

<p style="text-align: center;"><b>ACTIONS</b>  <b>Board of Supervisors Meeting of March 2, 2022</b></p>		
		March 3, 2022
<b>AGENDA ITEM/ACTION</b>	<b>ASSIGNMENT</b>	<b>VIDEO</b>
<p>1. Call to Order.</p> <ul style="list-style-type: none"> <li>Meeting was called to order at 1:00 p.m., by the Chair, Ms. Price. All BOS members were present. Also present were Jeff Richardson, Greg Kamptner, Claudette Borgersen and Travis Morris.</li> </ul>		<a href="#">Link to Video</a>
<p>4. Adoption of Final Agenda.</p> <ul style="list-style-type: none"> <li><b>ADDED</b> letter of support for the Lafourche Historic Registry to item #23.</li> <li><b>ADDED</b> letter to Senator Warner in support of honoring our Promise to Address Comprehensive Toxic Acts (PACT) Act, 2021 to item #23.</li> <li>By a vote of 6:0, <b>ADOPTED</b> final agenda as amended.</li> </ul>		
<p>5. Brief Announcements by Board Members.</p> <p><u>Jim Andrews:</u></p> <ul style="list-style-type: none"> <li>Noted that the IPCC released its sixth report assessment on climate this past week.</li> </ul> <p><u>Diantha McKeel:</u></p> <ul style="list-style-type: none"> <li>Commemorated that Sean Reeves was pinned as the new Chief of Police, and along with his promotion, there were many other promotions for the Albemarle County Police Officers.</li> </ul> <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> <li>Announced that Old Rag Mountain trails would now be by walking day pass only. Community Members who were interested in hiking Old Rag should contact recreation.gov ahead of time to get a ticket for \$1.</li> <li>Announced that the Journey Through Hallowed Ground was offering summer camps.</li> </ul> <p><u>Bea LaPisto-Kirtley:</u></p> <ul style="list-style-type: none"> <li>Expressed that her heart went out to the people of Ukraine.</li> <li>Commented that she attended her first meeting of the Charlottesville-Albemarle Convention and Visitors Bureau.</li> </ul> <p><u>Ned Gallaway:</u></p> <ul style="list-style-type: none"> <li>Commented that issue about speeding that he brought up the previous week continued to be an issue.</li> <li>Express his disappointment with the House and the General Assembly for failing to get rid of the ban on gay marriage in the State.</li> </ul> <p><u>Donna Price:</u></p> <ul style="list-style-type: none"> <li>Agreed with the concerns and comments of her fellow Supervisors and that what was happening in Ukraine was outrageous.</li> <li>Announced that High Lawn Farm, owned by Rosalyn Kuntz and David Herd, were the recipients of the Thomas Jefferson Soil and Water District 2021 Clean Water Farm Awards, which recognized local farmers and landowners who progressively managed their operations and adopted and</li> </ul>		

	<p>implemented innovative conservation tools, technologies, and practices.</p> <ul style="list-style-type: none"> <li>Express appreciation for their Broadband Office, Michael Culp and Jason Inofuentes who had recently were able to have their testimony before the SEC and Albemarle County. Due to their effort, and the leadership of their Assistant County Executive Trevor Henry, they were instrumental in unifying a number of regional counties to provide significant testimony.</li> </ul>	
6.	<p>Proclamations and Recognitions.</p> <p>a. Proclamation Proclaiming March as Red Cross Month.</p> <ul style="list-style-type: none"> <li>By a vote of 6:0, <b>ADOPTED</b> proclamation and presented to Bill Brent.</li> </ul> <p>b. Proclamation Celebrating Women's History Month.</p> <ul style="list-style-type: none"> <li>By a vote of 6:0, <b>ADOPTED</b> proclamation and presented to Palwasha Mohammad Asif.</li> </ul> <p>c. Proclamation Recognizing March 16 through March 22, 2022 as the 28th Annual Festival of the Book.</p> <ul style="list-style-type: none"> <li>By a vote of 6:0, <b>ADOPTED</b> proclamation and presented to Jane Kulow.</li> </ul>	<p>(Attachment 1)</p> <p>(Attachment 2)</p> <p>(Attachment 3)</p>
7.	<p>From the Public: Matters Not Listed for Public Hearing on the Agenda or on Matters Previously Considered by the Board or Matters that are Pending Before the Board.</p> <ul style="list-style-type: none"> <li><u>Patricia Cochran</u>, a resident of the Samuel Miller District and League of Women's Voters President spoke on the Comprehensive Plan and made suggestion for its Growth Management Policy.</li> <li><u>Ken Schlusell</u>, a resident of the Rio District, addressed the Board on the Comprehensive Plan and questions asked on the AC44: Working Group application.</li> </ul>	
8.1	<p>Resolution Recognizing Jared Loewenstein.</p> <ul style="list-style-type: none"> <li><b>ADOPTED</b> resolution.</li> </ul>	(Attachment 4)
8.2	<p>Resolution Authorizing the Issuance of Refunding Bonds.</p> <ul style="list-style-type: none"> <li><b>ADOPTED</b> resolution authorizing the plan of financing through the EDA.</li> </ul>	<p><u>Clerk:</u> Forward copy of signed resolution to Finance &amp; Budget and County Attorney's office. (Attachment 5)</p>
8.3	<p>Authorization to Schedule a Public Hearing to Consider a Proposed Ordinance to Amend County Code Chapter 12, Regulated Enterprises.</p> <ul style="list-style-type: none"> <li><b>SCHEDULED</b> public hearing on future agenda.</li> </ul>	<p><u>Clerk:</u> Schedule on agenda and advertise in the Daily Progress.</p>
8.4	<p>SE2022-01 Cove Lawn Homestay.</p> <ul style="list-style-type: none"> <li><b>ADOPTED</b> resolution to approve the special exception, subject to the conditions attached thereto.</li> </ul>	<p><u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 6)</p>
8.5	<p>SE2022-06 Green Hill Cottage Homestay.</p> <ul style="list-style-type: none"> <li><b>ADOPTED</b> resolution to approve the special exception, subject to the conditions attached thereto.</li> </ul>	<p><u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 7)</p>
9.	<p><b>Work Session:</b> COVID-19 Update and Reconstitution.</p> <ul style="list-style-type: none"> <li><b>HELD.</b></li> </ul>	<p><u>County Executive:</u> Proceed as discussed.</p>

