Disaster Law of 1973 requires that each city and county develop and maintain an Emergency Operations Plan which addresses its planned response to emergency situations; and

WHEREAS, such a plan has been developed; now, therefore,

BE IT RESOLVED that the Council of the City of Charlottesville, Virginia, does hereby officially adopt the City of Charlottesville, County of Albemarle, and University of Virginia Integrated Emergency Operations Plan, to include plans and procedures for both peace time and war-caused disasters.

RESOLUTION

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia that the request for reimbursement of legal fees in the amount of \$1,000.00 for the defense of City Police Officer Kyle Boynton against a charge of failure to yield is hereby approved.

RESOLUTION
ACCEPTING PORTION OF BROOKWOOD DRIVE
INTO THE CITY STREET SYSTEM FOR MAINTENANCE

WHEREAS, in 2006 the Brookwood Subdivision was established, and in 2007 the City accepted into its street system for maintenance the right of way designated as Brookwood Lane and that portion of Brookwood Drive from the existing Brookwood Drive to its intersection with Brookwood Lane; and

WHEREAS, the remaining portion of Brookwood Drive has been completed by Southern Development and inspected by City staff, and Southern Development has asked the City to accept the remainder of Brookwood Drive into the City street system; now, therefore

BE IT RESOLVED, by the Council of the City of Charlottesville, Virginia, on recommendation of the City Engineer, that the portion of Brookwood Drive from its intersection with Brookwood Lane to its intersection with Fifth Street Extended, as shown on the attached drawing by the Neighborhood Development Services Department, dated April 2011, is hereby accepted into the City street system for maintenance. The subject roadway has been built to the specifications and standards required by the city approved plan.

**AN ORDINANCE
AMENDING AND REORDAINING SECTION 16-10
OF CHAPTER 16 (NOISE CONTROL) OF THE CODE
OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED, RELATING TO
MEASUREMENT OF SOUND LEVELS IN THE DOWNTOWN BUSINESS DISTRICT,
AND NOISE LEVELS ALLOWED FOR SPECIAL EVENTS.**

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia, that Section 16-10 of Chapter 16 of the Charlottesville City Code, 1990, as amended, is hereby amended and reordained as follows:

Sec. 16-10. Sound levels; Downtown Business District.

(a) In the Downtown Business District, it shall be unlawful for any person to make, cause or continue any sound generation in such a manner as to unreasonably disturb the comfort, health, peace, quiet, safety, or welfare of others.

(b) ~~The following shall constitute *prima facie* evidence of a violation of section 16-10(a), above:~~

(1) ~~The use or operation of any instrument, machine, device or human voice to cause a sound generation of seventy-five (75) db(A) or more at a distance of ten (10) feet or more from the source of the sound generation shall constitute *prima facie* evidence of a violation of section 16-10(a) above.;~~

(2) ~~Credible testimony or other evidence of a sound generation which, to a person of normal hearing acuity, is plainly audible above the background noise level at a distance of one hundred twenty five (125) feet or more from the source of the sound generation.~~

(c) The prohibitions set forth within this section shall not apply to any sound generation which occurs:

(1) As part of a "community event," as that term is defined within City Code section 28-29(c); or

(2) ~~As part of a special event conducted in accordance with a valid permit issued by the city in accordance with the city's special events regulations;~~

(3) As part of any emergency signal device, such as a gong, bell, siren, whistle, or horn, or any similar device for the purposes set forth within section 16-6; ~~and or~~

(4) ~~From P~~ublic and private transportation, refuse collection and sanitation services.

(d) Sound generation from a special event, conducted in accordance with a valid permit issued by the city in accordance with the city's special events regulations, shall be in compliance with the noise level and sound amplification requirements set forth in the permit for that special event, in lieu of the prohibitions set forth within this section.

3.5.7. Sound Amplification.

a. As stated in the City Code the restrictions in the City Code do not apply to Community Events or Special Events that have received a permit from the Events Coordinator. Sound amplification equipment is allowed in connection with permitted demonstrations or special events, provided prior notice has been given to the Events Coordinator. The Events Coordinator may reasonably limit the sound amplification equipment so that it will not unreasonably disturb nonparticipating persons in, or in the vicinity of, the area of a demonstration or special event and/or so that it will not unreasonably interfere with the conduct of another demonstration or special event, or an outdoor business enterprise such as a sidewalk cafe, in the vicinity of the area. Sound levels unless otherwise waived or modified by the Events Coordinator shall not exceed the following:

Event Location	Maximum Decibel Level
City Park	70 at property line
Downtown Mall	75 at a distance of 10 feet
Other location	70 at a distance of 10 feet

b. No amplified sound shall be generated by or in connection with a special event in the Pavilion after 10:00 p.m.

c. No amplified sound shall be generated in or from the Pavilion area before 4:30 p.m. Monday through Friday; except that sound checks required for a special event scheduled to begin at 5:00 p.m. may be conducted anytime after 4:00 p.m. Monday through Friday.

d. For dates established by the City Manager Office as "Global Music Heritage Nights" there should be no restriction on acoustic, non-amplified music during the hours of 5:00 p.m. – 9:00 p.m.

A RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED TWENTY MILLION DOLLARS (\$20,000,000) PRINCIPAL AMOUNT OF GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS OF THE CITY OF CHARLOTTESVILLE, VIRGINIA, TO BE ISSUED FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF VARIOUS PUBLIC IMPROVEMENT PROJECTS OF AND FOR THE CITY; FIXING THE FORM, DENOMINATION AND CERTAIN OTHER FEATURES OF SUCH BONDS; AND PROVIDING FOR THE SALE OF SUCH BONDS AND DELEGATING TO THE CITY MANAGER OR THE CHIEF OPERATING OFFICER/CHIEF FINANCIAL OFFICER CERTAIN POWERS WITH RESPECT THERETO

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

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

(a) Pursuant to Chapter 26 of Title 15.2 of the Code of Virginia, 1950 (the same being the Public Finance Act of 1991), the City is authorized to contract debts for, borrow money for and issue its negotiable bonds to pay all or any part of the cost of any public improvement or undertaking for which the City is authorized by law to appropriate money.

(b) In the judgment of the Council of the City, it is necessary and expedient to authorize the issuance and sale of general obligation public improvement bonds of the City in the principal amount of not to exceed Twenty Million Dollars (\$20,000,000) for the purpose of providing funds to pay the costs of various public improvement projects of and for the City.

SECTION 2. (a) Pursuant to the Public Finance Act of 1991, for the purpose of providing net proceeds of sale sufficient to pay the costs of the public improvement projects of and for the City set forth in Section 8, there are authorized to be issued and sold not to exceed Twenty Million Dollars (\$20,000,000) principal amount of General Obligation Public Improvement Bonds of the City to be known and designated as the "City of Charlottesville, Virginia, General Obligation Public Improvement Bonds, Series 2011" (the "Bonds").

(b) The Bonds shall be issued and sold in their entirety at one time, or from time to time in part in series, as shall be determined by the City Manager. The Bonds may be sold at the same time as other general obligation bonds are sold by the City. The Bonds shall be issued in fully registered form and shall be in the denomination of \$5,000 or any integral multiple thereof. The Bonds shall be numbered from R-1 upwards in order of issuance and shall bear such series designation as shall be determined by the City Manager, shall mature in such years and in such amounts in each year as shall be determined by the City Manager and shall bear interest at such rate or rates per annum as shall be determined by the City Manager pursuant to Section 9, such interest being payable on a date which is not more than one (1) year after the date of the Bonds of such series and semiannually thereafter. The City Manager is authorized to determine, in accordance with and subject to the provisions of this resolution: the date or dates of the Bonds, the interest payment dates thereof, the maturity dates thereof (*provided* that the final maturity of the Bonds of any series shall be not later than forty (40) years from the date the first Bonds of such series are issued under this resolution), the amount of principal maturing on

each maturity date, the place or places of payment thereof and the paying agent or paying agents therefor, the place or places of registration, exchange or transfer thereof and the registrar therefor and whether or not the Bonds shall be subject to redemption prior to their stated maturity or maturities and, if subject to such redemption, the premiums, if any, payable upon such redemption and the respective periods in which such premiums are payable. Interest on the Bonds shall be calculated on the basis of a three hundred sixty (360) day year comprised of twelve (12) thirty (30) day months.

(c) In the event the Bonds of any series shall be dated as of a date other than the first day of a calendar month or the dates on which interest is payable on such series are other than the first days of calendar months, the provisions of Section 3 with regard to the authentication of such Bonds and of Section 10 with regard to the forms of such Bonds shall be modified as the City Manager shall determine to be necessary or appropriate.

