

ACTIONS Board of Supervisors Meeting of May 4, 2022		
May 5, 2022		
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, Ms. Price. All BOS members were present. Also present were Jeff Richardson, Cynthia Hudson, Claudette Borgersen and Travis Morris. 		
4. Adoption of Final Agenda. <ul style="list-style-type: none"> ADDED option for an additional closed meeting at the end of the agenda if needed By a vote of 6:0, ADOPTED final agenda as amended. 		
5. Brief Announcements by Board Members. <p><u>Diantha McKeel:</u></p> <ul style="list-style-type: none"> Reported on her attendance at the Golden Apple Award Ceremony held on May 3, 2022. Announced that a Lambs Lane Master Plan Public Meeting will be held on Tuesday, May 10 at 5:30 p.m., in the Albemarle High School Cafeteria. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> Reported on her attendance at the "LF" Wood Training Center dedication at Seminole Trail Fire Department on Saturday, April 23, 2022. Commented that on Arbor Day, the Charlottesville Tree Stewards hiked to the "Boundary Oak" at Mint Springs to celebrate its two hundred years of survival. Announced that the Crozet Arts and Crafts Festival would be held the following weekend and encouraged community members to attend. Mentioned that 19,949 Kelly Bronze turkey eggs arrived from England and once hatched, will be released in the farm fields and forests of Crozet. <p><u>Bea LaPisto-Kirtley:</u></p> <ul style="list-style-type: none"> Announced that there would be an arts and crafts festival at Darden Towe on Saturday May 7, 2022. <p><u>Donna Price:</u></p> <ul style="list-style-type: none"> Mentioned that on May 1, she attended the Mayday and Beltane Celtic Festival at Thistlerock Farm. Commented on her hike of the Rockfish Valley Foundation Trail in Nellysford and the biodiversity exhibits. She encouraged community members to visit. Reflected that there were now 993,100 American citizens who had died from COVID-19. Commented on the excitement at the Golden Apple Award ceremony. 		Link to Video
Proclamations and Recognitions. <ul style="list-style-type: none"> Proclamation Recognizing the Centennial of the Charlottesville Band. By a vote of 6:0, ADOPTED proclamation and presented to Pam Evans. 	(Attachment 1) (Attachment 2)	

<p>b. Proclamation Celebrating Asian American and Pacific Islander Heritage Month.</p> <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED proclamation and presented to Attar Zahran. c. Proclamation Recognizing May 1 through 7, 2022 as Municipal Clerks Week. • By a vote of 6:0, ADOPTED proclamation and presented to Claudette Borgersen, Travis Morris, and Carolyn Shaffer. d. Proclamation Recognizing May 1 through 7, 2022 as National Correctional Officers Week. • By a vote of 6:0, ADOPTED proclamation and presented to Col. Martin Kumer. 	<p>(Attachment 3)</p> <p>(Attachment 4)</p>	
<p>7. 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"> • <u>Keith Smith</u>, Chair of the Piedmont Community Land Trust, thanked the Board for their contribution to the trust. • <u>Neil Williamson</u>, President of the Free Enterprise Forum addressed Board concerning agenda item # 13. 		
<p>8.2 Construction Easement for Southwood Community Development Block Grant Project.</p> <ul style="list-style-type: none"> • ADOPTED, resolution authorizing the County Executive to accept a temporary construction easement on portions of Parcel ID Number 90A1-1E. 	<p><u>Clerk</u>: Forward copy of signed resolution to Social Services, Community Development and County Attorney's office. (Attachment 5)</p> <p><u>County Attorney</u>: Forward executed Deed of Easement to Clerk.</p>	
<p>8.3 SE202100045 Brookhill Special Exception – Request for Two Variations to Brookhill Code of Development (ZMA201500007).</p> <ul style="list-style-type: none"> • ADOPTED resolution to approve the special exceptions request. 	<p><u>Clerk</u>: Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 6)</p>	
<p>8.4 Set Public Hearing for Ordinance to Amend County Code Chapter 2, Administration, to Increase the Compensation of the Board of Supervisors.</p> <ul style="list-style-type: none"> • SET public hearing for June 1, 2022. 	<p><u>Clerk</u>: Schedule on June 1 agenda and advertise in the Daily Progress.</p>	
<p>9. Adoption of Calendar Year 2022 Tax Rates, Budget-Related Ordinances, Fiscal Year (FY) 23 Budget, Borrowing Resolution, FY 23-27 Capital Improvements Plan (CIP), and Appropriation of the FY 23 Budget.</p> <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED Resolution to Set Calendar Year 2022 Tax Rates. • By a vote of 6:0, ADOPTED ordinance to amend the Food and Beverage Tax. • By a vote of 6:0, ADOPTED ordinance to amend the Transient Occupancy Tax. • By a vote of 6:0, ADOPTED ordinance to impose a Disposable Plastic Bag Tax. • Motion to amend motion to adopt the FY 23 Operating and Capital Budget Resolution, failed by a vote of 3:3 (McKeel/Gallaway/Price). • By a vote of 6:0, ADOPTED the FY 23 Operating and Capital Budget Resolution. • By a vote of 6:0, ADOPTED the FY 23 Annual Resolution of Appropriations. 	<p><u>Clerk</u>: Forward copies of signed ordinances and resolutions to Finance & Budget, and County Attorney's office.</p> <p>(Attachment 7)</p> <p>(Attachment 8)</p> <p>(Attachment 9)</p> <p>(Attachment 10)</p> <p>(Attachment 11)</p> <p>(Attachment 12)</p>	