10.	<b>Presentation:</b> Board-to-Board, A Quarterly Report from the Albemarle County School Board to the Albemarle County Board of Supervisors. <b>RECEIVED.</b>		
11.	<b>Presentation:</b> Albemarle-Charlottesville Regional Jail (ACRJ) Renovation Project. <b>RECEIVED.</b>		
12.	Closed Meeting. <ul style="list-style-type: none"> <li>At 3:39 p.m., the Board went into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia:</li> <li>Under Subsection (1): <ol style="list-style-type: none"> <li>To discuss and consider appointments of community members to the Architectural Review Board, the Board of Equalization, the Jefferson Area Community Criminal Justice Board, the Jefferson Area Board for Aging Advisory Council, and seven advisory committees; and</li> <li>To discuss and consider the performance of a Supervisor regarding interactions with other entities and persons; and</li> <li>To discuss and consider the appointment of the County Attorney's successor upon his pending retirement; and</li> </ol> </li> <li>Under Subsection (6), to discuss and consider the investment of public funds in a volunteer fire company where bargaining and negotiation is involved and where, if made public initially, the financial interest of the County would be adversely affected; and</li> <li>Under Subsection (7), to consult with legal counsel and briefings by staff members pertaining to actual litigation of the Board against the Scottsville Volunteer Rescue Squad.</li> </ul>		
13.	Certify Closed Meeting. <ul style="list-style-type: none"> <li>At 6:01 p.m., the Board reconvened into open meeting and certified the closed meeting.</li> </ul>		
14.	Boards and Commissions: a. Vacancies and Appointments. <ul style="list-style-type: none"> <li>Moved to end of agenda.</li> </ul>		
15.	From the County Executive: Report on Matters Not Listed on the Agenda. <ul style="list-style-type: none"> <li>There were none.</li> </ul>		
16.	From the Public: Matters Not Listed for Public Hearing on the Agenda or on Matters Previously Considered by the Board or Matters that are Pending Before the Board. <ul style="list-style-type: none"> <li><u>Susan Sherman</u>, Executive Director of the Charlottesville Free Clinic, thanked the Board for including in their organization in the FY 23 proposed budget.</li> </ul>		
17.	<b><u>Pb. Hrg.: County Executive's Recommended Budget.</u></b> <b>HELD.</b>		
18.	<b><u>Pb. Hrg.: Fiscal Year 2022 Budget Amendment and Appropriations.</u></b> <b>ADOPTED</b> resolution to approve	<u>Clerk:</u> Forward copy of signed resolution to Finance & Budget and County Attorney's office.	