(d) If the Bonds of a given series are subject to redemption and if any Bonds of such series (or portions thereof in installments of \$5,000 or any integral multiple thereof) are to be redeemed, notice of such redemption specifying the date, numbers and maturity or maturities of the Bond or Bonds to be redeemed, the date and place or places fixed for their redemption, and if less than the entire principal amount of a Bond called for redemption is to be redeemed, that such Bond must be surrendered in exchange for payment of the principal amount thereof to be redeemed and the issuance of a new Bond or Bonds equalling in principal amount that portion of the principal amount of such Bond not to be redeemed, shall be mailed not less than thirty (30) days prior to the date fixed for redemption, by first class mail, postage prepaid, to the registered owner of each such Bond at the address of such registered owner as it appears on the books of registry kept by Director of Finance of the City, who is hereby appointed as the Registrar and Paying Agent for the Bonds (the "Registrar and Paying Agent" or the "Registrar" or the "Paying Agent"), as of the close of business on the forty-fifth (45th) day next preceding the date fixed for redemption. If any Bonds shall have been called for redemption and notice thereof shall have been given as hereinabove set forth, and payment of the principal amount of such Bonds (or of the principal amount thereof to be redeemed) and of the accrued interest payable upon such redemption shall have been duly made or provided for, interest on such Bonds shall cease to accrue from and after the date so specified for their redemption.

(e) (i) The Bonds of each series shall be issued only in book-entry-only form. One Bond representing each maturity of the Bonds of each series will be issued to and registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), as registered owner of the Bonds, and each such Bond shall be immobilized in the custody of DTC. DTC will act as securities depository for the Bonds. Individual purchases will be made in book-entry form only, in the principal amount of \$5,000 or any integral multiple thereof. Purchasers will not receive physical delivery of certificates representing their interest in the Bonds purchased.

(ii) Principal and interest payments on the Bonds will be made by the Registrar and Paying Agent for the Bonds to DTC or its nominee, Cede & Co., as registered owner of the Bonds, which will in turn remit such payments to the DTC participants for subsequent disbursement to the beneficial owners of the Bonds. Transfers of principal and interest payments to DTC participants will be the responsibility of DTC. Transfers of such payments to beneficial owners of the Bonds by DTC participants will be the responsibility of such participants and other nominees of such beneficial owners. Transfers of ownership interests in

the Bonds will be accomplished by book entries made by DTC and, in turn, by the DTC participants who act on behalf of the indirect participants of DTC and the beneficial owners of the Bonds.

(iii) The City will not be responsible or liable for sending transaction statements or for maintaining, supervising or reviewing records maintained by DTC, its participants or persons acting through such participants or for transmitting payments to, communicating with, notifying or otherwise dealing with any beneficial owner of the Bonds. So long as the Bonds are in book-entry only form, the Director of Finance will serve as Registrar and Paying Agent for the Bonds. The City reserves the right to designate a successor Registrar and Paying Agent for the Bonds if the Bonds at any time cease to be in book-entry only form.

(iv) So long as the Bonds are in book-entry-only form, any notice of redemption will be given only to DTC or its nominee. The City shall not be responsible for providing any beneficial owner of the Bonds any notice of redemption.

SECTION 3. (a) The Bonds shall be executed, for and on behalf of the City, by the manual or facsimile signature of the Mayor of the City and shall have a facsimile of the corporate seal of the City imprinted thereon, attested by the manual or facsimile signature of the Clerk of Council of the City.

(b) The City Manager shall direct the Registrar for the Bonds of a given series to authenticate such Bonds and no such Bond shall be valid and obligatory for any purpose unless and until the certificate of authentication endorsed on such Bond shall have been manually executed by an authorized signator of the Registrar. Upon the authentication of any Bonds, the Registrar shall insert in the certificate of authentication the date as of which such Bonds are authenticated as follows: (i) if the Bond is authenticated prior to the first interest payment date, the certificate shall be dated as of the date of the initial issuance and delivery of the Bonds of the series of which such Bond is one, (ii) if the Bond is authenticated upon an interest payment date, the certificate shall be dated as of such interest payment date, (iii) if the Bond is authenticated after the fifteenth (15th) day of the calendar month next preceding an interest payment date and prior to such following interest payment date, the certificate shall be dated as of such following interest payment date and (iv) in all other instances the certificate shall be dated as of the actual date upon which the Bond is authenticated by the Registrar.

(c) The execution and authentication of the Bonds in the manner above set forth is adopted as a due and sufficient authentication of the Bonds.

SECTION 4. (a) The principal of and interest on the Bonds shall be payable in such coin or currency of the United States of America as at the respective dates of payment thereof is legal tender for public and private debts.