	<ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED Resolution of Official Intent to Reimburse Expenditures with Proceeds of a Borrowing. • By a vote of 6:0, ADOPTED Resolution to Adopt the FY 23 – 27 Capital Improvements Plan. 	(Attachment 13) (Attachment 14)	
10.	SE2022-13 Ivy Rose Teahouse Homestay. <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED Resolution to approve the special exception subject to the conditions attached thereto. 	<u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 15)	
11.	SE2022-09 1317 McCauley Street Homestay. <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED Resolution to approve the special exception subject to the conditions attached thereto. 	<u>Clerk:</u> Forward copy signed resolution to Community Development and County Attorney's office. (Attachment 16)	
	Recess. At 3:09 p.m., the Board recessed and reconvened at 3:25 p.m.		
12.	Designated Outdoor Refreshment Areas at The Shops at Stonefield. <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED Resolution authorizing the County Executive to sign the letter of support. 	<u>Clerk:</u> Forward copy of signed resolution to Economic Development and County Attorney's office. (Attachment 17)	
13.	Work Session: Affordable Housing Developer Incentives. <ul style="list-style-type: none"> • Held. 	<u>Stacy Pethia:</u> Proceed as discussed.	
14.	Closed Meeting. <ul style="list-style-type: none"> • At 4:58 p.m., the Board went into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia: • Under Subsection (1): <ol style="list-style-type: none"> 1. To discuss and consider the compensation of various appointed public officers; and 2. To discuss and consider appointments to various boards and commissions. • Under Subsection (6) to discuss and consider the investment of public funds where negotiation is involved, where, if made public initially, the financial interest of the County would be adversely affected; and • Under Subsection (8) to consult with legal counsel employed by the County regarding specific legal matters involving a regional agreement and requiring the provision of legal advice. 		
15.	Certify Closed Meeting. <ul style="list-style-type: none"> • At 6:04 p.m., the Board reconvened into open meeting and certified the closed meeting. 		
16.	Boards and Commissions: <ol style="list-style-type: none"> Vacancies and Appointments. <ul style="list-style-type: none"> • APPOINTED, Ms. Mallory DeCoster to the Crozet Community Advisory Committee with said term to expire March 31, 2024. • REAPPOINTED, Mr. Ross Stevens to the Historic Preservation Committee with said term to expire June 4, 2025. • APPOINTED, Ms. Judith DiVita to the Piedmont Family YMCA with said term to expire January 31, 2024. • APPOINTED, Ms. Willie Mae Gray to the Social Services Advisory Board as the Samuel Miller District representative with said term to expire December 31, 2025. 		

17.	From the County Executive: Report on Matters Not Listed on the Agenda. • There were none.		
18.	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. • <u>Kendall Colenbaugh</u> , spoke towards Climate Action. • <u>Mason Pickett</u> , spoke towards the Supreme Court leak on abortion and climate change.		
19.	<u>Pb. Hrg.: SP202100018 Greenbrier Veterinarian Expansion.</u> • By a vote of 6:0, ADOPTED resolution to approve SP202100018 Greenbrier Veterinarian Expansion.	<u>Clerk</u> : Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 18)	
20.	<u>Pb. Hrg.: ZMA202100015 Glenbrook.</u> • By a vote of 6:0, ADOPTED ordinance to approve ZMA202100015 Glenbrook.	<u>Clerk</u> : Forward copy of signed ordinance to Community Development and County Attorney's office. (Attachments 19-21)	
21.	From the Board: Committee Reports and Matters Not Listed on the Agenda. <u>Diantha McKeel</u> : • Asked if there was a way to inform taxpayers of the amount of savings in personal property taxes when they receive their tax bills. • Commented on the Board of Supervisors minutes that were approved earlier in the meeting. <u>Ann Mallek</u> : • Requested that Actions letters be emailed to the Board when posted. <u>Ned Gallaway</u> : • Commented that the TJPDC voted to support the Raise Grant. • Announced that the FY 23 Rural Transportation Work Program resolution was approved. <u>Donna Price</u> : • Expressed appreciation to staff on the work that is done to be responsive to community members.	<u>Clerk</u> : Notify Board when Action Letters are posted online.	
23.	Adjourn to May 5, 2022, 2:00 p.m., Lane Auditorium. • The meeting was adjourned at 6:56 p.m.		

ckb/tom

Attachment 1 – Proclamation Recognizing the Centennial of The Charlottesville Band

Attachment 2 – Proclamation Celebrating Asian American and Pacific Islander Heritage Month

Attachment 3 – Proclamation Recognizing Municipal Clerks Week

Attachment 4 – Proclamation Recognizing National Correctional Officers and Employees Week

Attachment 5 – Resolution Accepting Temporary Construction Easement from Southwood Charlottesville, LLC

Attachment 6 – Resolution to Approve SE 2021-00045 Brookhill Request for Variations to Code of Development (ZMA201500007)

Attachment 7 – Resolution to Set Calendar Year 2022 Tax Rates

Attachment 8 – Ordinance No. 22-15(3)

Attachment 9 – Ordinance No. 22-15(4)

Attachment 10 – Ordinance No. 22-15(5)

Attachment 11 – FY 2023 Budget Resolution

Attachment 12 – Annual Resolution of Appropriations

Attachment 13 – Resolution of Official Intent to Reimburse Expenditures with Proceeds of a Borrowing

