

ACTIONS		
Board of Supervisors Meeting of May 15, 2019		
		May 16, 2019
AGENDA ITEM/ACTION	ASSIGNMENT	VIDEO
1. Call to Order. <ul style="list-style-type: none"> Meeting was called to order at 1:01 p.m., by the Chair, Mr. Gallaway. All BOS members were present. Also present were Jeff Richardson, Greg Kamptner, Claudette Borgersen and Travis Morris. 		Link to video
4. Adoption of Final Agenda. <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED the final agenda. 		
5. Brief Announcements by Board Members. <u>Rick Randolph:</u> <ul style="list-style-type: none"> Mentioned he toured Biscuit Run Park property on May 14, 2019 and urged others to see the property. <u>Liz Palmer:</u> <ul style="list-style-type: none"> Mentioned she and members of the Solid Waste Advisory Committee toured an American Disposal facility in Manassas to view 400 ton/day single stream recycling facility. <u>Ann Mallek:</u> <ul style="list-style-type: none"> Announced that <i>Roll Call</i>, a veteran's benefits open house, would be held on May 30, 2019 from 7:00 p.m. – 9:00 p.m., at the Earlysville Volunteer Fire Company. Announced that the <i>4 our Freedom</i> 5K, will take place on June 1, 2019 at the UVA North Fork Research Park. Announced that the Growing Forests for Clean Water program, a partnership between the James River Association and the Department of Virginia Forestry, has created a new buffer program for citizens to restore or create forests for clean water to restore or create forest buffers to improve the quality of local waterways. She mentioned information about the program would be posted on the Albemarle County Website. Shared the news that David King of King Family Vineyards passed away, acknowledged his contributions to the County and the community, and stated that he will be greatly missed. She noted that there will be a celebration of David's life on June 14th, 2019. 	<u>Staff:</u> Post on the Albemarle County Website.	
6. Proclamations and Recognitions. <ul style="list-style-type: none"> a. By a vote of 6:0, ADOPTED proclamation recognizing May 12 – 18, 2019 as Police Week, and May 15, 2019, as Peace Officers Memorial Day and was presented to Ron Lantz. 	(Attachment 1)	
7. From the Public: Matters Not Listed for Public Hearing on the Agenda.		

<ul style="list-style-type: none"> • Lisetta Brock, resident of White Hall District and Manager of Engineering and Power Supply at Rappahannock Electric Cooperative, proposed an upgrade to the primary distribution line that runs along Route 29 North, from Dickerson Road to the Green County line. • Valerie Long, Williams Mullen law firm, commented on the proposed upgrade to the primary distribution line that runs along Route 29 North, from Dickerson Road to the Green County line and stated she was working on the possibility of a narrowly tailored zoning text amendment to provide flexibility and to allow the cooperative to submit a special use permit application. She commented that the applicant was requesting County support. • Rodney Rich, Whitehall District resident and President of Crozet Fire Department, commented on the recent dissolution of the Scottsville Volunteer Fire Department due to issues of volunteer retention. 		
8.2 ZMA200400007 Belvedere Special Exception to Code of Development (Variation #59 Block 10). <ul style="list-style-type: none"> • ADOPT the attached Resolution approving the special exceptions, subject to the condition attached thereto. 	<u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 2)	
9. FY20 Resolution of Appropriations. <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED Resolution of Appropriations including the budget amendments as described in the staff report. • By a vote of 6:0, Resolution of Official Intent to Reimburse Expenditures with Proceeds of a Borrowing. 	<u>Clerk:</u> Forward copy of signed resolution to the OMB and County Attorney's office. (Attachment 3 and Attachment 4)	
10. Review Draft Policies for Economic Development Tools and Prepare for Joint Board/EDA Meeting. <ul style="list-style-type: none"> • HELD • Rick Randolph suggested changing the term Capital Investment Grant to Opportunity Growth Grant Program. • Liz Palmer requested staff to examine putting a \$15.00 per hour match into the plan. 	<u>Staff:</u> Proceed as directed.	
11. Solid Waste Alternatives Advisory Committee (SWAAC) Semi-Annual Report. <ul style="list-style-type: none"> • HELD. • Rick Randolph tasked the committee with developing three ideas to combat the litter problem in Albemarle County and report back to the Board in the fall. • Ned Gallaway reminded the Board that at the May 1, 2019 meeting he had requested a change to the ZTA on ordinances. 	<u>SWAAC Committee:</u> Proceed as requested. <u>Staff:</u> Proceed as directed.	
At 3:28 p.m., the Board recessed and reconvened at 3:43 p.m.		
12. Proposed 2020 Legislative Priorities. <ul style="list-style-type: none"> • HELD. 		

<ul style="list-style-type: none"> Greg Kamptner offered to resend a memorandum with the 64 legislative initiatives that have already been approved. 	<u>Greg Kamptner</u> : Resend letter to the Board.	
<p>13. Closed Meeting.</p> <ul style="list-style-type: none"> At 4:38 p.m., the Board went into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia: Under Subsection (6), to discuss and consider the investment of public funds in an affordable housing project in the northern portion of the Scottsville Magisterial District, where bargaining is involved and where, if made public initially, would adversely affect the financial interest of the County; and Under Subsection (7), to consult with legal counsel and briefings by staff members pertaining to litigation between the Board and Global Signal Acquisitions, and between the Board and the City Council of the City of Charlottesville regarding the Ragged Mountain Natural Area, where consultation or briefing in an open meeting would adversely affect the negotiating or litigating posture of the County and the Board. 		
<p>14. Certify Closed Meeting.</p> <ul style="list-style-type: none"> At 6:05 p.m., the Board reconvened into open meeting and certified the closed meeting. 		
<p>15. From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> Eli Keith, Rivanna District resident and student at Monticello High School, spoke towards the need for greater access to the City of Charlottesville and Albemarle County from Southwood to the Albemarle County Office Building and recommended way to increasing the level of transportation available. Ellie Quick, Scottsville District resident and student at Monticello High School, spoke towards climate change and recommended transitioning to alternative energy on a local level and recommended options. Clara Belle Wheeler, Rivanna District and charter member of the Virginia Household Water Quality program, mentioned that the Albemarle Extension Office is offering evaluation of home water quality evaluation at a cost of \$60.00. She stated that kits are still available. 		
<p>16. <u>Approval of The Peabody School/Louisa County IDA Bond Proposal.</u></p> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED Resolution approving the Louisa IDA Inducement Resolution. 	<p>Clerk: Forward copy of signed resolution and General Certificate to the County Attorney's office. (Attachment 5) (Attachment 6)</p>	
<p>17. <u>SP201800021 Charlottesville Waldorf School.</u></p> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED Resolution to 	<p>Clerk: Forward copy of signed resolution to Community</p>	

	approve SP201800021 subject to the condition attached thereto.	Development and County Attorney's office. (Attachment 7)
18.	<p><u>SP201600022 Moss (2511 Avinity Drive).</u></p> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED ordinance to amend the zoning map for TAX MAP/PARCEL: 090000000035L0 PROJECT: ZMA201600022. By a vote of 6:0, ADOPTED resolution to approve the Special Exception to follow the minimum area required for the establishment of a planned residential development from three acres to .9 acres. 	<p><u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 8) (Attachment 9)</p>
19.	<p><u>ZTA201900002 Agricultural Events & Operations Phase 1.</u></p> <p>By a vote of 6:0, ADOPTED ordinance to approve ZTA 2019-02.</p>	<p><u>Clerk:</u> Forward copy of signed resolution to Finance, Real Estate Division and County Attorney's office. (Attachment 10)</p>
20.	<p>From the Board: Committee Reports and Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> Discussion: Rappahannock Electric Cooperative System Expansion. CONSENSUS for staff to come back to the Board with more information and details of public process. Discussion: Owensville Road Through-Truck Restriction Resolution. By a vote of 6:0, authorized chair to send letter requesting the change in wording to the Owensville Road Through Truck Restriction Resolution VDOT Commissioner. <p><u>Rick Randolph:</u></p> <ul style="list-style-type: none"> Mentioned a letter he received regarding the recently completed repaving and re-striping of Whitewood Road. Diantha McKeel mentioned she had forwarded the e-mail to Joel DeNunzio for follow up and would inform the Board once she had received a response. <p><u>Liz Palmer:</u></p> <ul style="list-style-type: none"> Commented on the University Hall demolition and borrow pits in the rural area. She inquired on how they are regulated. Greg Kamptner commented that under the current Fill and Waste regulation, once 10,000 square feet is exceeded there are performance standards then a plan must be submitted, and that plan gets approved by Community development. <p><u>Diantha McKeel:</u></p> <ul style="list-style-type: none"> Mentioned she and Julian Bivins will be attend the EDA conference in Richmond during the week of May 20 – 24, 2019. 	<p><u>Staff:</u> Proceed as directed.</p>
20.	<p>From the County Executive: Report on Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> Announced that Angela Inglett from VACo has invited Emily Kilroy to the Region III and V 	

spring meeting on May 21, 2019 to present on the Neighborhood Improvement Funding Initiative.		
21. Adjourn to June 5, 2019, 9:00 a.m., Lane Auditorium. • The meeting was adjourned at 7:57 p.m.		