(b) Principal of the Bonds of a given series shall be payable upon presentation and surrender thereof at the office of the Registrar.

(c) Interest on the Bonds shall be payable by check mailed by the Registrar to the registered owners of such Bonds at their respective addresses as such addresses appear on the books of registry kept pursuant to the provisions of this Section 4; *provided, however*, that so long as the Bonds are in book-entry form and registered in the name of Cede & Co., as nominee

of DTC, or in the name of such other nominee of DTC as may be requested by an authorized representative of DTC, interest on the Bonds shall be paid directly to Cede & Co. or such other nominee of DTC by wire transfer.

(d) At all times during which any Bond of any series remains outstanding and unpaid, the Registrar shall keep or cause to be kept, at its office, books of registry for the registration, exchange and transfer of Bonds of such series. Upon presentation of a Bond or Bonds at the office of the Registrar, the Registrar, under such reasonable regulations as the Registrar may prescribe, shall register, exchange or transfer, or cause to be registered, exchanged or transferred, such Bond or Bonds on the books of registry as hereinbefore set forth.

(e) The books of registry shall at all times be open for inspection by the City or any duly authorized officer thereof.

(f) Any Bond may be exchanged at the office of the Registrar for a like aggregate principal amount of such Bonds in other authorized principal sums and of the same series, interest rate and maturity.

(g) Any Bond of any series may, in accordance with its terms, be transferred upon the books of registry by the person in whose name it is registered, in person or by his duly authorized agent, upon surrender of such Bond to the Registrar for cancellation, accompanied by a written instrument of transfer duly executed by the registered owner or his duly authorized agent, in form satisfactory to the Registrar.

(h) All transfers or exchanges pursuant to this Section 4 shall be made without expense to the registered owner of such Bond or Bonds, except as otherwise herein provided, and except that the Registrar shall require the payment by the registered owner of such Bond or Bonds requesting such transfer or exchange of any tax or other governmental charges required to be paid with respect to such transfer or exchange. All Bonds surrendered for transfer or exchange pursuant to this Section 4 shall be cancelled.

SECTION 5. The full faith and credit of the City shall be and is irrevocably pledged to the punctual payment of the principal of and interest on the Bonds as the same become due. In each year while the Bonds, or any of them, are outstanding and unpaid, the Council is authorized and required to levy and collect annually, at the same time and in the same manner as other taxes of the City are assessed, levied and collected, a tax upon all taxable property within the City, over and above all other taxes, authorized or limited by law and without limitation as to rate or amount, sufficient to pay when due the principal of and interest on the Bonds to the extent other funds of the City are not lawfully available and appropriated for such purpose.

SECTION 6. CUSIP identification numbers may be printed on the Bonds, but no such number shall constitute a part of the contract evidenced by the particular Bonds upon which it is printed and no liability shall attach to the City or any officer or agent thereof (including any paying agent for the Bonds) by reason of such numbers or any use made thereof (including any use thereof made by the City, any such officer or any such agent) or by reason of any inaccuracy, error or omission with respect thereto or in such use. All expenses in relation to the printing of such numbers on the Bonds shall be paid by the City; *provided, however*, that the CUSIP Service

Bureau charge for the assignment of such numbers shall be the responsibility of and shall be paid for by the purchaser of the Bonds.

SECTION 7. The City covenants and agrees to comply with the provisions of Sections 103 and 141-150 of the Internal Revenue Code of 1986 (the "1986 Code") and the applicable Treasury Regulations promulgated under such Sections 103 and 141-150 throughout the term of the Bonds.

SECTION 8. The Bonds shall be issued in the principal amount of not to exceed \$20,000,000 for the purpose of providing net proceeds of sale sufficient to finance the costs of the following public improvement projects of and for the City in substantially the respective amounts set forth below:

<u>Projects</u>	<u>Amounts</u>
Public Schools	\$ 750,000
Transportation and Access Improvements (Including Public Street, Bridge and Sidewalk Improvements)	2,754,000
Parks and Recreation Projects	100,000
Various Facility Renovations	1,250,000
Public Safety	5,146,000
Water System Improvements	3,000,000
Sewer System Improvements	<u>6,000,000</u>
	\$ 19,000,000

If any project set forth above shall require less than the entire respective amount so set forth, the difference may be applied to any of the other projects so set forth.