	appropriations #2022035, #2022036, #2022037, #2022038, and #2022039 for local government and school projects and programs.	(Attachment 8)	
19.	<b><u>Pb. Hrg.: Virginia Community Development Block Grant (CDBG).</u></b> <ul style="list-style-type: none"> <li>By a vote of 6:0, <b>SET</b> a public hearing for March 16, 2022, to review and approve the submission of any proposed applications to the Virginia Department of Housing and Community Development (DHCD).</li> </ul>	<u>Clerk:</u> Schedule on agenda and advertise in Daily Progress.	
20.	<b><u>Pb. Hrg.: SP202000008 Boys &amp; Girls Club Northside Special Use Permit.</u></b> <ul style="list-style-type: none"> <li>By a vote of 6:0, <b>ADOPTED</b> resolution to approve SP202000008 Boys &amp; Girls Club Northside, subject to the conditions attached thereto.</li> </ul>	<u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 9)	
21.	<b><u>Pb. Hrg.: Public Hearing on Ordinances to Revise Local Magisterial District and Precinct Boundaries.</u></b> <ul style="list-style-type: none"> <li><b>HELD.</b></li> </ul>	<u>Clerk:</u> Schedule for action on future agenda.	
22.	<b><u>Pb. Hrg.: Public Hearing on a Proposed Ordinance to Repeal Panhandling Regulations in Order to Comply with State Law.</u></b> <ul style="list-style-type: none"> <li>By a vote of 6:0, <b>ADOPTED</b> ordinance.</li> </ul>	<u>Clerk:</u> Forward copy of signed ordinance to Police Department and County Attorney's office. (Attachment 10)	
23.	From the Board: Committee Reports and Matters Not Listed on the Agenda. <ol style="list-style-type: none"> <li>Authorize Chair to sign a letter to Senator Mark Warner concerning the PACT Act.</li> <li>By a vote of 6:0, <b>AUTHORIZED</b> Chair to sign a letter to Senator Mark Warner concerning the PACT Act.</li> <li>Authorize Chair to sign a letter supporting the application to add to the National Register of Historic Places and inclusion in the Virginia Landmarks register</li> <li>By a vote of 6:0, <b>AUTHORIZED</b> Chair to sign a letter in support of the application for inclusion in the National Register of Historic Places and the Virginia Landmarks register.</li> </ol>		
	Closed Meeting. <ul style="list-style-type: none"> <li>At 9:17 p.m., the Board went into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia:</li> <li>Under Subsection (1): To discuss and consider appointments of community members to the Architectural Review Board, the Board of Equalization, the Jefferson Area Community Criminal Justice Board, the Jefferson Area Board for Aging Advisory Council, and seven advisory committees.</li> </ul>		
	Certify Closed Meeting. <ul style="list-style-type: none"> <li>At 9:32 p.m., the Board reconvened into open meeting and certified the closed meeting.</li> </ul>		
	Vacancies and Appointments. <ul style="list-style-type: none"> <li><b>APPOINTED</b>, Mr. Nathan Holland to the 5<sup>th</sup> &amp; Avon Community Advisory Committee with said term to expire September 30, 2023.</li> <li><b>APPOINTED</b> Mr. Taro Matsuno to the Architectural Review Board to fill an unexpired term ending November 14, 2024.</li> </ul>	<u>Clerk:</u> Prepare appointment/reappointment letters, update Boards and Commissions book, webpage, and notify appropriate persons.	

<ul style="list-style-type: none"> <li>• <b>REAPPOINTED</b> Mr. Kostas Alibertis, Mr. Joe Fore and Ms. Valerie Long to the Crozet Community Advisory Committee with said terms to expire March 31, 2024.</li> <li>• <b>APPOINTED</b>, Mr. Jim Duncan and Mr. Kenneth Thacker to the Crozet Community Advisory Committee with said terms to expire March 31, 2024.</li> <li>• <b>APPOINTED</b>, Mr. Bob Beard to the Equalization Board as the Samuel Miller District representative with said term to expire December 31, 2022.</li> <li>• <b>APPOINTED</b>, Ms. Abigail Wilson and Mr. Dan Mahon to the Natural Heritage Committee with said terms to expire September 30, 2025.</li> <li>• <b>APPOINTED</b>, Ms. Jane Foy to the Places 29 (Hydraulic) Community Advisory Committee to fill an unexpired term ending August 5, 2022.</li> <li>• <b>APPOINTED</b>, Mr. Seth Kennard, Mr. Brentney Kozuch, and Ms. Deborah van Eersel to the Places 29 (North) Community Advisory Committee with said terms to expire August 5, 2023.</li> <li>• <b>REAPPOINTED</b>, Mr. Dennis Odinov and Ms. Betsy Baten to the Village of Rivanna Community Advisory Committee with said terms to expire March 30, 2024.</li> </ul>		
<p>24. Adjourn to March 9, 2022, 3:00 p.m., electronic meeting pursuant to Ordinance No. 20-A(16).</p> <ul style="list-style-type: none"> <li>• The meeting was adjourned at 9:34 p.m.</li> </ul>		

ckb/tom

Attachment 1 – Proclamation Proclaiming March as Red Cross Month  
Attachment 2 – Proclamation Celebrating Women’s History Month  
Attachment 3 – Proclamation Virginia Festival of the Book  
Attachment 4 – Resolution of Appreciation for Jared Loewenstein  
Attachment 5 – Resolution Authorizing Plan of Financing Through the Economic Development Authority  
Attachment 6 – Resolution to Approve SE 2022-00001 Cove Lawn Homestay  
Attachment 7 – Resolution to Approve SE 2022-00006 Green Hill Cottage Homestay  
Attachment 8 – Resolution to Approve Additional FY 2022 Appropriations  
Attachment 9 – Resolution to Approve SP202000008 Boys & Girls Club Northside  
Attachment 10 – Ordinance No. 22-10(1)