ckb/tom

Attachment 1 – Proclamation Recognizing May 12 – 18, 2019 as Police Week, and May 15, 2019, as Peace Officers Memorial Day

Attachment 2 – Resolution to Approve Special Exception to Vary the Code of Development Approved in Conjunction with ZMA 200400007 Belvedere

Attachment 3 – Resolution of Official Intent to Reimburse Expenditures with Proceeds of a Borrowing

Attachment 4 – Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year Ending June 30, 2020

Attachment 5 – Peabody School General Certificate of Albemarle County, Virginia

Attachment 6 – Resolution Approving Louisa IDA Inducement Resolution

Attachment 7 – Resolution to Approve SP 2018-21 Waldorf School

Attachment 8 – Ordinance No. 19-A(4) ZMA 2016-00022

Attachment 9 – Resolution to Approve Special Exception for ZMA 201600022

Attachment 10 – Ordinance No. 19-18(2)

**POLICE WEEK
May 12 – 18, 2019**

WHEREAS, in 1962, President John F. Kennedy signed the first proclamation recognizing May 15th as Peace Officers Memorial Day and the week in which it falls as National Police Week, “to pay tribute to the law enforcement officers who have made the ultimate sacrifice for our country and to voice our appreciation for all those who currently serve on the front lines of the battle against crime;” and

WHEREAS, the safety and well-being of Albemarle County citizens being of the utmost importance to the prosperity and livelihood of Virginia’s families and communities; and police officers throughout Albemarle County are dedicated to protecting and serving Albemarle County communities – our neighborhoods, schools, and families; and

WHEREAS, police officers risk their lives each and every day in order to ensure public safety and enforce the laws of the land; and

WHEREAS, Albemarle County values the courage and devotion of our police officer, as our collective prosperity depends on the integrity with which our law enforcement officers maintain peace and security; and

WHEREAS, Police Week and Peace Officers Memorial Day are opportunities to honor the officers who have fallen in the line of duty, and recognize the sacrifices made by the families of those officers and the families of those who continue to protect and serve our communities.

NOW, THEREFORE BE IT PROCLAIMED that we, the Albemarle County Board of Supervisors, do hereby recognize

**May 12 – 18, 2019
as
POLICE WEEK**

and **May 15, 2019, as PEACE OFFICERS MEMORIAL DAY** in Albemarle County, and call these observances to the attention of all our citizens.

**RESOLUTION TO APPROVE SPECIAL EXCEPTION
TO VARY THE CODE OF DEVELOPMENT
APPROVED IN CONJUNCTION WITH ZMA200400007 BELVEDERE**

WHEREAS, the Owner of Tax Map Parcels 06100-00-00-16000, 06200-00-00-002B0, 062A3-00-00-00100, and 062G0-00-09-000A0 filed a request for a special exception to vary the Code of Development approved in conjunction with ZMA200400007 Belvedere to allow several minor modifications.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the Memorandum prepared in conjunction with the special exception request and the attachments thereto, including staff's supporting analysis, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-8.5.5.3, 18-33.43, and 18-33.49, the Albemarle County Board of Supervisors hereby approves the special exception to vary the Code of Development approved in conjunction with ZMA200400007 Belvedere as requested, subject to the condition attached hereto.

* * *

Special Exception to Vary the ZMA200400007 Belvedere

Code of Development Condition

1. The variations to reduce the maximum number of single family detached units from 50 to 48 units and to increase the number of single family attached/townhouse units permitted from 0 to 2 units shall be limited to Block 10.

**RESOLUTION OF OFFICIAL INTENT TO REIMBURSE
EXPENDITURES WITH PROCEEDS OF A BORROWING**

WHEREAS, the Albemarle County Board of Supervisors, Virginia (the "Borrower") intends to acquire, construct and equip the items and projects set forth in Exhibit A hereto (collectively, the "Project"); and

WHEREAS, plans for the Project have advanced and the Borrower expects to advance its own funds to pay expenditures related to the Project (the "Expenditures") prior to incurring indebtedness and to receive reimbursement for such Expenditures from proceeds of tax-exempt bonds or taxable debt, or both.

NOW, THEREFORE, BE IT RESOLVED by the Albemarle County Board of Supervisors that:

1. The Borrower intends to utilize the proceeds of tax-exempt bonds (the "Bonds") or to incur other debt to pay the costs of the Project in an amount not currently expected to exceed \$91,842,856.
2. The Borrower intends that the proceeds of the Bonds be used to reimburse the Borrower for Expenditures with respect to the Project made on or after the date that is no more than 60 days prior to the date of this Resolution. The Borrower reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds or other debt.
3. Each Expenditure was or will be, unless otherwise approved by bond counsel, either (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure); (b) a cost of issuance with respect to the Bonds; (c) a nonrecurring item that is not customarily payable from current revenues; or (d) a grant to a party that is not related to or an agent of the Borrower so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Borrower.
4. The Borrower intends to make a reimbursement allocation, which is a written allocation by the Borrower that evidences the Borrower's use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Borrower recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure), and expenditures for construction of at least five years.
5. The Borrower intends that the adoption of this Resolution confirms the "official intent" within the meaning of Treasury Regulations Section 1.150-2 promulgated under the Internal Revenue Code of 1986, as amended.
6. This Resolution shall take effect immediately upon its passage.

I, Claudette K. Borgersen, do hereby certify that the foregoing writing is a true and correct copy of a Resolution duly adopted by the Albemarle County Board of Supervisors by a vote of six to zero, as recorded below, at a meeting held on May 15, 2019.

**CAPITAL IMPROVEMENT PROGRAM
BOND FUNDED PROJECTS
FY 2019/20**

School Division	Amount (\$)
High School Capacity and Improvements	\$30,200,000
School Bus Replacement Program	\$1,200,000
School Maintenance/Replacement Program	\$8,112,000
Telecommunications Network Upgrade	\$900,000
School Subtotal	\$40,412,000
General Government	Amount (\$)
Cost of Issuance	\$1,063,501
Court Facilities Addition/Renovation	\$831,000
County-Owned Facilities Maintenance/Replacement	\$1,221,098
City-County Owned Facilities Maintenance/Replacement	\$238,575
COB McIntire Windows Replacement	\$1,972,172
County Owned Parks Maintenance/Replacement	\$959,402
City-County Owned Parks Maintenance/Replacement	\$25,750
County Server Infrastructure Upgrade	\$453,937
Crozet Park Maintenance/Replacement and Improvements	\$16,841
Fire Rescue Apparatus Replacement Program	\$3,745,030
Fire Rescue Station Alerting System Replacement	\$653,000
Police County 800Mhz Radio Replacements	\$121,801
Biscuit Run, Phase 1A	\$2,171,702
Darden Towe Athletic Field Improvements	\$2,907,000
Buck Island Park	\$706,710
Rivanna Reservoir Boat Launch	\$1,154,948
General Government Subtotal	\$18,242,467
Total Debt Issue Not to Exceed - FY 19/20 Projects	\$58,654,467

PREVIOUSLY APPROPRIATED PROJECTS TO BE BOND FUNDED

School Division	Amount (\$)
Learning Space Modernization Referendum Project	\$1,827,683
School Bus Replacement Program	\$1,774,200
School Maintenance/Replacement Program	\$18,918,918
School Security Improvements Program – 2016 Referendum Project	\$205,125
Scottsville Elementary School Sitework Improvements	\$195,440
Western Albemarle High School Environmental Studies Academy Phase 2 – 2016 Referendum Project	\$440,820
School Subtotal	\$23,362,186
General Government	Amount (\$)
COB McIntire Windows Replacement	\$153,925
Cost of Issuance	\$716,400
County Owned Parks Maintenance/Replacement	\$1,204,072
County Server Infrastructure Upgrade	\$380,192
County-Owned Facilities Maintenance/Replacement	\$965,111
Court Facilities Addition/Renovation	\$26,091
Crozet Park Maintenance/Replacement and Improvements	\$438,653
Police County 800Mhz Radio Replacements	\$363,905
Police Mobile Command Center Replacement	\$291,408
Transportation Leveraging Program	\$2,940,000
Ivy Recycling Convenience Center	\$262,500
Fire Rescue Apparatus Replacement Program	\$933,250
Fire Rescue Station Alerting System Replacement	\$651,000
Police Community Response Truck Replacement	\$74,400
General Government Subtotal	\$9,400,907
Water Resources	Amount (\$)
Hollymead Dam Spillway Improvement	\$425,296
Water Resources Subtotal	\$425,296
Total Debt Issue Not to Exceed - FY 18/19 Projects	\$33,188,389
TOTAL DEBT ISSUE NOT TO EXCEED – ALL PROJECTS	\$91,842,856

**ANNUAL RESOLUTION OF APPROPRIATIONS
OF THE COUNTY OF ALBEMARLE
FOR THE FISCAL YEAR ENDING June 30, 2020**

A RESOLUTION making appropriations of sums of money for all necessary expenditures of the COUNTY OF ALBEMARLE, VIRGINIA, for the fiscal year ending June 30, 2020; to prescribe the provisions with respect to the items of appropriation and their payment; and to repeal all previous appropriation ordinances or resolutions that are inconsistent with this resolution to the extent of such inconsistency.