SECTION 9. (a) The Bonds shall be sold in one or more series in accordance with the provisions of Section 2 at competitive or negotiated sale at not less than ninety-seven percent (97%) of the principal amount thereof (excluding any original issue discount) and on such other terms and conditions as are provided in the Notice of Sale thereof or in the Purchase Contract relating thereto.

(b) If the Bonds are sold at competitive sale, they may be sold contemporaneously with other bonds of the City under a combined Notice of Sale. If the Bonds are sold at competitive sale, the City Manager is hereby authorized to cause to be published and distributed a Notice of Sale of the Bonds in such form and containing such terms and conditions as he may deem advisable, subject to the provisions hereof. In lieu of publishing the full text of the Notice of Sale in accordance with the provisions of the immediately preceding sentence, the City Manager is hereby authorized to cause a Summary Notice of Sale in such form as the City Manager shall approve to be published in *The Bond Buyer* on a date selected by the City Manager.

(c) Upon the determination by the City Manager to sell the Bonds at competitive or negotiated sale, the City Manager is hereby authorized, without further notice to or action by the Council, to determine the rates of interest the Bonds shall bear; *provided* that:

(i) in no event shall the true interest cost to the City for the Bonds of any series exceed six percent (6%); and

(ii) in no event shall the premium payable by the City upon the redemption of the Bonds exceed two percent (2%) of the principal amount thereof.

(d) If the Bonds are sold at negotiated sale, the City Manager is hereby authorized to, without further notice to or action by the Council, to select the underwriters for the Bonds (the "Underwriters") and to execute and deliver to the Underwriters a Bond Purchase Contract relating to the Bonds.

(e) The City Manager is hereby authorized to cause to be prepared and distributed a Preliminary Official Statement and a final Official Statement relating to the Bonds. The City Manager is hereby further authorized to certify that the Preliminary Official Statement for the Bonds of each series authorized hereunder is "deemed final" for purposes of Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934. The City Manager and the Chief Operating Officer/Chief Financial Officer are hereby authorized to execute and deliver the final Official Statement for the Bonds of each series authorized hereunder, and the City Manager, the Chief Operating Officer/Chief Financial Officer, the Director of Finance and the City Attorney are hereby authorized to execute and deliver to the purchasers of the Bonds of each series certificates in the forms provided for in the Official Statement for the Bonds of such series.

(f) The City Manager is hereby further authorized to execute and deliver to the purchasers of the Bonds of each series authorized hereunder a Continuing Disclosure Certificate or a Continuing Disclosure Agreement evidencing the City's undertaking to comply with the continuing disclosure requirements of Paragraph (b)(5) of such Rule 15c2-12 to the extent applicable to the Bonds, such Continuing Disclosure Certificate or Continuing Disclosure Agreement to be in such form as shall be approved by the City Manager upon the advice of counsel (including the City Attorney or Bond Counsel to the City), such approval to be conclusively evidenced by the execution of such Continuing Disclosure Certificate or Continuing Disclosure Agreement by the City Manager.

SECTION 10. The Bonds, the certificate of authentication of the Registrar and the assignment endorsed on such Bonds, shall be in substantially the form set forth in Exhibit A, with such changes in format as may be appropriate to conform with customs and practices applicable to comparable securities.

SECTION 11. The Council hereby authorizes the City to make expenditures for the purpose for which the Bonds are to be issued in advance of the issuance and receipt of the proceeds of the Bonds and to reimburse such expenditures from the proceeds of the Bonds. The adoption of this resolution shall be considered as an "official intent" within the meaning of Treasury Regulation Section 1.150-2 promulgated under the 1986 Code.

SECTION 12. There is hereby delegated to the Chief Operating Officer/Chief Financial Officer the authority to take any action the City Manager is authorized to take under this resolution in the absence or unavailability of the City Manager.

SECTION 13. The City Attorney of the City is directed to file a copy of this resolution, certified by the Clerk of Council of the City to be a true and correct copy hereof, with the Circuit Court of the City in accordance with Section 15.2-2607 of the Code of Virginia, 1950.

SECTION 14. All ordinances, resolutions and proceedings in conflict herewith are, to the extent of such conflict, repealed.

SECTION 15. This resolution shall take effect upon its adoption.

EXHIBIT A

**UNITED STATES OF AMERICA
COMMONWEALTH OF VIRGINIA
CITY OF CHARLOTTESVILLE
GENERAL OBLIGATION PUBLIC
IMPROVEMENT BOND, SERIES 2011**

REGISTERED

REGISTERED

NO. R-__

\$_____

**INTEREST
RATE:**

**MATURITY
DATE:**

DATE OF BOND:

CUSIP NO.:

%

161069

REGISTERED OWNER: CEDE & CO.

