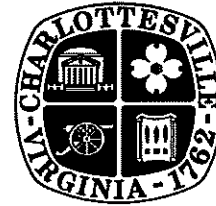


**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date:	April 4, 2011
Action Required:	Yes
Presenter:	Aubrey Watts, Director of Economic Development
Staff Contacts:	Aubrey Watts, Director of Economic Development Chris Engel, Assistant Director of Economic Development
Title:	Pavilion Naming Rights

Background & Discussion: On December 15, 2003, the City entered into a lease with the Charlottesville Industrial Development Authority (CIDA) (The authority is now known as the Charlottesville Economic Development Authority) for the area on which what is known as the Charlottesville Pavilion is now built. On September 30, 2004, CIDA entered into a Sublease, Easement and Management agreement with Charlottesville Pavilion, LLC, for the same area. These two leases allowed the construction of the current amphitheater structure and established the parameters for management of the facility. Charlottesville Pavilion, LLC, serves as the Operator.

In the absence of a naming agreement the amphitheater has functioned simply as the "Charlottesville Pavilion" since opening in 2005. However, the Sublease does address the process of naming rights approval if desired by the operator.

Article 4, Section 4.1.4 of the Sublease addresses the issue of naming rights.

Naming Rights. Operator shall have the right to select the operating name used for the Amphitheater; provided however, that Operator must receive written approval in advance from CIDA and the City for any name selected by Operator. The name shall be a name that is in compliance with Laws, does not contain any lewd or pornographic terms or materials, and does not include the name of a tobacco product or company. The name used for the Amphitheater cannot include the name of any governmental entity other than CIDA or the City except that Operator may use the following terms: "Charlottesville", "Virginia" or "Central Virginia". Operator will notify CIDA in writing of a proposed name for the Amphitheater and CIDA and the City shall approve or object to such proposed name within thirty (30) days or such proposed name shall be deemed approved by CIDA and the City. At the written request of CIDA, the approval

period may be extended up to fifteen (15) days if necessary to provide sufficient time for City approval.

Article 4, Section 4.2 of the Sublease addresses the issue of Operator Proceeds

Operator Proceeds. Except as otherwise provided herein, all revenue, from any source, arising out of the Operator's use, management, marketing, advertising or broadcast of or from the Premises, any activities upon the Premises, or any performance held upon the Premises, shall be solely owned by Operator.

Recently the Operator approached CEDA with a request for a Naming Rights approval. The proposed name is "nTelos Wireless Pavilion." As Section 4.2 indicates the approval of a name does not entitle the City or CEDA to any additional proceeds.

Budgetary Impact: This item has no budgetary impacts.

Alternatives: City Council may adopt the Resolution or decline to do so.

Recommendation: Staff recommends that Council pass the attached resolution granting approval of the proposed name.

Attachments: Proposed resolution for Council approval.



March 24, 2011

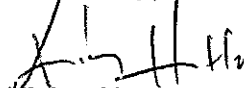
CIDA
Attn: Aubrey Watts
605 E Main Street
Charlottesville, VA 22902

Dear Aubrey,

It is my pleasure to announce to you that we have secured a naming rights sponsorship offer from the nTelos Wireless Corporation for a 5-year term beginning with the 2011 concert season. It is our hope to immediately rename our venue the nTelos Wireless Pavilion. We feel that the partnership with nTelos, another locally based corporation, offers tremendous opportunities to enhance the venue and allow us to bring even more events to Downtown.

Pursuant to Article 4 Section 4.1.4 of our Sublease, Easement, and Management Agreement this letter is to serve as our formal written notice of our intent to implement this change. The agreement specifies that CIDA and the City have 30 days to approve the name change. We respectfully ask that you do your best to expedite this process since we are on the cusp of our 2011 season launching. We also ask that you treat this request as confidential until such time as it is approved so that we can control the announcement of our new name.

Sincerely,


Kirby Hutto
General Manager

Charlottesville Pavilion, LLC
P.O. Box 2318 • Charlottesville, VA 22902
Phone: (434) 245-4910 • (434) 817-0219
www.charlottesvillepavilion.com

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.