BE IT RESOLVED by the Albemarle County Board of Supervisors:

SECTION I - GENERAL GOVERNMENT

That the following sums of money be and the same hereby are appropriated from the GENERAL FUND to be apportioned as follows for the purposes herein specified for the fiscal year ending June 30, 2020:

Paragraph One: ADMINISTRATION

Board of Supervisors	\$756,446
Executive Leadership	\$2,935,663
Human Resources	\$935,698
County Attorney	\$1,131,087
Finance Department	\$6,356,666
Information Technology	\$3,863,315
Voter Registration and Elections	<u>\$808,913</u>
	\$16,787,788

Paragraph Two: JUDICIAL

Clerk of the Circuit Court	\$1,005,028
Commonwealth's Attorney	\$1,443,293
Sheriff	\$3,096,381
Circuit Court	\$107,958
General District Court	\$40,800
Magistrate	\$4,250
Juvenile Court	\$124,305
Public Defender's Office	<u>\$82,717</u>
	\$5,904,732

Paragraph Three: PUBLIC SAFETY

Police Department	\$20,387,366
System-Wide Fire Rescue Services	\$17,587,590
Inspections	\$1,496,964
Emergency Communications Center	\$2,955,983
Albemarle Charlottesville Regional Jail	\$4,198,490
Blue Ridge Juvenile Detention Center	\$489,484
Foothills Child Advocacy Center	\$44,791
Offender Aid and Restoration (OAR)	\$163,805
OAR Therapeutic Docket Program	\$55,000
Charlottesville Albemarle SPCA Shelter Contribution	\$623,789
Virginia Juvenile Community Crime Control Act (VJCCCA)	<u>\$52,231</u>
	\$48,055,493

Paragraph Four: PUBLIC WORKS

Facilities and Environmental Services	\$5,244,202
Rivanna Solid Waste Authority (RSWA)	<u>\$1,200,739</u>
	\$6,444,941

Paragraph Five: HEALTH AND WELFARE

Social Services	\$15,078,750
Transfer to Bright Stars Fund	\$992,711
Transfer to Children Services Act (CSA) Fund	\$1,846,529
Boys & Girls Club	\$56,650
The Bridge Line	\$15,914
Charlottesville/Albemarle Health Department	\$753,338
Charlottesville Free Clinic	\$116,699
Computers4Kids	\$14,193
Georgia's Healing House	\$24,560
Jefferson Area Board for Aging (JABA)	\$377,985
Jefferson Area Children's Health Improvement Program (CHIP)	\$319,861
Legal Aid Justice Center	\$39,435
Light House Studio	\$16,642
Literacy Volunteers	\$26,827
Monticello Area Community Action Agency (MACAA)	\$44,500
On Our Own	\$13,179
Piedmont CASA	\$9,500
ReadyKids	\$72,450

Region Ten	\$738,260
Region Ten Treatment Center	\$75,000
Sexual Assault Resource Agency (SARA)	\$21,855
Shelter for Help in Emergency (SHE)	\$93,443
Tax Relief for Elderly/Disabled	\$1,020,000
Thomas Jefferson Area Coalition for the Homeless (TJACH)	\$22,259
United Way	\$173,978
Women's Initiative	<u>\$14,853</u>
	\$21,979,371
Paragraph Six: EDUCATION	
Piedmont Virginia Community College	\$24,008
Paragraph Seven: PARKS, RECREATION AND CULTURE	
Parks & Recreation	\$3,536,717
African American Cultural Arts Festival / Chihamba	\$3,000
Charlottesville/Albemarle Convention and Visitor's Bureau	\$853,213
Jefferson-Madison Regional Library	\$4,705,746
Jefferson School African American Heritage Center	\$10,000
Municipal Band	\$8,000
Paramount Theater	\$2,500
Rivanna Conservation Alliance - FLOW Festival	\$4,700
Virginia Discovery Museum	\$2,500
Virginia Festival of the Book	\$10,000
Virginia Film Festival	<u>\$10,000</u>
	\$9,146,376
Paragraph Eight: COMMUNITY DEVELOPMENT	
Department of Community Development	\$5,772,668
Office of Economic Development	\$570,328
Central Virginia Partnership for Economic Development	\$53,848
Central Virginia Small Business Development Center (CVSBCD)	\$24,000
Piedmont Workforce Network	\$16,155
Charlottesville Area Transit	\$1,043,199
JAUNT	\$2,232,115
Regional Transit Partnership	\$25,000
Albemarle Housing Improvement Program (AHIP)	\$412,000
Piedmont Housing Alliance (PHA)	\$60,757
Rivanna Conservation Alliance - Streamwatch	\$15,000
Thomas Jefferson Planning District Commission	\$131,262
Thomas Jefferson Soil and Water Conservation	\$117,409
VPI Extension Service	<u>\$223,724</u>
	\$10,697,465
Paragraph Nine: REVENUE SHARING AGREEMENT	
Revenue Sharing Agreement	<u>\$14,199,607</u>
	\$14,199,607
Paragraph Ten: TAX REFUNDS, ABATEMENTS, & OTHER REFUNDS:	
Refunds and Abatements	<u>\$120,000</u>
	\$120,000
Paragraph Eleven: OTHER USES OF FUNDS	
Transfer to School Operations	\$138,200,512
Transfer to Debt Service Funds	\$25,966,175
Transfer to Capital Projects Funds	\$5,066,310
Transfer to Water Resources Fund	\$1,377,205
Transfer to Economic Development Authority Fund	\$280,000
Transfer to Storm Water Capital Fund	\$186,575
Board's Strategic Priorities Support	\$145,000
Grants Matching Fund	\$60,000
Innovation Fund	\$100,000
Training Pool	\$65,000
Reserve for Contingencies	\$292,707
Salary and Benefits Reserve	\$300,000
Pay-for-Performance Reserve	\$370,000
Business Process Optimization (BPO) and Transformational Initiatives Reserve	\$457,922
Early Retirement	<u>\$559,500</u>
	\$173,426,906
Total GENERAL FUND appropriations for the fiscal year ending June 30, 2020:	<u>\$306,786,687</u>

To be provided as follows:

Revenue from Local Sources	\$270,138,737
Revenue from the Commonwealth	\$25,092,472
Revenue from the Federal Government	\$6,505,383
Transfers In from Other Funds	\$3,429,062
Use of Fund Balance	\$1,621,033

Total GENERAL FUND resources available for fiscal year ending June 30, 2020: \$306,786,687

SECTION II: GENERAL FUND SCHOOL RESERVE FUND

That the following sums of money be and the same hereby are appropriated for GENERAL FUND SCHOOL RESERVE FUND purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2020:

Paragraph One: GENERAL FUND SCHOOL RESERVE FUND

Transfer to the School Fund	\$1,184,123
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Total GENERAL FUND SCHOOL RESERVE FUND appropriations for fiscal year ending June 30, 2020: \$1,184,123

To be provided as follows:

Use of Fund Balance	\$1,184,123
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Total GENERAL FUND SCHOOL RESERVE FUND resources available for fiscal year ending June 30, 2020: \$1,184,123

SECTION III: REGULAR SCHOOL FUND

That the following sums of money be and the same hereby are appropriated for SCHOOL purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2020:

Paragraph One: REGULAR SCHOOL FUND

School Fund Expenditures	\$195,478,605
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Total REGULAR SCHOOL FUND appropriations for fiscal year ending June 30, 2020: \$195,478,605

To be provided as follows:

Revenue from Local Sources (General Fund Transfer)	\$138,200,512
Revenue from Other Local Sources	\$1,563,186
Revenue from the Commonwealth	\$50,528,580
Revenue from the Federal Government	\$2,999,523
Transfers	\$1,002,681
Transfer from General Fund School Reserve Fund	\$1,184,123

Total REGULAR SCHOOL FUND resources available for fiscal year ending June 30, 2020: \$195,478,605

SECTION IV: OTHER SCHOOL FUNDS

That the following sums of money be and the same hereby are appropriated for the purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2020:

Paragraph One: OTHER SCHOOL FUNDS

Other School Funds	\$20,377,935
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Total OTHER SCHOOL FUND appropriations for fiscal year ending June 30, 2020: \$20,377,935

To be provided as follows:

Revenue from Local Sources	\$10,782,458
Revenue from the Commonwealth	\$1,619,731
Revenue from the Federal Government	\$6,173,625
Transfers	\$1,652,121
Use of Fund Balance	\$150,000

Total OTHER SCHOOL FUND resources available for fiscal year ending June 30, 2020: \$20,377,935

SECTION V: OTHER GENERAL GOVERNMENT FUNDS

That the following sums of money be and the same hereby are appropriated for OTHER PROGRAM purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2020:

Paragraph One: OTHER GENERAL GOVERNMENT FUNDS

Computer Maintenance and Replacement	\$502,759
Commonwealth's Attorney Delinquent Fines and Fees	\$60,000
Victim-Witness Grant	\$172,901
Regional Firearms Training Center - Operations	\$217,562
Regional Firearms Training Center - Capital	\$90,000
Criminal Justice Grant	\$731,081
Water Resources	\$1,377,205
Courthouse Maintenance	\$30,173
Old Crozet School Operations	\$88,225
Vehicle Replacement	\$1,305,182
Bright Stars Program	\$1,603,170
Children's Services Act	\$9,570,204
Martha Jefferson Health Grant	\$4,000
Housing Assistance Fund	\$3,448,866
CACVB Fund	\$1,959,134
Darden Towe Memorial Park	\$318,288
Tourism	\$1,798,830
Proffers	\$180,757
Economic Development Authority	\$911,972
Economic Development Fund	\$500,000

Total OTHER GENERAL GOVERNMENT FUNDS appropriations for fiscal year ending June 30, 2020: **\$24,870,309**

To be provided as follows:

Revenue from Local Sources	\$4,344,149
Revenue from the Commonwealth	\$6,713,796
Revenue from the Federal Government	\$3,547,545
Transfers In from Other Funds	\$9,492,062
Use of Fund Balance	\$772,757

Total OTHER GENERAL GOVERNMENT FUNDS resources available for fiscal year ending June 30, 2020: **\$24,870,309**

SECTION VI - GENERAL GOVERNMENT CAPITAL IMPROVEMENTS FUND

That the following sums of money be and the same hereby are appropriated from the GENERAL GOVERNMENT CAPITAL IMPROVEMENTS FUND to be apportioned as follows for the purposes herein specified for the fiscal year ending June 30, 2020:

Paragraph One: COURTS

Court Facilities Addition/Renovation	<u>\$831,300</u>
	\$831,300

Paragraph Two: PUBLIC SAFETY

Fire Rescue Apparatus Replacement Program	\$3,745,030
Fire Rescue Mobile Data Computers Replacement	\$104,000
Fire Rescue Station Alerting System Replacement	\$653,000
Police County 800Mhz Radio Replacements	\$121,801
Police Mobile Data Computers Replacement	\$79,766
Police Patrol Video Cameras Replacement	<u>\$212,800</u>
	\$4,916,397

Paragraph Three: PUBLIC WORKS

City/County Co-Owned Facilities Maintenance/Replacement	\$238,575
COB McIntire Windows Replacement	\$1,972,172
County Owned Facilities Maintenance/Replacement	\$1,221,098
Ivy Fire Station 15 Maintenance Obligation	\$50,000
Ivy Landfill Remediation	\$322,233
Moores Creek Septage Receiving Station	\$109,441
Regional Firearms Training Center Capital Reserve - County Share	<u>\$39,600</u>
	\$3,953,119

Paragraph Four: COMMUNITY/NEIGHBORHOOD DEVELOPMENT

Transportation Leveraging Program	<u>\$2,000,000</u>
	\$2,000,000

Paragraph Five: HEALTH AND WELFARE

PVCC Advanced Technology Center Sitework	\$140,000
Senior Center at Belvedere	<u>\$500,000</u>
	\$640,000
Paragraph Six: PARKS, RECREATION & CULTURE	
Biscuit Run Park	\$2,171,702
Buck Island Park	\$706,710
City/County Owned Parks Maintenance/Replacement	\$51,500
County Owned Parks Maintenance/Replacement	\$959,402
Crozet Park Maintenance/Replacement and Improvements	\$16,841
Darden Towle Park Athletic Field Improvements	\$2,907,000
Moore's Creek Trail and Trailhead Park Project	\$86,108
Rivanna Reservoir Boat Launch	<u>\$1,154,948</u>
	\$8,054,211
Paragraph Seven: TECHNOLOGY AND GEOGRAPHIC INFORMATION SYSTEMS (GIS)	
County Server/Infrastructure Upgrade	<u>\$453,937</u>
	\$453,937
Paragraph Eight: ACQUISITION OF CONSERVATION EASEMENTS (ACE)	
ACE Program	<u>\$500,000</u>
	\$500,000
Paragraph Nine: OTHER USES OF FUNDS	
Advancing Strategic Priorities Reserve	\$2,000,000
Cost of Issuance	\$1,063,501
Project Management Services	\$1,350,204
Borrowed Proceeds Transfer	<u>\$37,341,360</u>
	\$41,755,065
Total GENERAL GOVERNMENT CAPITAL IMPROVEMENTS FUND appropriations for fiscal year ending June 30, 2020:	<u>\$63,104,029</u>
To be provided as follows:	
Revenue from Local Sources (General Fund Transfer)	\$5,066,311
Revenue from Local Sources (Other Transfers)	\$107,462
Revenue from Other Local Sources	\$963,750
Borrowed Funds	\$54,241,733
Use of Fund Balance	<u>\$2,724,773</u>
Total GENERAL GOVERNMENT CAPITAL IMPROVEMENTS FUND resources available for fiscal year ending June 30, 2020:	<u>\$63,104,029</u>
<u>SECTION VII: SCHOOL DIVISION CAPITAL IMPROVEMENTS FUND</u>	
That the following sums of money be and the same hereby are appropriated from the SCHOOL DIVISION CAPITAL IMPROVEMENTS FUND for the purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2020:	
Paragraph One: EDUCATION (SCHOOL DIVISION)	
Administrative Technology	\$263,000
High School Capacity and Improvements - Center 2	\$30,200,000
Instructional Technology	\$575,000
School Bus Replacement	\$1,200,000
School Maintenance/Replacement	\$8,112,000
State Technology Grant	\$700,000
Telecommunications Network Upgrade	\$900,000
Western Albemarle High School ADA Improvements and Softball Field Restroom Facility	\$529,000
Total SCHOOL DIVISION CAPITAL IMPROVEMENTS FUND appropriations for fiscal year ending June 30, 2020:	<u>\$42,479,000</u>
To be provided as follows:	
Revenue from the Commonwealth	\$960,000
Revenue from Local Sources (General Govt Capital Programs Transfer)	\$37,341,360
Revenue from Local Sources (Other Transfers)	\$103,468
Use of Fund Balance	<u>\$4,074,172</u>
Total SCHOOL DIVISION CAPITAL IMPROVEMENTS FUND resources available for fiscal year ending June 30, 2020:	<u>\$42,479,000</u>

SECTION VIII: WATER RESOURCES CAPITAL IMPROVEMENTS FUND

That the following sums of money be and the same hereby are appropriated from the WATER RESOURCES CAPITAL IMPROVEMENTS FUND for the purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2020:

Paragraph One: WATER RESOURCES PROJECTS

Water Quality Mandated Total Maximum Daily Load (TMDL) Projects	\$186,575
Total WATER RESOURCES CAPITAL IMPROVEMENTS FUND appropriations for fiscal year ending June 30, 2020:	\$186,575

To be provided as follows:

Revenue from Local Sources (Transfer from General Fund)	\$186,575
Total WATER RESOURCES CAPITAL IMPROVEMENTS FUND resources available for fiscal year ending June 30, 2020:	\$186,575

SECTION IX: DEBT SERVICE

That the following sums of money be and the same hereby are appropriated for the function of DEBT SERVICE to be apportioned as follows from the GENERAL GOVERNMENT DEBT SERVICE FUND and the SCHOOL DIVISION DEBT SERVICE FUND for the fiscal year ending June 30, 2020:

Paragraph One: SCHOOL DIVISION DEBT SERVICE FUND

Debt Service - School Division	\$16,482,124
Total SCHOOL DIVISION DEBT SERVICE appropriations for fiscal year ending June 30, 2020:	\$16,482,124

To be provided as follows:

Revenue from Local Sources (Transfer from General Fund)	\$16,136,030
Revenue from the Commonwealth	\$267,214
Revenue from the Federal Government	\$78,880
Total SCHOOL DIVISION DEBT SERVICE resources available for fiscal year ending June 30, 2020:	\$16,482,124

Paragraph Two: GENERAL GOVERNMENT DEBT SERVICE FUND

Debt Service - General Government	\$10,060,730
Total GENERAL GOVERNMENT DEBT SERVICE appropriations for fiscal year ending June 30, 2020:	\$10,060,730

To be provided as follows:

Revenue from Local Sources (Transfer from General Fund)	\$9,830,145
Revenue from Local Sources (Transfer from Stormwater Fund)	\$230,585
Total GENERAL GOVERNMENT DEBT SERVICE resources available for fiscal year ending June 30, 2020:	\$10,060,730

GRAND TOTAL - DEBT SERVICE FUNDS	\$26,542,854
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**TOTAL APPROPRIATIONS INCLUDED IN
SECTIONS I - IX OF THIS RESOLUTION
FOR THE FISCAL YEAR ENDING June 30, 2020**

RECAPITULATION:

Appropriations:

Section I	General Fund	\$306,786,687
Section II	General Fund School Reserve Fund	\$1,184,123
Section III	School Fund	\$195,478,605
Section IV	Other School Funds	\$20,377,935
Section V	Other General Government Funds	\$24,870,309
Section VI	General Government Capital Improvements Fund	\$63,104,029
Section VII	School Division Capital Improvements Fund	\$42,479,000
Section VIII	Water Resources Capital Improvements Fund	\$186,575
Section IX	Debt Service	\$26,542,854
		\$681,010,117

Less Inter-Fund Transfers	(\$223,987,496)
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GRAND TOTAL - ALBEMARLE COUNTY APPROPRIATIONS	\$457,022,621
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SECTION X: EMERGENCY COMMUNICATIONS CENTER

That the following sums of money be and the same hereby are appropriated from the EMERGENCY COMMUNICATIONS CENTER FUND for the purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2020:

Paragraph One: EMERGENCY COMMUNICATIONS CENTER FUND

Emergency Communications Center	\$6,345,499
Total EMERGENCY COMMUNICATIONS CENTER FUND appropriations for fiscal year ending June 30, 2020:	\$6,345,499

To be provided as follows:

Albemarle County	\$2,861,215
City of Charlottesville	\$1,503,429
University of Virginia	\$1,040,248
Revenue from Other Local Sources	\$322,214
Revenue from the Commonwealth	\$546,000
Revenue from the Federal Government	\$3,993
Use of Fund Balance	\$68,400
Total EMERGENCY COMMUNICATIONS CENTER FUND resources available for fiscal year ending June 30, 2020:	\$6,345,499

SECTION XI

All of the monies appropriated as shown by the contained items in Sections I through X are appropriated upon the provisos, terms, conditions, and provisions herein before set forth in connection with said terms and those set forth in this section. The Director of Finance and Clerk to the Board of Supervisors are hereby designated as authorized signatories for all bank accounts.