PRINCIPAL SUM:

DOLLARS

The City of Charlottesville, a municipal corporation of the Commonwealth of Virginia (the "City"), for value received, acknowledges itself indebted and hereby promises to pay to the Registered Owner (named above), or registered assigns, on the Maturity Date (specified above) unless this Bond shall have been duly called for previous redemption and payment of the redemption price duly made or provided for, the Principal Sum (specified above) and to pay interest on such Principal Sum until the payment of such Principal Sum in full, at the Interest Rate (specified above) per annum, on _____, 20__ and semiannually on each _____ and _____ thereafter (each such date is hereinafter referred to as an "interest payment date"), from the date hereof or from the interest payment date next preceding the date of authentication to which interest shall have been paid, unless such date of authentication is an interest payment date, in which case from such interest payment date, or unless such date of authentication is within the period from the sixteenth (16th) day to the last day of the calendar month next preceding the following interest payment date, in which case from such following interest payment date. *[To be substituted if the interest payment date is the 15th day of the month:* or unless such date of authentication is within the period from the first (1st) day to the fourteenth (14th) day of the calendar month in which the following interest payment date shall occur, in which event from such following interest payment date]. Such interest shall be computed on the basis of a three hundred sixty (360) day year comprised of twelve (12) thirty (30) day months. Such interest is payable on each interest payment date by check mailed by the Registrar hereinafter mentioned to the Registered Owner hereof at the address of such Registered Owner as it appears on the books of registry kept by the Registrar, as of the close of business on the fifteenth (15th) day (whether or not a business day) of the calendar month next preceding each interest payment date. *[To be substituted if the interest payment date is the 15th day of the month:* Such interest is payable on each interest payment date by check mailed by the Registrar hereinafter mentioned to the Registered Owner hereof at the address of such Registered Owner

as it appears on the books of registry kept by the Registrar, as of the close of business on the last day (whether or not a business day) of the calendar month next preceding each interest payment date]; *provided, however*, that so long as this Bond is in book-entry only form and registered in the name of Cede & Co., as nominee of The Depository Trust Company (“DTC”), or in the name of such other nominee of DTC as may be requested by an authorized representative of DTC, interest on this Bond shall be paid directly to Cede & Co. or such other nominee of DTC by wire transfer.

The principal of this Bond is payable on presentation and surrender hereof at the office of **the Director of Finance of the City**, as Registrar, in the City of Charlottesville, Virginia. The principal of and interest on this Bond are payable in such coin or currency of the United States of America as at the respective dates of payment thereof is legal tender for public and private debts.

This Bond is one of an issue of Bonds aggregating _____ Dollars (\$ _____) in principal amount issued for the purpose of providing funds to pay the cost of various public improvement projects of and for the City, under and pursuant to and in full compliance with the Constitution and statutes of the Commonwealth of Virginia, including Chapter 26 of Title 15.2 of the Code of Virginia, 1950 (the same being the Public Finance Act of 1991), and a resolution and proceedings of the Council of the City duly adopted and taken under the Public Finance Act of 1991.

The Bonds of the issue of which this Bond is one (or portions of the principal amount thereof in installments of \$5,000 or any integral multiple thereof) maturing on and after _____, _____ are subject to redemption at the option of the City prior to their stated maturities, on or after _____, 20__, in whole or in part on any date, in such order as may be determined by the City (except that if at any time less than all of the Bonds of a given maturity are called for redemption, the particular Bonds of such maturity or portions thereof in installments of \$5,000 to be redeemed shall be selected by lot), upon payment of a redemption price equal to 100% of the principal amount of the Bonds to be redeemed, together with the interest accrued thereon to the date fixed for the redemption thereof.

If this Bond is redeemable and this Bond (or any portion of the principal amount hereof in installments of \$5,000) shall be called for redemption, notice of the redemption hereof, specifying the date, number and maturity of this Bond, the date and place or places fixed for its redemption, and if less than the entire principal amount of this Bond is to be redeemed, that this Bond must be surrendered in exchange for the principal amount hereof not to be redeemed, shall be mailed not less than thirty (30) days prior to the date fixed for redemption, by first class mail, postage prepaid, to the Registered Owner hereof at the address of such Registered Owner as it appears on the books of registry kept by the Registrar as of the close of business on the forty-fifth (45th) day next preceding the date fixed for redemption. If notice of the redemption of this Bond shall have been given as aforesaid, and payment of the principal amount of this Bond (or of the portion of the principal amount hereof to be redeemed) and of the accrued interest payable upon such redemption shall have been duly made or provided for, interest hereon shall cease to accrue from and after the date so specified for the redemption hereof.