**Proclamation Proclaiming March as Red Cross Month**

**WHEREAS,** in times of crisis, people from across Albemarle County come together to take care of each other. This humanitarian spirit is part of our community and exemplified by American Red Cross volunteers and donors; and

**WHEREAS,** in 1881, Clara Barton founded the American Red Cross, turning her dedication to helping others into a bold mission to prevent and alleviate people's suffering. More than 140 years later, we honor the kindness and generosity of the Red Cross volunteers here in Albemarle County, who continue to carry on Clara's legacy of saving lives. They join millions of people across the United States who volunteer, donate blood, make monetary donations, or learn vital life-preserving skills through the Red Cross; and

**WHEREAS,** in Albemarle County, the contributions of local Red Cross volunteers give hope to the most vulnerable in their darkest hours, whether providing emergency shelter, food, and comfort to families devastated by local disasters such as home fires, winter storms, flooding; donating essential blood for victims of accidents and burns, cardiac surgery and organ transplant patients, and those being treated for leukemia, cancer, or sickle cell anemia; supporting military service members and veterans, along with their families and caregivers, through the challenges of military life; helping to save the lives of others with first aid, CPR, and other skills; or delivering international humanitarian aid; and

**WHEREAS,** their work to prevent and alleviate human suffering is vital to bolstering the resilience of our community. We dedicate this month of March to all those who continue to drive the noble legacy of the founder of the American Red Cross, Clara Barton, who lived in her words: "You should never think about anything but need, and how to meet it." We ask others to join this commitment to giving back in our community.

**NOW, THEREFORE, BE IT PROCLAIMED** that we, the Albemarle County Board of Supervisors now proclaim the month of March 2022 as Red Cross Month and encourage all residents of Albemarle County to get in touch and support their humanitarian mission.

**Signed this 2<sup>nd</sup> day of March 2022.**

**Proclamation Celebrating Women's History Month**

**WHEREAS**, Women's History Month, celebrated during the month of March, originated in 1987 to recognize the heritage and achievements of women; and

**WHEREAS**, throughout our nation's history, the United States has welcomed women immigrants and refugees from around the world who have contributed to all areas of society and whose knowledge, skills, and abilities have laid the foundation for a more robust workforce and a more prosperous economy; and

**WHEREAS**, almost 50% of the 26.6 million refugees worldwide are women and girls who face unique challenges during the displacement and resettlement process because of their gender identity, including the threat of sexual violence; and

**WHEREAS**, if fully harnessed, the economic power of refugee women could contribute \$1.4 trillion to the annual global GDP; and

**WHEREAS**, Albemarle County continues to welcome and support refugee members in our community, not only because their contributions improve the quality of life for all of us, but because we strive to live up to our ideal of creating an inclusive community for all regardless of what they can do for us in return.

**NOW, THEREFORE, BE IT PROCLAIMED**, that we, the Albemarle County Board of Supervisors, do hereby acknowledge and celebrate Women's History Month 2022, with a special recognition of the challenges that the women and girl refugee members in our community face and overcome, and we recommit to building an equitable and inclusive society where even our most vulnerable members can thrive.

Signed this 2nd day of March 2022.

**PROCLAMATION  
VIRGINIA FESTIVAL OF THE BOOK**

**WHEREAS,** the County of Albemarle believes that literacy is critical to active and engaged citizenship, and is committed to promoting reading, writing, and storytelling for all, both within and outside its borders; and

**WHEREAS,** reading stimulates the creative and intellectual growth of individuals, while also building community through shared experiences, discourse, and understanding; and

**WHEREAS,** the 2022 VIRGINIA FESTIVAL OF THE BOOK as a hybrid event, with events presented locally and through online platforms, draws attendees and attention to Albemarle County from around the globe, while providing all programs but one free of charge to attendees, and offering greater accessibility through closed-captions, recap videos, and transcripts; and

**WHEREAS,** Virginia Humanities, the Virginia Center for the Book, the University of Virginia, local businesses and schools, and cultural and civic organizations collaborate with the VIRGINIA FESTIVAL OF THE BOOK to explore the world through reading, foster empathy for the stories of others, and promote literacy for all; and

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

**WEDNESDAY, MARCH 16 THROUGH SUNDAY, MARCH 20, 2022  
AS THE  
TWENTY-EIGHTH ANNUAL  
VIRGINIA FESTIVAL OF THE BOOK**

and encourage community members to participate fully in the wide range of available programs and activities.