Paragraph One

Subject to the qualifications in this resolution contained, all appropriations are declared to be maximum, conditional, and proportionate appropriations - the purpose being to make the appropriations payable in full in the amount named herein if necessary and then only in the event the aggregate revenues collected and available during the fiscal year for which the appropriations are made are sufficient to pay all of the appropriations in full.

Otherwise, the said appropriations shall be deemed to be payable in such proportion as the total sum of all realized revenue of the respective funds is to the total amount of revenue estimated to be available in the said fiscal year by the Board of Supervisors.

Paragraph Two

All revenue received by any agency under the control of the Board of Supervisors included or not included in its estimate of revenue for the financing of the fund budget as submitted to the Board of Supervisors may not be expended by the said agency under the control of the Board of Supervisors without the consent of the Board of Supervisors being first obtained, nor may any of these agencies or boards make expenditures which will exceed a specific item of an appropriation.

Paragraph Three

No obligations for goods, materials, supplies, equipment, or contractual services for any purpose may be incurred by any department, bureau, agency, or individual under the direct control of the Board of Supervisors except by requisition to the purchasing agent; provided, however, no requisition for items exempted by the Albemarle County Purchasing Manual shall be required; and provided further that no requisition for contractual services involving the issuance of a contract on a competitive bid basis shall be required, but such contract shall be approved by the head of the contracting department, bureau, agency, or individual, the County Attorney, and the Purchasing Agent or Director of Finance. The Purchasing Agent shall be responsible for securing such competitive bids on the basis of specifications furnished by the contracting department, bureau, agency, or individual.

In the event of the failure for any reason of approval herein required for such contracts, said contract shall be awarded through appropriate action of the Board of Supervisors.

Any obligations incurred contrary to the purchasing procedures prescribed in the Albemarle County Purchasing Manual shall not be considered obligations of the County, and the Director of Finance shall not issue any warrants in payment of such obligations.

Paragraph Four

Allowances out of any of the appropriations made in this resolution by any or all County departments, bureaus, or agencies under the control of the Board of Supervisors to any of their officers and employees for expense on account of the use of such officers and employees of their personal automobiles in the discharge of their official duties shall be paid at the rate established by the County Executive for its employees and shall be subject to change from time to time.

Paragraph Five

All travel expense accounts shall be submitted on forms and according to regulations prescribed or approved by the Director of Finance.

Paragraph Six

The County Executive is authorized to:

- 1) administratively approve budget transfers of unencumbered funds of up to \$50,000.00 per fund in the fiscal year from one classification, department, or project to another within the same general governmental fund;
- 2) allocate funding from the below identified classifications to appropriate budget line-items for expenditure:

Expenditure Classifications Eligible for Transfer Under this Resolution:

- Training Pool
- Innovation Fund
- Salary and Benefits Reserve
- Pay for Performance Reserve
- Board of Supervisors Strategic Priority Support Reserve
- Transformational Initiatives/Business Process Optimization Reserve

- 3) allocate salary lapse between department budgets; and

- 4) administratively approve the carry forward of outstanding grants received and appropriated in FY 19 into FY 20.

Paragraph Seven

The Director of Finance is hereby authorized to transfer monies from one fund to another, from time to time as monies become available, sums equal to, but not in excess of, for the appropriations made to these funds for the period covered by this resolution of appropriations.

Paragraph Eight

All resolutions and parts of resolutions inconsistent with the provisions of this resolution shall be and the same are hereby repealed.

Paragraph Nine

This resolution shall become effective on July 1, 2019.

I, Claudette K. Borgersen, do hereby certify that the foregoing writing is a true and correct copy of a Resolution duly adopted by the Albemarle County Board of Supervisors by a vote of six to zero, as recorded below, at a meeting held on May 15, 2019.

Clerk, Albemarle County Board of Supervisors

	<u>Ave</u>	<u>Nav</u>
Mr. Dill	<u>Y</u>	<u> </u>
Mr. Gallaway	<u>Y</u>	<u> </u>
Ms. Mallek	<u>Y</u>	<u> </u>
Ms. McKeel	<u>Y</u>	<u> </u>
Ms. Palmer	<u>Y</u>	<u> </u>
Mr. Randolph	<u>Y</u>	<u> </u>

**GENERAL CERTIFICATE OF
ALBEMARLE COUNTY, VIRGINIA**

Dated as of May 15, 2019

In connection with the issuance by the Louisa County Industrial Development Authority (the "Authority") of its educational facilities revenue bonds in an amount not to exceed \$3,500,000 (the "Bonds") for a facility located in Albemarle County, Virginia (the "Host County") for the benefit of The Peabody School, a Virginia nonstock, not-for-profit corporation (the "Borrower") to finance and refinance certain improvements to its existing academic campus, including the acquisition, construction and equipping of a new approximately 7,456 square foot building (the "Project"), the undersigned Clerk of the Board of Supervisors of the Host County, acting in accordance with the Bond Issuance Resolution (as hereafter defined), hereby makes the following representations:

1. The duly elected and qualified members of the Board of Supervisors of the Host County (the "Board") on May 15, 2019 through the date hereof are identified, together with the expiration date of their current terms of office, as set forth below:

<u>Name</u>	<u>Term Expires</u>
Ned L. Gallaway, Chair	December 31, 2021
Rick Randolph, Vice-Chair	December 31, 2019
Diantha H. McKeel	December 31, 2021
Liz A. Palmer	December 31, 2021
Ann H. Mallek	December 31, 2019
Norman G. Dill	December 31, 2019

Each such member qualified by taking the oath of office prescribed by the Code of Virginia of 1950, as amended (the "Code"), on or before the day on which his or her term began.

2. Claudette K. Borgersen, who serves at the pleasure of the Board, is the duly appointed Clerk of the Board.

3. The Board has been provided with a copy of an Inducement Resolution adopted by the Authority on April 25, 2019 requesting the authorization of the Host County to allow the issuance of the Bonds in its jurisdiction and recommending the receipt of governing body approval with regard to the proposed financing of the Project from the Board.

4. The resolution attached hereto as Exhibit B (the "Bond Issuance Resolution") was duly adopted by the Board at a meeting duly held by the Host County on May 15, 2019. The Bond Issuance Resolution approved the issuance of the Bonds by the Authority for the benefit of the Borrower since the Project is located in the Host County.

5. The Bond Issuance Resolution was duly adopted by the Board following the due publication of notice on April 29, 2019 and May 6, 2019, respectively, of a public hearing regarding the authorization of the Authority by the Host County to issue Bonds for a Project located in this jurisdiction. Among other things, the Bond Issuance Resolution concurs with the recommendation of the Authority that the Host County permit the issuance of the Bonds and with the governing body approval provided by Louisa County on May 6, 2019, whereby the Bonds were designated as "bank qualified" obligations in accordance with Section 265 of the Internal Revenue Code.

6. The Host County is a political subdivision of the Commonwealth of Virginia vested with the rights and powers conferred upon it by Virginia law and has full right, power and authority to (i) adopt the Bond Issuance Resolution providing “governing body approval” of the actions of the Authority and to execute and deliver all other documents to which it is a party that are necessary in connection with the financing of the Project for the benefit of the Borrower by the Authority.

7. Notice of the public hearing of the Host County on May 15, 2019 to consider the approval by the Host County of the issuance of educational facility revenue bonds by the Authority to finance the Project on behalf of the School was duly published as required by law.

8. The Host County has obtained all consents, governmental permits, licenses, registrations, certificates, authorizations, orders and approvals required to have been obtained as of the date hereof for the adoption of the Bond Issuance Resolution.

9. There are no pending nor, to the best of the Host County’s knowledge, threatened claims against the Host County, any litigation or administrative actions, suits, proceedings or investigations of a legal, equitable, regulatory, administrative or legislative nature to restrain, enjoin or to contest, challenge or in any manner question the due adoption of the Bond Issuance Resolution by the Board or to contest or challenge the power and authority of the Board of Supervisors to so act.