Attachment 14 – FY 2023 Capital Improvements Plan Resolution

Attachment 15 – Resolution to Approve SE2022-00013 Ivy Rose Teahouse Homestay
Attachment 16 – Resolution to Approve SE2022-00009 1317 McCauley Street Homestay
Attachment 17 – Resolution to Approve Designated Outdoor Refreshment Area License at The Shops at Stonefield
Attachment 18 – Resolution to Approve SP202100018 Greenbrier Veterinarian Expansion
Attachment 19 – Ordinance No. 22-A(5)
Attachment 20 – ZMA202100015 Glenbrook – Application Plan dated February 18, 2022
Attachment 21 – ZMA202100015 Glenbrook – Proffers Dated March 28, 2022

Proclamation Recognizing the Centennial of the Charlottesville Band

WHEREAS, Whereas the Charlottesville Band Mission Statement reads: "We are the Charlottesville Band; local musicians enriching community life through excellence in musical performance and education since 1922 and through our free concerts, varied repertoire, and partnerships, we provide our members and audiences with experiences that entertain, uplift, and inspire"; and

WHEREAS, the Municipal Band of Charlottesville was established on August 17, 1922 and, gave its first concert at a park in downtown Charlottesville on August 29, 1922, and since its founding The Band has played hundreds of free concerts at civic functions, patriotic occasions and celebrations including events to honor several Presidents of the United States, as well as the Queen of England; and

WHEREAS, since admitting them to the Band in 1957, almost 600 women have played with the Band and Peggy Madison, one of the first eighteen women to join in 1957, continues to play with the Band to this day and the Band has had more than 1,700 musician members and continues to be one of the oldest continually operating community bands in the United States; and

WHEREAS, in 2020 and 2021, the Band upheld its commitment to a century of free uninterrupted music, playing through the pandemic with its ensembles performing at safely distanced outdoor concerts in the summer and with the full Band performing a December Holiday concert in downtown Charlottesville; and

WHEREAS, In 2021, The Municipal Band of Charlottesville changed its name to "The Charlottesville Band" to reflect its standing as an independent band.

NOW, THEREFORE, BE IT PROCLAIMED, that we, the Albemarle County Board of Supervisors, recognizes the Charlottesville Band as a valued resource for our community as it celebrates its Centennial.

Signed this 4th day of May 2022.

Proclamation
Celebrating Asian American and Pacific Islander Heritage Month

WHEREAS, Asian Americans and Pacific Islanders make up an estimated 5.6% of the U.S. population and a 7.3% of the population of Albemarle County; and

WHEREAS, Asian Americans and Pacific Islanders have flourished and succeeded in the County of Albemarle and are a vital part of our community's history, making important contributions to the cultural, civic, and economic life of the County; and

WHEREAS, in spite of the strength shown and successes achieved, Asian American and Pacific Islander communities face systemic barriers to economic justice, health equity, educational attainment, and personal safety, compounded by the stark gaps in Federal data, which too often fails to reflect the diversity of this community in terms of languages, ethnicities, and religions; and

WHEREAS, Asian American and Pacific Islander communities have faced increasing harassment and hate crimes during the COVID-19 pandemic, particularly targeted towards women and elders of the community; and

WHEREAS, present-day inequities faced by Asian American and Pacific Islander communities are rooted in our nation's history of exclusion, discrimination, racism, and xenophobia -- including discrimination legalized through the Page Act of 1875, the Chinese Exclusion Act of 1882, the incarceration of Japanese American citizens during World War II, and the targeted surveillance of South Asian Americans, especially those who are Muslim, Hindu, or Sikh, after the national tragedy of 9/11.

NOW, THEREFORE, BE IT PROCLAIMED, that the Albemarle County Board of Supervisors do hereby recognize and celebrate May 2022 as Asian American and Pacific Islander Heritage Month and encourage our community to observe this month by learning more about our collective history, including our darker chapters, so we can use lessons of the past to create a more inclusive and equitable future for us all.

Signed this 4th day of May 2022.

Proclamation Recognizing Municipal Clerks Week

WHEREAS, the Municipal Clerk is a time honored and vital part of local government that exists throughout the world and serves as an information center on functions of local government and community; and

WHEREAS, the Municipal Clerk is the oldest among public servants and provides a professional link between the citizens and local governing bodies and agencies of government at all levels; and

WHEREAS, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

WHEREAS, Municipal Clerks continually strive to improve the administration of the affairs of the Office of Municipal Clerk through participation in education programs, seminars, workshops and the annual meeting of their state, province, county and international professional organizations; and

WHEREAS, it is most appropriate that we recognize the accomplishments of the Municipal Clerk.

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

May 1 -7, 2022 as Municipal Clerks Week

and further extend appreciation to Claudette K. Borgersen, Clerk, Travis O. Morris, CMC, (Certified Municipal Clerk) Senior Deputy Clerk, and Carolyn Shaffer, Clerk to the Planning Commission; and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Signed this 4th day of May 2022.

PROCLAMATION
RECOGNIZING NATIONAL CORRECTIONAL OFFICERS AND EMPLOYEES WEEK

WHEREAS, National Correctional Officers and Employees Week was first proclaimed on May 5, 1984, by President Ronald Reagan when he signed Proclamation 5187 creating “National Correctional Officers’ Week,” to recognize the men and women who work in jails, prisons, and community correction across the country; and

WHEREAS, National Correctional Officers and Employees Week became the official name the first week in May when, in 1986, the U.S. Senate officially changed the name from “National Correctional Officers’ Week”; and

WHEREAS, National Correctional Officers and Employees Week has been designated as the week of May 1, 2022, through May 7, 2022, by the U.S. Department of Justice and the Federal Bureau of Prisons; and

WHEREAS, National Correctional Officers and Employees Week honors the work of correctional officers and correctional personnel for their service with honor, respect, and integrity; and

WHEREAS, National Correctional Officers and Employees Week in Albemarle County recognizes employees of the Albemarle Charlottesville Regional Jail for their role in safeguarding the citizens of Albemarle County by providing safe, secure and humane incarceration of offenders within their custody.