Subject to the limitations and upon payment of the charges, if any, provided in the proceedings authorizing the Bonds of the issue of which this Bond is one, this Bond may be

exchanged at the office of the Registrar for a like aggregate principal amount of Bonds of other authorized principal sums and of the same issue, interest rate and maturity. This Bond is transferable by the Registered Owner hereof or by the attorney for such Registered Owner duly authorized in writing, on the books of registry kept by the Registrar for such purpose at the office of the Registrar, but only in the manner, subject to the limitations and upon payment of the charges, if any, provided in the proceedings authorizing the Bonds of the series of which this Bond is one, and upon the surrender hereof for cancellation. Upon such transfer a new Bond or Bonds of authorized denominations and of the same aggregate principal amount, issue, interest rate and maturity as the Bond surrendered will be issued to the transferee in exchange herefor.

The full faith and credit of the City are irrevocably pledged to the punctual payment of the principal of and interest on this Bond as the same become due. In each year while this Bond is outstanding and unpaid, the Council of the City is authorized and required to levy and collect annually, at the same time and in the same manner as other taxes of the City are assessed, levied and collected, a tax upon all taxable property within the City, over and above all other taxes, authorized or limited by law and without limitation as to rate or amount, sufficient to pay when due the principal of and interest on this Bond to the extent other funds of the City are not lawfully available and appropriated for such purpose.

This Bond shall not be valid or obligatory unless the certificate of authentication hereon shall have been manually signed by or on behalf of the Registrar.

It is certified, recited and declared that all acts, conditions and things required to exist, happen or be performed precedent to and in the issuance of this Bond do exist, have happened and have been performed in due time, form and manner as required by law, and that the amount of this Bond, together with all other indebtedness of the City, does not exceed any limitation of indebtedness prescribed by the Constitution or statutes of the Commonwealth of Virginia or the Charter of the City.

IN WITNESS WHEREOF, the City has caused this Bond to be executed by the facsimile signature of its Mayor, a facsimile of the corporate seal of the City to be imprinted hereon, attested by the facsimile signature of the Clerk of Council of the City, and this Bond to be dated the date first above written.

[SEAL]

CITY OF CHARLOTTESVILLE, VIRGINIA

Attest:

Mayor

Clerk of Council

CERTIFICATE OF AUTHENTICATION

This Bond is one of the Bonds delivered pursuant to the within-mentioned proceedings.

Director of Finance, as Registrar

Dated: _____, 20__

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sell(s), assign(s) and transfer(s) unto _____

(Please print or type name and address, including postal zip code of Transferee)

PLEASE INSERT SOCIAL SECURITY OR
OTHER IDENTIFYING NUMBER OF TRANSFeree:

the within-mentioned Bond and hereby irrevocably constitutes and appoints _____, agent, to transfer the same on the books of registry in the office of registrar with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by a member firm of The New York Stock Exchange, Inc. or a commercial bank or trust company.

(Signature of Registered Owner)
NOTICE: The signature above must correspond with the name as written on the face of the within Bond in every particular, without alteration, enlargement or any change whatsoever.

**A RESOLUTION
AUTHORIZING THE INITIATION OF CONDEMNATION PROCEEDINGS
TO ACQUIRE THAT PORTION OF THE LEASEHOLD INTEREST OF KMART
CORPORATION AT 1801 HYDRAULIC ROAD (CITY REAL PROPERTY TAX MAP 41B,
PARCEL 2), CONSISTING OF UP TO APPROXIMATELY 1.487 ACRES AND BEING THE
PORTION OF THE LEASHOLD ESTATE THAT
IS WITHIN THE AREA WHERE THE NEW HILLSDALE DRIVE RIGHT-OF-WAY AND
RELATED IMPROVEMENTS HAVE BEEN CONSTRUCTED.**

WHEREAS, in December 2000 the Charlottesville City Council passed a Programming Resolution requesting the Virginia Department of Transportation (“VDOT”) to establish an urban system highway project for the construction of Hillsdale Drive Extended from Greenbrier Drive in Albemarle County to Hydraulic Road in the City; and,

WHEREAS, Hillsdale Drive Extended has previously been identified as a transportation improvement priority by the City Council, and is currently identified in VDOT’s approved Six Year (FY 2008 – 2013) Improvement Plan for the City; and,