RESOLUTION OF THE BOARD OF SUPERVISORS OF ALBEMARLE COUNTY, VIRGINIA, AUTHORIZING THE ISSUANCE OF BONDS BY THE LOUISA COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY (THE "AUTHORITY") TO FINANCE THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF IMPROVEMENTS TO THE PEABODY SCHOOL CAMPUS IN ALBEMARLE COUNTY, VIRGINIA (THE "COUNTY")

WHEREAS, The Peabody School, a Virginia nonstock, not-for-profit corporation (the "School"), has requested that the Authority issue its Educational Facilities Revenue Bonds (Peabody School Project), Series 2019 in an amount not to exceed \$3,500,000 (the "Bonds"), to provide financing and refinancing for the acquisition, construction, and equipping of various improvements to the School's campus and associated educational facilities, including but not limited to an approximately 7,456 square foot new academic building located in Albemarle County, Virginia (the "Host County") and the payment of issuance and other transaction costs (collectively, the "Project"); and

WHEREAS, the Authority has adopted an inducement resolution (the "Inducement Resolution") after a duly noticed public hearing on April 25, 2019 expressing its intent to finance the Project, subject to the approval of the Board of Supervisors of the Host County (the "Albemarle Board") and the Board of Supervisors of Louisa County, Virginia (the "Louisa Board"); and

WHEREAS, the Louisa Board adopted a resolution on May 6, 2019 providing governing body approval of the issuance of the Bonds by the Authority and designating the Bonds, along with the Authority, as "bank qualified" obligations (the "Louisa Board Resolution"); and

WHEREAS, the School has its principal place of business at 1232 Stoney Ridge Road, Charlottesville, Virginia 22902 in the Host County; and

WHEREAS, pursuant to Section 15.2-4906 of the Code of Virginia of 1950, as amended (the "Virginia Code"), the Albemarle Board may authorize the Authority to exercise its powers within the territorial boundaries of the Host County by issuing the Bonds for the Project, provided that prior to the issuance of the Bonds, the Albemarle Board adopts a resolution, following a duly noticed public hearing held in the Host County, which concurs with the Inducement Resolution and Louisa Board Resolution and authorizes the Authority to exercise its powers within the Host County in accordance with the Authority's recommendation; and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), requires, among other things, the governing body approval by the Albemarle Board and the Louisa Board of the issuance of the Bonds by the Authority after public hearings have been held in each jurisdiction to consider the issuance of the Bonds; and

WHEREAS, pursuant to due notice and in compliance with the requirements of Section 147(f) of the Code and Section 15.2-4906 of the Code of Virginia as amended, the Authority, on April 25, 2019, conducted a public hearing on the request of the School for the issuance of the Bonds to finance the Project, and after such public hearing adopted the Inducement Resolution expressing its intent to issue the Bonds, subject to the adoption of this resolution by the Albemarle Board, and the Louisa Board Resolution authorizing the issuance of the Bonds; and

WHEREAS, on May 6, 2019, the Louisa Board, as the highest elected governing body of Louisa County, Virginia ("Louisa County") adopted a resolution authorizing the issuance of the Bonds by the Authority for the benefit of the School in accordance with the Authority's recommendation; and

WHEREAS, Section 15.2-4906 of the Virginia Code requires that within sixty (60) calendar days after a public hearing regarding the financing of the Project by the Authority in each jurisdiction, the Albemarle Board and the Louisa Board shall approve or disapprove the financing of the Project by the Authority; and

WHEREAS, pursuant to due notice, the Host County, on the date hereof, has conducted a subsequent public hearing at the request of the School with the participation of the Authority regarding the issuance of the Bonds by the Authority in compliance with the requirements of Section 147(f) of the Code and Section 15.2-4906 of the Virginia Code; and

WHEREAS, a fiscal impact statement complying with the requirements of Section 15.2-4907 of the Virginia Code, a record of the previous public hearing held by the Authority in Louisa County, and copies of the Authority's Inducement Resolution and the Louisa Board Resolution authorizing the issuance of the Bonds, subject to the consent of the Host County, has been presented to the Host County; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF ALBEMARLE COUNTY, VIRGINIA:

1. The Albemarle Board approves the foregoing recitals, which are incorporated in, and deemed a part of, this Resolution as if fully set forth herein.

2. The Albemarle Board approves the issuance of the Bonds by the Authority in its jurisdiction for the benefit of the School, as required by Section 147(f) of the Code and Sections 15.2-4905(13) and 15.2-4906 of the Code of Virginia, and permits the Authority to assist in the financing of the Project, which is within the territorial boundary of the Host County, and concurs with the Inducement Resolution and the Louisa Board Resolution.

3. The Bonds shall provide that neither the Host County, Louisa County nor the Authority shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto and that neither the faith and credit nor the taxing power of the Host County, Louisa County or the Authority is pledged to the payment of the principal of the Bonds or the interest thereon or other costs incident thereto.

4. The approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of the Bonds of the School or the merits of the Project.

5. In adopting this resolution, neither the Host County, Louisa County nor the Authority, including their respective elected representatives, officers, employees and agents, shall be liable for, and hereby disclaim all liability for, any damages to any person, direct or consequential, resulting from the Authority's failure to issue the Bonds for any reason.

6. This resolution shall take effect immediately upon its adoption.

* * * * *

[Remainder of page left intentionally blank]

CERTIFICATE

The undersigned Clerk of the Board of Supervisors (the "Board") of Albemarle County, Virginia, hereby certifies that the foregoing is a true, correct and complete copy of a Resolution adopted by a majority of the Board members present and voting at a meeting duly called and held on May 15, 2019, in accordance with law, and that such Resolution has not been repealed, revoked, rescinded or amended, and is in full force and effect on the date hereof.

The foregoing Resolution was adopted by a majority of the quorum of the Board present by a roll call vote, and ayes and nays being recorded in the minutes as shown below:

MEMBER	PRESENT/ABSENT	VOTE AYES/NAYS
Ned L. Gallaway, Chair (Rio District)	Present	AYE
Rick Randolph, Vice-Chair (Scottsville District)	Present	AYE
Diantha H. McKeel (Jack Jouett District)	Present	AYE
Liz A. Palmer (Samuel Miller District)	Present	AYE
Ann H. Mallek (White Hall District)	Present	AYE
Norman G. Dill (Rivanna District)	Present	AYE

**RESOLUTION TO APPROVE
SP 2018-21 WALDORF SCHOOL**

WHEREAS, the Charlottesville Waldorf School submitted an application for a special use permit to amend a previously approved special use permit (SP 2006-10), which included the approval of a concept plan to operate the School on Tax Map Parcels 06100-00-00-17000 and 06100-00-00-17400, to expand its program to Tax Map Parcels 06100-00-00-172A0 and 06100-00-00-17200, and the application is identified as SP201800021 Waldorf School ("SP 2018-21"); and

WHEREAS, on March 19, 2019, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2018-21 with staff-recommended conditions; and

WHEREAS, on May 15, 2019, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2018-21.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for SP 2018-21 and all of its attachments, the information presented at the public hearing, any written comments received, and the factors relevant to a special use permit in Albemarle County Code §§ 18-15.2.2(5) and 18-33.40, the Albemarle County Board of Supervisors hereby approves SP 2018-21, subject to the conditions attached hereto.

* * *

**SP-2018-21 Waldorf School
Special Use Permit Conditions**

1. Development of the use shall be in general accord with the Conceptual Plan titled "Conceptual Plans: Charlottesville Waldorf School, Application for Special Use Permit," prepared by Line+Grade, with the latest revision date of March 5, 2019, and narrative title "Charlottesville Waldorf School: Application for Special Use Permit" (hereafter "Narrative"), dated March 5, 2019, as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the Conceptual Plan, development shall reflect the following major elements as shown on the plan and described in the Narrative:
 - a. General location of tot lots.
 - b. Landscaping and fence between Tax Map 61 Parcel 171 and Tax Map 61 Parcel 172.
 - c. The early child perimeter fence along the front of Tax Map 61 Parcels 172A and 172.
 - d. General locations of the buildings and parking within the existing boundaries of TMP 61-170 and TMP 61-174.
 - e. Any new structures, parking and tot lots not shown on this concept plan and within the existing boundaries of TMP's 61-172 and 172A must be located within the building envelope ("Building Envelope (Future)") as shown on the Conceptual Plan.

Minor modifications to the plan which do not conflict with the above elements may be made to ensure compliance with the Zoning Ordinance.

2. Normal hours of operation for the school shall be from 8:00 am to 6:00 pm weekdays, with occasional uses in the evenings and weekend.
3. Maximum enrollment of the Charlottesville Waldorf School shall be three hundred fifty (350) students.
4. The existing landscape buffer adjacent to the Village Square residential development shall be undisturbed.
5. A sidewalk or equivalent pathway built to County or VDOT specifications, as determined by the Director of Community Development, shall be constructed along Rio Road within one year of the completion of sidewalk(s) on adjacent parcel(s).
6. No structure, parking or loading area used for the school shall be located closer than 20 feet to any adjacent residential district, with the exception of the existing structure labeled "Building A: Residential Property Converted to Classroom, Admin or Storage Space" on the Conceptual Plan.