NOW THEREFORE, BE IT PROCLAIMED, we, the Albemarle County Board of Supervisors, do hereby recognize the week of May 1 through May 7, 2022, as “National Correctional Officers and Employees Week,” and all Albemarle County citizens are encouraged to pay tribute to the Correctional Employees of the Albemarle Charlottesville Regional Jail for the vital public service they provide.

Signed this 4th day of May 2022.

**RESOLUTION ACCEPTING TEMPORARY CONSTRUCTION EASEMENT
FROM SOUTHWOOD CHARLOTTSVILLE, LLC**

WHEREAS, Southwood Charlottesville, LLC owns Parcel ID Number 090A1-00-00-001E0; and

WHEREAS, an easement across this property is necessary in order for the County to comply with the requirements for the Southwood Village 1 Community Development Block Grant, which will support the funding for the construction of five single family dwelling units in Village 1, and the construction of a pocket park honoring the Monacan Indian Nation in Village 2 of the Southwood Redevelopment project Phase 1.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves the County's receipt of a temporary construction easement on Parcel ID Number 090A1-00-00-001E0, and authorizes the County Executive to sign, in a form approved by the County Attorney, a Deed of Easement and any other necessary related documents.

**RESOLUTION TO APPROVE
SE 2021-00045 BROOKHILL
REQUEST FOR VARIATIONS TO CODE OF DEVELOPMENT (ZMA201500007)**

WHEREAS, upon consideration of the Memorandum prepared in conjunction with the SE 2021-00045 Brookhill Request for Variations to Code of Development 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 §§ 18-8.2(b), 18-8.5.5.3, and 18-33.9, the Albemarle County Board of Supervisors hereby finds that the proposed special exceptions:

- (1) would be consistent with the goals and objectives of the Comprehensive Plan,
- (2) would not increase the approved development density or intensity of development,
- (3) would not adversely affect the timing and phasing of development of any other development in the zoning district,
- (4) would not require a special use permit, and
- (5) would be in general accord with the purpose and intent of the approved application.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves as special exceptions Variation #4 and Variation #5 to the Brookhill Code of Development, in general accord with the special exceptions application submitted by Collins Engineering dated October 22, 2021.

**RESOLUTION TO SET
CALENDAR YEAR 2022 TAX RATES**

BE IT RESOLVED that the Board of Supervisors of Albemarle County, Virginia, does hereby set the County Levy for Calendar Year 2022 for general County purposes at:

- (1) Eighty-Five and Four-Tenths Cents (\$0.854) on every One Hundred Dollars for assessed value of real estate;
- (2) Eighty-Five and Four-Tenths Cents (\$0.854) on every One Hundred Dollars for assessed value of manufactured homes;
- (3) Eighty-Five and Four-Tenths Cents (\$0.854) on every One Hundred Dollars for assessed value of public service property;
- (4) Three Dollars and Forty-Two Cents (\$3.42) on every One Hundred Dollars for assessed value of personal property;
- (5) Three Dollars and Forty-Two Cents (\$3.42) on every One Hundred Dollars for assessed value of business personal property that is not classified as machinery and tools, merchants' capital, or short-term rental property, with an original cost of less than Five Hundred Dollars (\$500.00); and
- (6) Three Dollars and Forty-Two Cents (\$3.42) on every One Hundred Dollars for assessed value of machinery and tools; and

BE IT FURTHER RESOLVED that the Board of Supervisors orders the Chief Financial Officer of Albemarle County to assess and collect County taxes on all taxable property, including all taxable real estate and all taxable personal property.

ORDINANCE NO. 22-15(3)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 15, TAXATION, ARTICLE 10, FOOD AND BEVERAGE TAX, 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 15, Taxation, Article 10, Food and Beverage Tax, of the Code of the County of Albemarle, Virginia, is hereby amended and reordained as follows:

By amending:

Sec. 15-1001 Food and beverage tax imposed; amount.

Chapter 15. Taxation

Article 10. Food and Beverage Tax

Sec. 15-1001 Food and beverage tax imposed; amount.

A tax is hereby imposed on the purchaser of all food served, sold, or delivered for human consumption in the County in or from a restaurant, whether prepared in that restaurant or not, or prepared by a caterer, subject to the limitations and conditions of Virginia Code § 58.1-3833.

- A. *Tax rate.* The rate of this tax is six percent of the amount paid for the food.
- B. *Computation.* In computing this tax, any fraction of \$0.005 or more shall be treated as \$0.01.
- C. *Applicability of Virginia Code § 58.1-3833 et seq.* Except as provided in this article, Article 7.1 of Chapter 38 of Title 58.1 of the Virginia Code (Virginia Code § 58.1-3833 et seq.) applies to this article.

(§ 8-76, 12-10-97; Code 1988, § 8-76; § 15-1201, Ord. 98-A(1), 8-5-98; § 15-1001, Ord. 19-15(1), 4-17-19; Ord 22-15(3), 5-4-22, effective 7-1-22)

State Law reference— Va. Code § 58.1-3833.

This ordinance is effective on and after July 1, 2022.

ORDINANCE NO. 22-15(4)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 15, TAXATION, ARTICLE 9, TRANSIENT OCCUPANCY TAX, 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 15, Taxation, Article 9, Transient Occupancy Tax, of the Code of the County of Albemarle, Virginia, is hereby amended and reordained as follows:

By amending:

Sec. 15-901 Transient occupancy tax imposed; amount.