**Signed this 2<sup>nd</sup> day of March 2022.**



**Resolution of Appreciation for Jared Loewenstein**

- WHEREAS,** Jared Loewenstein was appointed to the Albemarle County Historic Preservation Committee (HPC) on May 3, 1995, and served through October 2001, then was appointed again on June 4, 2008, and continued to serve Albemarle County with distinction through 2021, holding the office of Chairperson for a majority of those years, and
- WHEREAS,** Jared Loewenstein has been a dedicated member committed to the mission of the HPC and the preservation of Albemarle County's cultural resources while displaying kindness and respect in his collaboration with fellow committee members, county staff, and members of the public, and
- WHEREAS,** Jared Loewenstein has been a positive force in the preservation community, founding the Proffit Historic District in 1998-99; owning, restoring, and living in two properties listed in the State and National Registers; advising, with the HPC, on the restoration of Findowrie, one of Albemarle's oldest and most significant resources; and advocating for the maintenance, documentation, and preservation of the County's cultural resources; and
- WHEREAS,** understanding that volunteer, leadership, and engaged citizens are the foundation of a vibrant community, we, as members of the Albemarle County Board of Supervisors, wish to extend our utmost appreciation for the invaluable experience, leadership, professionalism, and insight that Jared Loewenstein has contributed which has been beneficial to the citizens and staff of Albemarle County; and

**NOW, THEREFORE, BE IT RESOLVED** that we, the Albemarle County Board of Supervisors, do hereby recognize and appreciate

**Jared Loewenstein**

For over 20 years of service and wish him well in all future endeavors.

Signed this 2nd day of March 2022.

**RESOLUTION APPROVING A PLAN TO REFUND CERTAIN PRIOR BONDS  
THROUGH THE ISSUANCE OF A SERIES OF REVENUE REFUNDING BONDS BY  
THE ECONOMIC DEVELOPMENT AUTHORITY OF ALBEMARLE COUNTY, VIRGINIA**

**WHEREAS**, the Economic Development Authority of Albemarle County, Virginia (formerly the Industrial Development Authority of Albemarle County, Virginia) (the "Authority"), pursuant to the Industrial Development and Revenue Bond Act (the "Act"), under which it was created, is authorized to exercise all the powers set forth in the Act, which include, among other things, the power to make loans to, among others, a county in furtherance of the purposes of the Act, to finance or refinance facilities for use by, among others, a county, to issue its revenue bonds, notes and other obligations from time to time for such purposes and to pledge all or any part of its revenues and receipts derived from payments received by the Authority in connection with its loans or from any source as security for the payment of principal of and premium, if any, and interest on any such obligations;

**WHEREAS**, the County Executive of Albemarle County, Virginia (the "County"), working with the County's Department of Finance and Budget and Davenport & Company LLC, as the County's financial advisor (the "Financial Advisor"), has identified a potential opportunity for the County to realize debt service savings by refunding all or a portion of the Authority's outstanding Public Facility Revenue Bonds (Albemarle County Project), Series 2013 (the "2013 Bonds"), the original proceeds of which were loaned to the County to finance and refinance various public facility projects for the benefit of the County;

**WHEREAS**, pending concurrence by the Board of Supervisors of the County (the "County Board"), the Authority has authorized the issuance of a series of Public Facility Revenue Refunding Bonds (Albemarle County Projects) (the "Bonds"), for the purposes of (a) refunding all or a portion of the outstanding 2013 Bonds (such refunded portion, the "Refunded Bonds"), (b) funding as desired a reserve fund for the Bonds, and (c) paying the related costs of issuance and refunding;

**WHEREAS**, the Bonds are to be secured by payments appropriated from time to time by the County Board and paid in accordance with the terms of the Financing Agreement (as defined herein);

**WHEREAS**, there have been circulated prior to this meeting drafts of the following documents (collectively, the "Documents"), proposed in connection with the issuance and sale of the Bonds:

- (a) a form of Supplemental Agreement of Trust, supplementing the Agreement of Trust dated as of March 1, 2003, as previously supplemented (collectively, the "Trust Agreement"), all between the Authority and U.S. Bank Trust Company, National Association, as successor trustee (the "Trustee"), pursuant to which the Bonds are to be issued and which is to be acknowledged and consented to by the County;
- (b) a form of Supplemental Financing Agreement (the "Supplemental Financing Agreement"), supplementing a Financing Agreement dated as of March 1, 2003, as previously supplemented (collectively, the "Financing Agreement"), all between the Authority and the County, pursuant to which the Authority will loan the proceeds of the Bonds to the County and the County will undertake, subject to appropriation, to make payments to the Authority in amounts sufficient to pay the principal of and premium, if any, and interest on the Bonds and certain other related costs;
- (c) a form of Preliminary Official Statement of the Authority relating to the public offering of the Bonds (the "Preliminary Official Statement"); and
- (d) a form of Continuing Disclosure Agreement (attached as Appendix F to the Preliminary Official Statement), pursuant to which the County agrees to undertake certain continuing disclosure obligations with respect to the Bonds;

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

1. The County Board hereby finds that the refunding of the Refunded Bonds will be in the best interests of the County and its citizens. The County Board hereby concurs with the following financing plan heretofore authorized by the Authority. The Authority will issue the Bonds and use the proceeds thereof to (a) refund the Refunded Bonds, (b) fund as desired a reserve fund for the Bonds, and (c) pay the related costs of issuance and refunding. Pursuant to the provisions of the Financing Agreement, the County will undertake to make certain Basic Payments and Additional Payments (each as defined in the