7. A special exception for setbacks will be required if the use of Building A changes from single family residential to any use other than incidental storage.

ORDINANCE NO. 19-A(4)
ZMA 2016-00022

AN ORDINANCE TO AMEND THE ZONING MAP
FOR TAX MAP PARCEL 09000-00-00-035L0

WHEREAS, the application to rezone 0.9 acres from R1 Residential to PRD, Planned Residential, for Tax Map Parcel 09000-00-00-035L0 is identified as ZMA 2016-00022 Moss (2511 Avinity Drive) ("ZMA 2016-00022"); and

WHEREAS, on September 26, 2017, after a duly noticed public hearing, the Planning Commission deferred action on ZMA 2016-00022 to allow the applicant time to address issues of concern; and

WHEREAS, on March 19, 2019, after a duly noticed public hearing, the Planning Commission recommended approval of ZMA 2016-00022, with provisos; and

WHEREAS, on May 15, 2019, the Albemarle County Board of Supervisors held a duly noticed public hearing on ZMA 2016-00022.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the transmittal summary and staff report prepared for ZMA 2016-00022 and their attachments, including the revised application plan, the information presented at the public hearing, any written comments received, the material and relevant factors in Virginia Code § 15.2-2284 and County Code § 18-19, and for the purposes of public necessity, convenience, general welfare and good zoning practices, the Board hereby approves ZMA 2016-00022 with the Application Plan entitled "ZMA Application Plan for 2511 Avinity Drive", prepared by Shimp Engineering, PC, dated December 12, 2016, last revised on January 8, 2019.

**RESOLUTION TO APPROVE SPECIAL EXCEPTION
TO MODIFY THE MINIMUM AREA REQUIRED
FOR A PLANNED RESIDENTIAL DEVELOPMENT DISTRICT
ON TAX MAP PARCEL 09000-00-00-035L0
IN CONJUNCTION WITH ZMA201600022 MOSS (2411 AVINITY DRIVE)**

WHEREAS, the Owner of Tax Map Parcel 09000-00-00-035L0 filed a request for a special exception to modify the minimum area required to establish a district for a Planned Unit Development from three acres to 0.9 acres in conjunction with ZMA201600022 Moss (2511 Avinity Drive).

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the transmittal summary and staff reports prepared in conjunction with the special exception request and the attachments thereto, including staff's supporting analysis, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-19, 18-33.43, and 18-33.49, the Albemarle County Board of Supervisors hereby approves the special exception to modify the minimum area required to establish a Planned Unit Development District as requested, subject to the condition attached hereto.

* * *

ZMA201600022 Moss (2411 Avinity Drive) Special Exception Condition

1. The area of the Planned Residential Development shall be no less than 0.9 acres, and shall include the elements depicted on the Application Plan exhibits entitled "Open Space Exhibit" and "Courtyard Exhibit" prepared by Shimp Engineering, PC, and dated August 14, 2018.

ORDINANCE NO. 19-18(2)

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE II, BASIC REGULATIONS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 18, Zoning, Article II, Basic Regulations, is hereby amended and reordained as follows:

By Amending:

Sec. 5.1.58 Events and activities at agricultural operations

Chapter 18. Zoning**Article II. Basic Regulations****Section 5. Supplementary Regulations****Sec. 5.1.58 Events and activities at agricultural operations.**

Each event or activity at an agricultural operation authorized below shall be subject to the following:

- a. *Purpose and intent.* The purpose and intent of this section 5.1.58 is to implement policies of the comprehensive plan and the requirements of Virginia Code § 15.2-2288.6. The stated elements of the county's vision for the Rural Area designated in the comprehensive plan include having a strong agricultural economy with large lots on which to produce agricultural products, opportunities to gain value from processing those products, and accessing local markets; maintaining a clearly visible rural character achieved by supporting lively rural industries and activities; having a significant tourist economy in which the rural landscape augments the visitors' experience; and having diverse, interconnected areas of viable habitat, healthy streams, sustainable supplies of unpolluted groundwater, and protected historic and cultural resources. The comprehensive plan's stated goal to protect the county's agricultural lands as a resource base for its agricultural industries and for the related benefits they contribute towards the county's rural character, scenic quality, natural environment, and fiscal health is achieved, in part, by allowing appropriately scaled low-impact events and activities on farms engaged in agricultural production as provided in this section. The comprehensive plan's stated goal to encourage creative and diverse forms of rural production and support rural land uses is achieved, in part, by allowing the events and activities such as farm sales, low-impact forms of agritourism, and other events and activities provided herein.

The comprehensive plan also recognizes that rural land uses depend on natural resources that are irreversibly lost when rural land is converted to residential and commercial uses, and that protecting rural land uses provides an opportunity to conserve natural, scenic, and historic resources – by maintaining farmland, forested areas, and other natural areas – and public fiscal resources – by limiting development and lessening the need to provide public services to wide areas of the County. In addition, the comprehensive plan recognizes that conflicts can arise not only between agricultural and residential uses, but also between different agricultural uses. Thus, to ensure that events and activities at agricultural operations do not conflict with the character of the Rural Area, to promote a vibrant rural economy while controlling the adverse impacts these events and activities may have on public fiscal resources and services, and to minimize possible adverse impacts resulting from events and activities, this section incorporates strategies provided in the comprehensive plan to address potential impacts.

This section shall be implemented and interpreted to achieve the objectives of its purpose and intent.

- b. *Findings.* The board hereby finds that the standards and restrictions in this section were established by considering their economic impact on agricultural operations and the agricultural nature of the events and activities authorized herein. The board further finds that one or more substantial impacts on the public health, safety, or welfare have been identified when a zoning clearance or a special use permit is required by this section. These substantial impacts, and the thresholds and standards related thereto, are based upon the comprehensive plan, study, experience from authorizing and regulating similar events and activities under this chapter, and existing state standards. In addition, the board finds that the thresholds and standards established herein are the minimum necessary in order to satisfy the relevant policies, goals, and

objectives of the comprehensive plan without allowing the events, activities, and structures permitted by this section to cause substantial impacts and thereby endanger the public health, safety, or welfare.

- c. *Applicability; limitations.* This section applies only to the events and activities permitted by right and by special use permit under subsection (d). This section does not apply to the agricultural operation itself, to any farm winery subject to section 5.1.25, to any farm brewery subject to section 5.1.57, or to any farm distillery subject to section 5.1.59.
- d. *Events and activities permitted.* The following events, activities, and structures are permitted by right, permitted by right with approval of a zoning clearance, or by special use permit as set forth in the following table, provided that these events, activities, and structures are individually and in the aggregate subordinate to the agricultural operation, and subject to the applicable requirements of this section and this chapter:
1. *Eligibility for agricultural operation events.* Any agricultural operation event established in the County before May 15, 2019, may continue to be held as currently authorized in subsection (d) and as defined in Section 18-3.1. Any agricultural operation event established in the county on or after May 15, 2019, may be held only if the agricultural operation to which it is subordinate has a minimum of five (5) acres of land devoted to agricultural production on-site, or on any abutting lot under the same ownership, at least one growing season each calendar year.
 2. A special exception to the minimum acreage requirement set forth in subsection (d)(1) may be granted provided the proposed agricultural operation events are consistent with the purpose and intent of this ordinance and the comprehensive plan, and would cause no substantial detriment to abutting properties.

Event or activity ¹	Criterion	By right	By right with zoning clearance ²	By special use permit ³
Agritourism: generally, for any number of events or activities, not regulated as another category of agritourism in this subsection or as an agricultural operation event	On sites ⁴ greater than or equal to 21 acres and the event or activity will generate 50 or fewer visitor vehicle trips per day ("VTPD")	X		
	Either on sites less than 21 acres or the event or activity will generate more than 50 visitor VTPD		X	
	The event or activity would have more than 200 attendees at any single agricultural operation at any time, regardless of the number of visitor VTPD or the acreage of the site			X
Agritourism: educational programs, or workshops or demonstrations related to agriculture or silviculture	On sites ⁴ greater than or equal to 21 acres and the event or activity will generate 50 or fewer visitor vehicle trips per day ("VTPD"), and each event or activity would have 200 or fewer attendees at any single time, regardless of whether the number of these events or activities, in the aggregate would exceed 4 in a calendar year	X		
	The event or activity would have 200 or fewer attendees at any single time, regardless of the number of visitor VTPD or the acreage of the site, where the number of these events or activities, in the aggregate would not exceed 4 in a calendar year	X		