Chapter 15. Taxation**Article 9. Transient Occupancy Tax**

Sec. 901 Transient occupancy tax imposed; amount.

A transient occupancy tax is hereby imposed on the use or possession of all rooms or spaces in hotels, motels, boarding houses, travel campgrounds, and other facilities offering guest rooms for fewer than 30 consecutive days as follows:

- A. *Tax rate.* The rate of this tax is eight percent of the amount charged for the use or possession.
- B. *Applicability of Virginia Code §§ 58.1-3819 and 58.1-3826 to this article.* Except as otherwise provided in this article, Virginia Code §§ 58.1-3819 and 58.1-3826 apply to this article.

(11-28-73; 8-15-74; 4-13-88; 3-19-97; § 8-41; Code 1988, § 8-42, Ord. No. 98-8(2), 6-10-98; § 15-901, Ord. 98-A(1), 8-5-98; Ord. 08-15(1), 10-1-08; Ord. 17-15(1), adopted 6-14-17, effective 8-1-17; Ord. 19-15(1), 4-17-19; Ord. 21-15(5), 12-1-21; Ord 22-15(4), 5-4-22, effective 7-1-22)

State Law reference - Va. Code §§ 58.1-3819 , 58.1-3826 .

This ordinance is effective on and after July 1, 2022.

ORDINANCE NO. 22-15(5)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 15, TAXATION, 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 15, Taxation, of the Code of the County of Albemarle, Virginia, is hereby amended as follows:

By adding:

Article 8.1 Disposable Plastic Bag Tax
Sec. 15-810 Disposable plastic bag tax imposed.
Sec. 15-811 Adoption of State law.

Chapter 15. Taxation

Article 8.1 Disposable Plastic Bag Tax

Sec. 15-810 - Disposable plastic bag tax imposed.

There is imposed a tax of \$0.05 for each disposable plastic bag provided, whether or not provided free of charge, to all consumers of tangible personal property by retailers in grocery stores, convenience stores, or drug stores.

(§ 15-810; Ord. 22-15(5), 5-4-22, effective 1-1-23)

State law reference(s)—Va. Code § 58.1-1745(A).

Sec. 15-811 – Adoption of state law.

Virginia Code Title 58.1, Chapter 17, Article 12 (Virginia Code § 58.1-1745 et seq.) is incorporated into this chapter by reference and made applicable to the County, mutatis mutandis.

All revenues accruing to the County from the tax imposed under this ordinance are appropriated to one or more of the following purposes: environmental cleanup, providing education programs designed to reduce environmental waste, mitigating pollution and litter, or providing reusable bags to recipients of Supplemental Nutrition Assistance Program (SNAP) or Women, Infants, and Children Program (WIC) benefits.

(§ 15-811; Ord. 22-15(5), 5-4-22, effective 1-1-23)

State law reference(s)—Va. Code § 58.1-1745 et seq.

This ordinance is effective on and after January 1, 2023.

The clerk shall provide a certified copy of this ordinance to the Tax Commissioner of the Commonwealth by September 30, 2022.

**FY 2023
BUDGET RESOLUTION**

BE IT RESOLVED by the Board of Supervisors of Albemarle County, Virginia:

1) That the budget for the County for the Fiscal Year beginning July 1, 2022 is made up of the County Executive's Recommended Budget document and the amendments made by the Board of Supervisors.

2) That the budget for the County for the Fiscal Year beginning July 1, 2022 is summarized as follows:

General Fund	\$368,284,588
<u>Less Transfers to Other Funds</u>	<u>(210,560,135)</u>
Net General Government - General Fund	\$157,724,453
 School Fund	 \$246,458,034
<u>Less Transfer to Other Funds</u>	<u>(13,606,002)</u>
Net School Division - School Fund	\$232,852,032
 School Special Revenue Funds	 \$39,424,421
<u>Less Transfer to Other Funds</u>	<u>(27,475)</u>
Net School Division - Special Revenue Funds	\$39,396,946
 County Government - Other Funds	 \$59,925,922
<u>Less Transfer to Other Funds</u>	<u>(24,504,004)</u>
Net County Government - Other Funds	\$35,421,918
 Capital Projects Funds	
County Government CIP Fund (net of transfer to School CIP Fund)	\$42,235,792
School Projects CIP Fund	55,415,539
Total Capital Projects Funds	\$97,651,331
 <u>Less Transfer to Other Funds</u>	<u>(403,619)</u>
Net Capital Projects Funds	\$ 97,247,712
 Debt Service Funds	
County Government Debt Service Fund	\$7,362,278
School Debt Service Fund	16,276,669
Total Debt Service Funds	\$23,638,947
 TOTAL COUNTY BUDGET	\$586,282,008

3) That the budget for the County for the Fiscal Year beginning July 1, 2022 as described in 1) and 2) above is approved.