Financing Agreement) to the Authority in amounts sufficient to amortize the Bonds, to pay the fees or expenses of the Authority and the Trustee and to pay certain other related costs. The obligation of the Authority to pay principal of and premium, if any, and interest on the Bonds will be limited to the Basic Payments and Additional Payments received from the County. The Bonds will be secured by an assignment of the Basic Payments and certain Additional Payments due under the Financing Agreement, all for the benefit of the holders of the Bonds. The undertaking by the County to make Basic Payments and Additional Payments will be subject to the appropriation by the County Board from time to time of sufficient amounts for such purposes. The plan to issue the Bonds and refund the Refunded Bonds shall contain such additional requirements and provisions as may be approved by the County Executive (the "County Executive," which term as used herein shall also include any Deputy County Executive) and the Chair or Vice-Chair of the Authority.

2. The County Board, while recognizing that it is not empowered to make any binding commitment to make appropriations beyond the current fiscal year, hereby states its intent to make appropriations in future fiscal years in amounts sufficient to make all payments due under the Financing Agreement and hereby recommends that future County Boards do likewise during the term of the Financing Agreement. The County Board hereby confirms that the prior projects to be refinanced are either essential to the efficient operation of the County or important to the welfare or quality of life of the citizens of the County, and the County Board anticipates that such facilities and purposes will continue to be so during the term of the Bonds.

3. The Chair or Vice-Chair of the County Board and the County Executive, any of whom may act, are hereby authorized and directed to execute the Documents to which the County is a signatory, which shall be in substantially the forms circulated prior to this meeting, which forms are hereby approved, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the officer signing such Documents. Such officer's execution and delivery thereof shall constitute conclusive evidence of such officer's approval of any such completions, omissions, insertions and changes.

4. In making completions to the Supplemental Financing Agreement, the County Executive, in collaboration with the Financial Advisor and the Authority, shall provide for Basic Payments and Additional Payments in amounts equivalent to the payments on the Bonds and certain related costs and expenses, which Bonds shall be sold to the purchaser(s) thereof on terms as shall be satisfactory to the County Executive. The County Board consents to the issuance by the Authority of a series of Bonds pursuant to the provisions of the Trust Agreement; provided that (a) the aggregate principal amount of the Bonds shall not exceed \$21,500,000, (b) the "true" or "Canadian" interest cost of the Bonds shall not exceed 3.50% (taking into account any original issue discount or premium), (c) the Bonds shall mature or be subject to mandatory sinking fund redemption in installments ending not later than December 31, 2033, (d) the Bonds shall be sold to the purchaser(s) thereof at a price not less than 98% of the aggregate principal amount thereof (without taking into account any original issue discount or premium), and (e) the Bonds shall be subject to optional redemption, if at all, at a redemption price not to exceed 102% of their principal amount. The County Executive is also authorized to approve, in collaboration with the Chair or Vice-Chair of the Authority, the timing for the issuance of the Bonds, the determination of the aggregate principal amount of the Bonds (subject to the limit forth in clause (a) above), the maturity schedule (including serial maturities and term maturities for the Bonds) and the redemption provisions, all as the County Executive shall determine to be in the best interests of the County.

5. The County Board hereby approves the following terms of sale for the Bonds:

(a) The Bonds shall be sold through a competitive sale or a negotiated sale, as the County Executive, in collaboration with the Financial Advisor and the Authority, determines to be in the best interests of the County.

(b) If the County Executive determines that the Bonds shall be sold by competitive sale, the County Executive is hereby authorized to receive bids for the Bonds and award the Bonds to the bidder providing the lowest "true" or "Canadian" interest cost, subject to the limitations set forth in Section 4. Following a competitive sale, the County Executive shall, in collaboration with the Chair or Vice-Chair of the Authority, file a certificate with the Authority and the County Board setting forth the final terms of the Bonds. The actions of the County Executive, in collaboration with the Chair or Vice-Chair of the Authority, in selling the Bonds by competitive sale shall be conclusive, and no further action with respect to the sale and issuance of the Bonds shall be necessary on the part of the County Board.

(c) If the Bonds are sold by competitive sale, the County Executive, in collaboration with the Financial Advisor, is hereby authorized and directed to take all proper steps to advertise the Bonds for sale

pursuant to the terms of a Notice of Sale, the form of which shall be prepared by the Financial Advisor and the County's bond counsel and approved by the County Executive.

(d) If the County Executive determines that the Bonds shall be sold by negotiated sale, the County Executive is hereby authorized, in collaboration with the Financial Advisor and the Authority, to choose one or more investment banks or firms to serve as underwriter(s) for the Bonds and to execute and deliver to the underwriter(s) a bond purchase agreement (the "Bond Purchase Agreement") in a form to be approved by the County Executive in consultation with the County Attorney and the County's bond counsel. The execution of the Bond Purchase Agreement by the County Executive shall constitute conclusive evidence of his approval thereof. Following a negotiated sale, the County Executive shall file a copy of the Bond Purchase Agreement with the records of the County Board. The actions of the County Executive in selling the Bonds by negotiated sale to the underwriter(s) shall be conclusive, and no further action with respect to the sale and issuance of the Bonds shall be necessary on the part of the County Board.