Event or activity ¹	Criterion	By right	By right with zoning clearance ²	By special use permit ³
	Either on sites less than 21 acres or the event or activity will generate more than 50 visitor VTPD and each event or activity would have 200 or fewer attendees at any single time, where the number of these events or activities, in the aggregate would exceed 4 in a calendar year		X	
	The event or activity would have more than 200 attendees at any single agricultural operation at any time, regardless of the number of visitor VTPD or the acreage of the site			X
Agritourism: farm tours	The number of farm tours in which the agricultural operation is participating would not exceed 4 in a calendar year, and each farm tour would have 200 or fewer attendees at any single agricultural operation at any time, regardless of the number of visitor VTPD or the acreage of the site	X		
Agritourism: farm tours	The number of farm tours in which the agricultural operation is participating would exceed 4 in a calendar year, regardless of the number of attendees at any single agricultural operation at any time, the number of visitor VTPD, or the acreage of the site		X ⁵	
Sales: The sale of agricultural or silvicultural products, or the sale of agricultural-related or silvicultural-related items incidental to the agricultural operation, including farm sales but excluding harvest-your-own activities	On sites greater than or equal to 21 acres and the activity will generate 50 or fewer visitor VTPD	X		
	On sites less than 21 acres or the activity will generate more than 50 visitor VTPD		X	
	Structures used for the sales activity, in the aggregate, if the gross floor area devoted to sales is less than or equal to 4,000 square feet	X		
	Structures used for the sales activity, in the aggregate, if the gross floor area devoted to sales is greater than 4,000 square feet			X
Sales: harvest-your-own activities	On any site, regardless of the acreage of the site, the number of visitor VTPD, or the number of attendees at any time	X		
Sales: The preparation, processing, or sale of food products in compliance with Virginia Code § 3.2-5130(A)(3), (4) and (5) or related state laws and regulations ("sale of food products")	On sites greater than or equal to 21 acres and the activity will generate 50 or fewer visitor VTPD	X		
	On sites less than 21 acres or the activity will generate more than 50 visitor VTPD		X	
Other Events or Activities: Agricultural operation events	The event will generate 50 or fewer visitor VTPD and will occur on sites greater than or equal to 21 acres	X		
	The event will generate more than 50 visitor VTPD or occur on sites less		X	

Event or activity ¹	Criterion	By right	By right with zoning clearance ²	By special use permit ³
	than 21 acres but have 200 or fewer attendees at any time			
	The event will have more than 200 attendees at any time, regardless of the number of visitor VTPD or the acreage of the site			X
	The number of events in a calendar year would exceed 24, regardless of the number of visitor VTPD, number of attendees, or the acreage of the site			X
Other Events or Activities: Other events or activities which are determined by the zoning administrator to be usual and customary uses at agricultural operations throughout the Commonwealth	The applicable criteria will depend on whether the proposed event or activity is classified as agritourism, sales, or an event; and the applicable criterion of the events or activities listed above shall apply	Determined by how event or activity is classified	Determined by how event or activity is classified	Determined by how event or activity is classified

1. If two or more events or activities categorized as “Agritourism” or “Other Events or Activities” are being, or will be, conducted on-site simultaneously for any duration, the number of visitor VTPD and the number of attendees shall each be aggregated, and the requirements of the more restricted event or activity shall apply. For the purposes of this provision, an event or activity requiring a special use permit is more restricted than an event or activity permitted by right, either with or without a zoning clearance, and an event or activity permitted by right with a zoning clearance is more restricted than an event or activity permitted by right.
 2. The zoning clearance shall be obtained under section 31.5 and shall include considering the matters in subsection (e).
 3. The special use permit shall be obtained under section 33 and, in addition to the requirements of that section, shall include the information required by subsection (f).
 4. The term “site,” as used in this section, means one or more abutting lots under the same ownership on which the agricultural operation and the event or activity is located.
 5. A single zoning clearance may be obtained for all agricultural operations participating in a farm tour.
- e. *Matters to be considered in review of request for approval of zoning clearance.* In reviewing a request for approval of a zoning clearance, the zoning administrator’s review shall include verifying that the proposed event or activity complies with the applicable minimum yard standards in subsection (h), Virginia Department of Transportation entrance standards, Virginia Department of Health health and sanitation standards, and shall ensure that on-site travelways can accommodate emergency vehicles, adequate on-site parking is provided in a location that complies with this chapter, environmental impacts are addressed by compliance with the applicable regulations or performance standards of this chapter and chapter 17, and that all improvements comply with the applicable requirements in section 4. In addition, for any zoning clearance for a farm tour that may have more than 200 attendees at any single agricultural operation at any time, the zoning administrator shall consider the traffic management plan submitted by the person requesting the zoning clearance. The traffic management plan shall demonstrate how traffic entering and exiting each agricultural operation participating in the farm tour will be managed to ensure safe and convenient access to and from the site and safe travel on public streets.
1. *Notice.* The agricultural operation shall provide written notice that an application for a zoning clearance for agricultural events and activities allowed by this subsection has been submitted to the owner of each abutting lot under different ownership than the lot on which the proposed event would be located. The notice shall identify the proposed type, size, and frequency of events, and provide the name and telephone number of a contact person who will be on-site at the agricultural operation during each event. The notice shall be mailed at least ten (10) days prior to the action on the zoning clearance.

- f. *Information and sketch plan to be submitted with application for a special use permit.* In addition to any information required to be submitted with an application for a special use permit under section 33.4, each application for one or more event or activity ("use") for which a special use permit is required under subsection (d) shall include the following:
1. *Information.* Information pertaining to the following: (i) the proposed uses; (ii) the maximum number of persons who will attend each use at any given time; (iii) the frequency and duration of the uses; (iv) the provision of on-site parking; (v) the location, height, and lumens of outdoor lighting for each use; and (vi) the location of any stage, structure or other place where music will be performed.
 2. *Sketch plan.* A sketch plan, which shall be a schematic drawing of the site with notes in a form and of a scale approved by the director of planning, depicting: (i) all structures that would be used for the uses; (ii) how access, on-site parking, outdoor lighting, signage, and minimum yards will be provided in compliance with this chapter; and (iii) how potential adverse impacts to abutting lots will be mitigated so they are not substantial.
- g. *Sound from outdoor amplified music.* Sound generated by outdoor amplified music shall be subject to the following:
1. *Zoning clearance.* Each agricultural operation shall obtain approval of a zoning clearance under section 31.5 prior to generating any outdoor amplified music at the agricultural operation. The purpose of the zoning clearance shall be to verify that the sound amplification equipment at the agricultural operation will comply with the applicable standards in section 4.18 or that the owner has and will use a sound level meter as that term is defined in section 4.18.02 prior to and while outdoor amplified music is being generated, to monitor compliance with the applicable standards in section 4.18, or both.
 2. *Maximum sound level.* Sound generated by outdoor amplified music shall not exceed the applicable maximum sound levels in section 4.18.04.
 3. *Outdoor amplified music not an exempt sound.* Outdoor amplified music shall not be deemed to be an exempt sound under section 4.18.05(A).
 4. *Times of day when outdoor amplified music prohibited.* Sound generated by outdoor amplified music is prohibited between 10:00 p.m. each Sunday through Thursday night and 7:00 a.m. the following morning, and between 11:00 p.m. each Friday and Saturday night and 7:00 a.m. the following morning
 5. *Notice.* The agricultural operation shall provide written notice that an application for a zoning clearance for outdoor amplified music allowed by this subsection has been submitted to the owner of each abutting lot under different ownership than the lot on which the proposed event would be located. The notice shall identify the proposed type, size, and frequency of events at which outdoor amplified music will be played, and provide the name and telephone number of a contact person who will be on-site at the agricultural operation during each event. The notice shall be mailed at least ten (10) days prior to the action on the zoning clearance.
- h. *Yards.* Notwithstanding any other provision of this chapter, the following minimum front, side, and rear yard requirements shall apply to any event or activity:
1. *Structures used for agritourism, events, and sales.* The minimum yards for structures used for agritourism, events, and the sale of agricultural or silvicultural products, shall be as follows:
 - a. *New permanent structures and temporary structures.* The minimum front, side, and rear yard requirements in section 10.4 shall apply to all primary and accessory structures used for agricultural operation events or agritourism and any new permanent structure or temporary structures, provided that the minimum front yard on an existing public road in the rural areas (RA) district shall be thirty-five (35) feet for structures used for sales.
 - b. *Existing permanent structures.* If an existing permanent structure does not satisfy any minimum yard requirement under subsection (h)(1)(a), the minimum yard required shall be the distance between the existing permanent structure and the street, road, access easement, or lot line on November 12, 2014, and

that distance shall not be thereafter reduced. An enlargement or expansion of the structure shall be no closer to a street, road, access easement or lot line than the existing structure.

2. *Outdoor event and activity areas.* The minimum front, side, and rear yards for outdoor event and activity areas shall be a minimum of one hundred twenty-five (125) feet from any abutting lot not under the same ownership as the agricultural operation. These minimum standards shall not apply to any portion of the agricultural operation that is engaged in production agriculture or silviculture, even though it also is used for an agritourism activity.
 3. *Parking areas, tents, and portable toilets.* The minimum front, side, and rear yards for parking areas, tents, and portable toilets shall be one hundred twenty-five (125) feet from any abutting lot not under the same ownership as the agricultural operation.
 4. *Special exception.* Any minimum yard may be reduced by special exception upon consideration of the following: (i) there is no detriment to any abutting lot; (ii) there is no harm to the public health, safety, or welfare; and (iii) written consent to the proposed reduction has been provided by the owner of any lot abutting the proposed reduced setback.
- i. *Uses prohibited.* The following uses are prohibited:
1. Restaurants.
 2. Helicopter rides.