**ANNUAL RESOLUTION OF APPROPRIATIONS
OF THE COUNTY OF ALBEMARLE
FOR THE FISCAL YEAR ENDING June 30, 2023**

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, 2023; 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 - COUNTY 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, 2023:

Paragraph One: ADMINISTRATION

Board of Supervisors	\$698,917
Executive Leadership	\$5,941,629
Human Resources	\$1,837,828
County Attorney	\$1,536,566
Finance & Budget	\$8,178,898
Information Technology	\$7,080,411
Voter Registration and Elections	<u>\$1,101,409</u>
	\$26,375,658

Paragraph Two: JUDICIAL

Clerk of the Circuit Court	\$1,147,800
Commonwealth's Attorney	\$1,952,405
Sheriff	\$3,380,457
Circuit Court	\$202,983
General District Court	\$38,400
Magistrate	\$5,225
Juvenile Court	\$142,937
Public Defender's Office	<u>\$93,010</u>
	\$6,963,217

Paragraph Three: PUBLIC SAFETY

Police Department	\$23,139,431
Fire Rescue Department (including City Fire Contract, System-wide Fleet Mgmt., Forest Fire Extinction, and Volunteer Tax Credit)	\$19,693,623
Crozet Volunteer Fire Department	\$206,286
Earlysville Volunteer Fire Company	\$163,376
East Rivanna Volunteer Fire Company	\$219,899
North Garden Volunteer Fire Company	\$115,658
Scottsville Volunteer Fire Department	\$171,446
Seminole Trail Volunteer Fire Department	\$417,560
Stony Point Volunteer Fire Company	\$157,495
Western Albemarle Rescue Squad (WARS) (including Contingency: WARS MOU)	\$473,978
Emergency Communications Center	\$3,294,904
Albemarle Charlottesville Regional Jail	\$4,132,405
Blue Ridge Juvenile Detention Center	\$538,496
Charlottesville Albemarle SPCA	\$702,122
Virginia Juvenile Community Crime Control Act (VJCCA)	<u>\$52,231</u>
	\$53,478,910

Paragraph Four: PUBLIC WORKS

Facilities and Environmental Services	\$5,857,189
Rivanna Solid Waste Authority (RSWA)	\$2,119,965
Thomas Jefferson Soil and Water Conservation	\$134,128
Rivanna Conservation Alliance - Streamwatch	<u>\$15,000</u>
	\$8,126,282

Paragraph Five: HEALTH AND WELFARE

Department of Social Services	\$20,489,616
Albemarle Housing Improvement Program (AHIP)	\$428,480
Boys & Girls Club	\$57,680
Charlottesville Free Clinic	\$116,699
Charlottesville/Albemarle Health Department	\$846,659
Child Health Partnership	\$329,456
Computers4Kids	\$14,761
Foothills Child Advocacy Center	\$44,791
The Fountain Fund	\$17,500
Georgia's Friends	\$25,000
Jefferson Area Board for Aging (JABA)	\$377,985
Legal Aid Justice Center	\$41,012
Light House Studio	\$16,642
Literacy Volunteers	\$27,900
Local Food Hub	\$10,000

Meals on Wheels	\$10,400
Monticello Area Community Action Agency (MACAA)	\$46,280
Offender Aid and Restoration (OAR)	\$227,770
On Our Own	\$9,884
PACEM	\$946
Partner for Mental Health	\$15,000
Piedmont Court Appointed Special Advocates	\$9,880
Piedmont Family YMCA	\$10,400
Piedmont Housing Alliance (PHA)	\$63,187
ReadyKids	\$74,610
Region Ten	\$826,760
Sexual Assault Resource Agency (SARA)	\$21,855
Shelter for Help in Emergency (SHE)	\$97,181
The Bridge Line	\$28,051
The Haven	\$16,446
Thomas Jefferson Area Coalition for the Homeless (TJACH)	\$10,000
United Way	\$174,497
Women's Initiative	<u>\$15,447</u>
	\$24,502,775

Paragraph Six: EDUCATION

Piedmont Virginia Community College	\$24,757
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Paragraph Seven: PARKS, RECREATION AND CULTURE

Parks & Recreation	\$3,987,990
Charlottesville/Albemarle Convention and Visitor's Bureau	\$605,771
Charlottesville Ballet	\$2,500
Charlottesville Band	\$8,000
Jefferson-Madison Regional Library	\$4,966,782
Lighthouse Studio/Vinegar Hill Theater	\$2,500
Live Arts	\$5,000
Music Resource Center	\$2,500
Paramount Theater	\$5,000
New City Arts Initiative	\$2,500
Virginia Discovery Museum	\$5,000
Virginia Festival of the Book	\$12,500
Virginia Film Festival	<u>\$12,500</u>
	\$9,618,543

Paragraph Eight: COMMUNITY DEVELOPMENT

Department of Community Development	\$8,261,955
Office of Economic Development	\$665,597
Central Virginia Partnership for Economic Development	\$55,272
Central Virginia Small Business Development Center (CVSBDC)	\$36,000
Community Investment Collaborative	\$25,000
Virginia Career Works - Piedmont Region	\$16,623
Central Shenandoah Planning District Commission	\$5,546
Charlottesville Area Transit	\$1,000,000
Jaunt	\$2,309,213
Regional Transit Partnership	\$55,000
Microtransit Reserve	\$275,000
Thomas Jefferson Planning District Commission	\$156,222
Virginia Cooperative Extension Service	<u>\$225,653</u>
	\$13,087,081

Paragraph Nine: REVENUE SHARING AGREEMENT

Revenue Sharing Agreement	\$15,545,227
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Paragraph Ten: TAX REFUNDS, ABATEMENTS, & OTHER REFUNDS:

Refunds, Abatements, and Tax Relief	\$1,520,000
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Paragraph Eleven: OTHER USES OF FUNDS

Transfer to School Operations	\$167,453,853
Formula Transfer to Capital Projects and Debt Service Funds	\$35,820,668
Transfer to Water Resources Fund	\$1,668,176
Transfer to Economic Development Authority Fund	\$315,000
Space Reserve	\$558,000
Reserve for Contingencies	\$565,521
Salary and Benefits Reserve	\$1,650,000
Business Process Optimization Reserve	\$200,000
Early Retirement	<u>\$810,920</u>
	\$209,042,138