6. The Preliminary Official Statement in the form circulated prior to this meeting is approved with respect to the information contained therein (excluding information pertaining to the Authority). The County hereby authorizes distribution of the Preliminary Official Statement to prospective purchasers of the Bonds in a form deemed to be "final" (within the meaning of Rule 15c2-12 of the Securities and Exchange Commission (the "Rule")) as of its date, except for the omission of certain pricing and other information permitted to be omitted pursuant to the Rule and with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the County Executive. Such distribution shall constitute conclusive evidence that the County has deemed the Preliminary Official Statement to be "final" (within the meaning of the Rule) as of its date.

7. The County Executive is hereby authorized and directed to approve such completions, omissions, insertions and other changes to the Preliminary Official Statement that are necessary to reflect the terms of sale of the Bonds, determined as set forth in Section 4, and the details thereof and that are appropriate to complete it as an official statement in final form (the "Official Statement"), and distribution thereof to the purchaser(s) of the Bonds shall constitute conclusive evidence that the County has deemed the Official Statement "final" (within the meaning of the Rule) as of its date.

8. The County covenants that it shall not take or omit to take any action the taking or omission of which shall cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and regulations thereunder, or otherwise cause interest on the Bonds to be includable in the gross income for federal income tax purposes of the holders thereof under existing law. Without limiting the generality of the foregoing, the County shall comply with any provision of law that may require the County at any time to rebate to the United States of America any part of the earnings derived from the investment of the gross proceeds of the Bonds. The County shall pay from its legally available general funds any amount required to be rebated to the United States of America pursuant to the Code.

9. The County covenants that during the term of the Financing Agreement it shall not permit the proceeds of the Bonds or the facilities refinanced therewith to be used in any manner that would result in (a) 10% or more of such proceeds or facilities being used in a trade or business carried on by any person other than a governmental unit, as provided in Section 141(b) of the Code, provided that no more than 5% of such proceeds may be used in a trade or business unrelated to the County's use of such facilities, (b) 5% or more of such proceeds or facilities being used with respect to any "output facility" (other than a facility for the furnishing of water), within the meaning of Section 141(b)(4) of the Code, or (c) 5% or more of such proceeds being used directly or indirectly to make or finance loans to any persons other than a governmental unit, as provided in Section 141(c) of the Code; provided, however, that if the County receives an opinion of nationally recognized bond counsel that any such covenants need not be complied with to prevent the interest on the Bonds from being includable in the gross income for federal income tax purposes of the holders thereof under existing law, the County need not comply with such covenants.

10. Such officers of the County as may be requested by bond counsel for the County are authorized and directed to execute an appropriate certificate setting forth (a) the expected use and investment of the proceeds of the Financing Agreement (derived from the Bonds) in order to show that such expected use and investment will not violate the provisions of Section 148 of the Code and (b) any elections such officers deem desirable regarding rebate of earnings to the United States for purposes of complying with Section 148 of the Code. Such certificate shall be prepared in consultation with bond counsel for the County, and such elections shall be made after consultation with bond counsel.

11. All costs and expenses incurred in connection with the issuance of the Bonds and the refunding of the Refunded Bonds, including the Authority's fees and expenses and the related fees and expenses of bond counsel, counsel for the Authority, and the Financial Advisor, shall be paid from the

proceeds of the Bonds or other legally available funds of the County. If for any reason the Bonds are not issued, it is understood that all such fees and expenses incurred in connection with the Bonds shall be paid by the County from its legally available funds and that the Authority shall have no responsibility therefor.

12. The County Board hereby authorizes and directs the County Executive to (a) determine which portions, if any, of the 2013 Bonds shall constitute the Refunded Bonds and when to refund such Refunded Bonds, (b) request that the Authority take all proper steps to call for the redemption of the Refunded Bonds and prepare and deliver any notices and correspondence necessary therefor and (c) take such action as may be considered necessary or desirable to assist the Authority in redeeming the Refunded Bonds.

13. Any authorization herein to execute a document shall include authorization to deliver it to the other parties thereto and, if applicable, to record such document where appropriate.

14. All other acts of the County Executive and other officers of the County that are in conformity with the purposes and intent of this Resolution and in furtherance of the issuance and sale of the Bonds and the refunding of the Refunded Bonds are hereby approved and ratified.

15. This Resolution shall take effect immediately.

**RESOLUTION TO APPROVE SE 2022-00001 COVE LAWN HOMESTAY**

**WHEREAS**, upon consideration of the Memorandum prepared in conjunction with the SE2022-00001 Cove Lawn Homestay application and the attachments thereto, including staff's supporting analysis, any comments received, and all of the factors relevant to the special exceptions in Albemarle County Code §§ 18-5.1.48 and 18-33.9, the Albemarle County Board of Supervisors hereby finds that the requested special exception would cause (i) no detriment to any abutting lot and (ii) no harm to the public health, safety, or welfare.