WHEREAS, Hillsdale Drive Extended is also identified as a new road project in the Charlottesville Albemarle Regional Transportation (“CHART”) 2025 Plan, as approved by the Metropolitan Planning Organization Policy Board; and,

WHEREAS, the City has received and expended state funding for the preliminary engineering for Hillsdale Drive Extended; and,

WHEREAS, the construction of Hillsdale Drive Extended will relieve traffic congestion on U.S. Route 29; improve public safety; facilitate the movement of local traffic and provide an alternative to City residential streets as a means of access between Hydraulic Road and Greenbrier Drive (collectively the “transportation improvements”); and,

WHEREAS, Meadowbrook Creek, LLC has constructed the first segment of Hillsdale Drive Extended and related public improvements with a portion of the funding provided pursuant to an agreement with the Charlottesville Economic Development Authority; and,

WHEREAS, the right-of-way and related improvements constructed by Meadowbrook Creek are within the area, consisting of approximately 1.487 acres, shown on the attached Plat, last revised August 26, 2009, as “Hillsdale Drive Variable Width R/W Dedicated to the City of Charlottesville for Public Use”; and,

WHEREAS, Kmart Corporation has asserted a leasehold interest over all or a portion of the 1.487 acres shown on the attached Plat, where Hillsdale Drive Extended and the related improvements have been constructed; and,

WHEREAS, in order for Hillsdale Drive Extended and the related improvements along Hydraulic Road to be dedicated to and accepted by the City of Charlottesville as part of the City public street and right-of-way system, it is necessary for the City to acquire that portion of Kmart Corporation’s leasehold interest that is within the 1.487 acres improved by Meadowbrook Creek; and,

WHEREAS, the City has made a bona fide offer to Kmart Corporation of the appraised fair market value of the portion of the leasehold interest that is needed for the dedication and acceptance of Hillsdale Drive Extended and related public improvements, which offer has not been accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council for the City of Charlottesville, Virginia that the proposed public use of the approximately 1.487 acres shown on the attached plat as a public street is hereby approved, and the City Council hereby states that the right, title and interest, including that portion of the leasehold interest held by Kmart Corporation, acquired pursuant to this Resolution shall be used as a public street and related public improvements to be owned and maintained by the City of Charlottesville.

BE IT FURTHER RESOLVED that the City Council hereby finds that the acquisition of the property as shown on the attached plat is necessary for the purpose of establishing a new public street and making related street improvements to Hydraulic Road, and to provide for the transportation improvements described herein, and the City Council hereby directs that the right, title and interest to the property, including the leasehold interest held by Kmart Corporation, as shown on the attached plat be acquired through the filing of condemnation proceedings. Nothing herein shall be construed as prohibiting the voluntary acquisition of the necessary property interest(s) through further negotiations with the landowner.

**AN ORDINANCE
AUTHORIZING THE SALE OF CERTAIN CITY-OWNED PROPERTY LOCATED
AT 409 STADIUM ROAD.**

WHEREAS, the City of Charlottesville issued a Request for Proposals (RFP) for development of a City-owned lot at 409 Stadium Road, identified as Parcel 1 on City Real Estate Tax Map 16, hereinafter the “Property”; and

WHEREAS, in accordance with Virginia Code Sec. 15.2-1800(B), a public hearing was held on December 20, 2010, and an additional public hearing was held on February 7, 2011, to give the public an opportunity to comment on the proposed conveyance of the Property; and

WHEREAS, after the public hearing on December 20, 2010, Richard Jones and Douglas Caton, on behalf of Woodrow Too, LLC, submitted a response offering to pay \$250,000 for the Property, and agreeing to leave the subject Property a landscaped area; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the City Manager is hereby authorized to execute a sales/purchase agreement, in form approved by the City Attorney, to convey the above-described Property to Woodrow Too, LLC for the purchase price of \$250,000 with restrictions on the development of the subject Property as follows:

- (1) The Property shall be landscaped and maintained as a green space area;
- (2) The Purchaser shall consent to the adjoining property (Tax Map Parcel 16-2) being designated as an Individually Protected Property (IPP) under City Code Sec. 34-274; and
- (3) There shall be no further development or permanent structures placed upon the Property, including parking facilities.

BE IT FURTHER ORDAINED that the Mayor is hereby authorized to execute a deed of conveyance, in form approved by the City Attorney, for the above-described transaction.