Total GENERAL FUND appropriations for the fiscal year ending June 30, 2023:

\$368,284,588

To be provided as follows:

Revenue from Local Sources	\$324,391,999
Revenue from the Commonwealth	\$28,801,879
Revenue from the Federal Government	\$8,266,645
Transfers In from Other Funds	\$3,604,144
Use of Fund Balance	\$3,219,921

Total GENERAL FUND resources available for fiscal year ending June 30, 2023:

\$368,284,588

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, 2023:

Paragraph One: GENERAL FUND SCHOOL RESERVE FUND

Transfer to the School Fund	\$9,810,950
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Total GENERAL FUND SCHOOL RESERVE FUND appropriations for fiscal year ending June 30, 2023:

\$9,810,950

To be provided as follows:

Use of Fund Balance	\$9,810,950
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Total GENERAL FUND SCHOOL RESERVE FUND resources available for fiscal year ending June 30, 2023:

\$9,810,950

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, 2023:

Paragraph One: REGULAR SCHOOL FUND

School Fund Expenditures	\$246,458,034
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Total REGULAR SCHOOL FUND appropriations for fiscal year ending June 30, 2023:

\$246,458,034

To be provided as follows:

Revenue from Local Sources (General Fund Transfer)	\$167,453,853
Revenue from Other Local Sources	\$1,462,390
Revenue from the Commonwealth	\$67,085,366
Revenue from the Federal Government	\$618,000
Transfers	\$27,475
Transfer from General Fund School Reserve Fund	\$9,810,950

Total REGULAR SCHOOL FUND resources available for fiscal year ending June 30, 2023:

\$246,458,034

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, 2023:

Paragraph One: OTHER SCHOOL FUNDS

Other School Funds	\$39,424,421
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Total OTHER SCHOOL FUND appropriations for fiscal year ending June 30, 2023:

\$39,424,421

To be provided as follows:

Revenue from Local Sources	\$7,392,587
Revenue from the Commonwealth	\$3,025,326
Revenue from the Federal Government	\$22,356,163
Transfers	\$6,010,752
Use of Fund Balance	\$639,593

Total OTHER SCHOOL FUND resources available for fiscal year ending June 30, 2023:

\$39,424,421

SECTION V: OTHER COUNTY 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, 2023:

Paragraph One: OTHER COUNTY GOVERNMENT FUNDS

American Rescue Plan Act (ARPA)	\$12,158,944
American Rescue Plan Act (ARPA) Reserve	\$10,000,000
Computer Maintenance and Replacement	\$712,450
Commonwealth's Attorney Delinquent Fines and Fees	\$60,000
Victim-Witness Grant	\$232,009
Regional Firearms Training Center - Operations	\$217,648
Regional Firearms Training Center - Capital	\$90,000
Criminal Justice Grant	\$731,081
Water Resources	\$1,668,176
Courthouse Maintenance	\$32,019
Old Crozet School Operations	\$93,523
Plastic Bag Tax Fund	\$20,000
Vehicle Replacement	\$1,535,955
Children's Services Act	\$11,339,875
Martha Jefferson Health Grant	\$4,000
Housing Assistance Fund	\$4,237,155
Housing Fund	\$783,209
CACVB Fund	\$1,728,863
Darden Towe Memorial Park	\$371,134
Tourism	\$1,693,440
Economic Development Authority	\$612,461
Economic Development Fund	\$1,793,030

Total OTHER COUNTY GOVERNMENT FUNDS appropriations for fiscal year ending June 30, 2023:

\$50,114,972

To be provided as follows:

Revenue from Local Sources	\$3,013,693
Revenue from the Commonwealth	\$7,638,722
Revenue from the Federal Government	\$16,488,477
Transfers In from Other Funds	\$20,619,251
Use of Fund Balance	\$2,354,829

Total OTHER COUNTY GOVERNMENT FUNDS resources available for fiscal year ending June 30, 2023:

\$50,114,972

SECTION VI - COUNTY GOVERNMENT CAPITAL IMPROVEMENTS FUND

That the following sums of money be and the same hereby are appropriated from the COUNTY GOVERNMENT CAPITAL IMPROVEMENTS FUND to be apportioned as follows for the purposes herein specified for the fiscal year ending June 30, 2023:

Paragraph One: ADMINISTRATION

County Server Infrastructure Upgrade	\$520,000
Core Systems Modernization	<u>\$5,950,000</u>
	\$6,470,000

Paragraph Two: JUDICIAL

Court Facilities Addition/Renovation	\$18,500,000
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Paragraph Three: PUBLIC SAFETY

Fire Rescue Apparatus Replacement Program	\$2,913,225
Police County 800Mhz Radio Replacements	\$1,600,000
Police Mobile Data Computers Replacement	\$87,500
Police Patrol Video Cameras Replacement	<u>\$150,000</u>
	\$4,750,725

Paragraph Four: PUBLIC WORKS

County Government Maintenance Programs	\$1,967,000
Street Sweeper Purchase	\$385,000
Ivy Landfill Remediation	\$640,000
Moores Creek Septage Receiving Station	\$109,441
NIFI-The Square	\$500,000
Southern Convenience Center Development	\$520,000
Regional Firearms Training Center Capital Reserve - County Share	<u>\$39,600</u>
	\$4,161,041

Paragraph Five: PARKS, RECREATION & CULTURE

Biscuit Run	\$2,748,310
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Paragraph Six: COMMUNITY DEVELOPMENT