**NOW, THEREFORE, BE IT RESOLVED**, that in association with the Cove Lawn Homestay, the Albemarle County Board of Supervisors hereby approves the special exception to modify the minimum 125-foot northern front and western side yards otherwise required for a homestay located on a parcel over five acres in the Rural Areas zoning district, subject to the conditions attached hereto.

\* \* \* \* \*

**SE 2022-00001 Cove Lawn Homestay Special Exception Conditions**

1. Parking for homestay guests must be located in the parking area shown on the House and Parking Location Exhibit dated February 8, 2022, or meet the setbacks required for homestays.
2. Homestay use is limited to the existing structure as currently configured and depicted on the House and Parking Location Exhibit dated February 8, 2022, or in additional structures or additions meeting the setbacks required for homestays.
3. The existing screening, as depicted on the House and Parking Location Exhibit dated February 8, 2022, must be maintained, or equivalent screening that meets the minimum requirements of County Code § 18-32.7.9.7(b)-(e) must be established and maintained.

**RESOLUTION TO APPROVE SE 2022-00006 GREEN HILL COTTAGE HOMESTAY**

**WHEREAS**, upon consideration of the Memorandum prepared in conjunction with the SE2022-00006 Green Hill Cottage Homestay application and the attachments thereto, including staff's supporting analysis, any comments received, and all of the factors relevant to the special exceptions in Albemarle County Code §§ 18-5.1.48 and 18-33.9, the Albemarle County Board of Supervisors hereby finds that the requested special exception would cause (i) no detriment to any abutting lot and (ii) no harm to the public health, safety, or welfare.

**NOW, THEREFORE, BE IT RESOLVED**, that in association with the Green Hill Cottage Homestay, the Albemarle County Board of Supervisors hereby approves the special exception to modify the minimum 125-foot front (southern) and eastern and western side yards otherwise required for a homestay in the Rural Areas zoning district, subject to the conditions attached hereto.

\* \* \* \* \*

**SE 2022-00006 Green Hill Cottage Homestay Special Exception Conditions**

1. Parking for homestay guests must be located in the parking area shown on the House and Parking Location Exhibit dated February 8, 2022, or meet the setbacks required for homestays.
2. Homestay use is limited to the existing structure as currently configured and depicted on the House and Parking Location Exhibit dated February 8, 2022, or in additional structures or additions meeting the setbacks required for homestays.
3. The existing screening, as depicted on the House and Parking Location Exhibit Map dated February 8, 2022, must be maintained, or equivalent screening that meets the minimum requirements of County Code § 18-32.7.9.7(b)-(e) must be established and maintained.

**RESOLUTION TO APPROVE  
ADDITIONAL FY 2022 APPROPRIATIONS**

**BE IT RESOLVED** by the Albemarle County Board of Supervisors:

- 1) That the FY 22 Budget is amended to increase it by \$23,143,157;
- 2) That Appropriations #2022035; #2022036; #2022037; #2022038; and #2022039 are approved; and
- 3) That the appropriations referenced in Paragraph #2, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2022.



**RESOLUTION TO APPROVE  
SP202000008 BOYS & GIRLS CLUB NORTHSIDE**

**WHEREAS**, upon consideration of the staff report prepared for SP 202000008 Boys & Girls Club Northside and the attachments thereto, including staff's supporting analysis, the information presented at the public hearing, any comments received, and all of the factors relevant to the special use permit in Albemarle County Code §§ 18-10.1, 18-10.2.2 (1), 18-5.1.04, and 18-33.8(A), the Albemarle County Board of Supervisors hereby finds that the proposed special use would:

1. not be a substantial detriment to adjacent parcels;
2. not change the character of the adjacent parcels and the nearby area;
3. be in harmony with the purpose and intent of the Zoning Ordinance and the Rural Areas District, with the uses permitted by special use permit in the Rural Areas zoning district, with the regulations related to community centers in § 18-5.1.04, and with the public health, safety, and general welfare (including equity); and
4. be consistent with the Comprehensive Plan.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby approves SP 202000008 Boys & Girls Club Northside, subject to the conditions attached hereto.

\* \* \* \* \*

**SP202000008 Boys & Girls Club Northside Special Use Permit Conditions**

1. Outdoor amplified music or outdoor amplified sound must cease between the hours of 10 p.m. to 7 a.m.
2. Activities requiring night lighting must cease between the hours of 10 p.m. to 7 a.m.

**ORDINANCE NO. 22-10(1)**

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 10, OFFENSES - MISCELLANEOUS, 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 10, Offenses - Miscellaneous, of the Code of the County of Albemarle, Virginia, is hereby amended and reordained as follows:

**By Repealing:**

Sec. 10-123 Prohibited activities on public roadways and medians.

**Chapter 10. Offenses - Miscellaneous**

**Sec. 10-123 (Repealed 3-2-22)**