Transportation Leveraging Program	\$2,105,765
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Paragraph Seven: OTHER USES OF FUNDS

Cost of Issuance	\$1,263,770
Placeholder - Strategic Plan & Comprehensive Plan Update	\$254,430
Project Management and Administrative Services	\$1,981,751
Borrowed Proceeds Transfer	<u>\$40,280,950</u>
	\$43,780,901

Total COUNTY GOVERNMENT CAPITAL IMPROVEMENTS FUND appropriations for fiscal year ending June 30, 2023:

\$82,516,742

To be provided as follows:

Revenue from Local Sources (General Fund Transfer)	\$11,152,370
Revenue from Local Sources (Other Transfers)	\$532,019
Revenue from Other Local Sources (including proffers)	\$1,427,585
Borrowed Funds	\$63,454,768
Use of Fund Balance	<u>\$5,950,000</u>

Total COUNTY GOVERNMENT CAPITAL IMPROVEMENTS FUND resources available for fiscal year ending June 30, 2023:

\$82,516,742

SECTION VII: PUBLIC SCHOOLS CAPITAL IMPROVEMENTS FUND

That the following sums of money be and the same hereby are appropriated from the PUBLIC SCHOOLS CAPITAL IMPROVEMENTS FUND for the purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2023:

Paragraph One: EDUCATION (PUBLIC SCHOOLS)

School Capacity #1 - High School Capacity and Improvements - Center II	\$32,500,000
Mountain View Elementary Expansion and Site Improvements	\$2,190,950
Project Management Services	\$364,019
School Projects Holding Account	\$5,024,579
School Bus Replacement	\$1,500,000
School Maintenance/Replacement	\$10,581,000
School Renovations	\$1,404,991
School Network Infrastructure	\$1,850,000

Total PUBLIC SCHOOLS CAPITAL IMPROVEMENTS FUND appropriations for fiscal year ending June 30, 2023:

\$55,415,539

To be provided as follows:

Revenue from Local Sources (County Govt Capital Programs Transfer)	\$40,280,950
Revenue from Local Sources (General Fund Transfer)	\$1,636,247
Revenue from Local Sources (School Fund Transfer)	\$5,024,579
Revenue from Other Local Sources	\$135,000
Revenue from the Commonwealth	\$3,865,941
Revenue from the Federal Government	\$1,567,762
Use of Fund Balance	\$2,905,060

Total PUBLIC SCHOOLS CAPITAL IMPROVEMENTS FUND resources available for fiscal year ending June 30, 2023:

\$55,415,539

SECTION VIII: 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 COUNTY GOVERNMENT DEBT SERVICE FUND and the PUBLIC SCHOOLS DEBT SERVICE FUND for the fiscal year ending June 30, 2023:

Paragraph One: PUBLIC SCHOOLS DEBT SERVICE FUND

Debt Service - Public Schools	<u>\$16,276,669</u>
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Total PUBLIC SCHOOLS DEBT SERVICE appropriations for fiscal year ending June 30, 2023:

\$16,276,669

To be provided as follows:

Revenue from Local Sources (Transfer from General Fund)	\$15,867,171
Revenue from the Commonwealth	\$330,108
Revenue from the Federal Government	<u>\$79,390</u>

Total PUBLIC SCHOOLS DEBT SERVICE resources available for fiscal year ending June 30, 2023:

\$16,276,669

Paragraph Two: COUNTY GOVERNMENT DEBT SERVICE FUND

Debt Service - County Government	<u>\$7,362,278</u>
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Total COUNTY GOVERNMENT DEBT SERVICE appropriations for fiscal year ending June 30, 2023:

\$7,362,278

To be provided as follows:

Revenue from Local Sources (Transfer from General Fund)	\$7,164,879
Revenue from Local Sources (Transfer from Stormwater Fund)	<u>\$197,399</u>
Total COUNTY GOVERNMENT DEBT SERVICE resources available for fiscal year ending June 30, 2023:	\$7,362,278
GRAND TOTAL - DEBT SERVICE FUNDS	<u>\$23,638,947</u>

**TOTAL APPROPRIATIONS INCLUDED IN
SECTIONS I - VIII OF THIS RESOLUTION
FOR THE FISCAL YEAR ENDING June 30, 2023**

RECAPITULATION:

Appropriations:

Section I	General Fund	\$368,284,588
Section II	General Fund School Reserve Fund	\$9,810,950
Section III	School Fund	\$246,458,034
Section IV	Other School Funds	\$39,424,421
Section V	Other County Government Funds	\$50,114,972
Section VI	County Government Capital Improvements Fund	\$82,516,742
Section VII	Public Schools Capital Improvements Fund	\$55,415,539
Section VIII	Debt Service	<u>\$23,638,947</u>
		\$875,664,193

Less Inter-Fund Transfers

(\$289,382,185)

GRAND TOTAL - ALBEMARLE COUNTY APPROPRIATIONS	<u>\$586,282,008</u>
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SECTION IX: 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, 2023:

Paragraph One: EMERGENCY COMMUNICATIONS CENTER FUND

Emergency Communications Center	<u>\$8,066,354</u>
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Total EMERGENCY COMMUNICATIONS CENTER FUND appropriations for fiscal year ending June 30, 2023:	<u>\$8,066,354</u>
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To be provided as follows:

Albemarle County	\$3,294,904
City of Charlottesville	\$1,925,616
University of Virginia	\$1,882,789
Revenue from Other Local Sources	\$259,257
Revenue from the Commonwealth	\$699,795
Revenue from the Federal Government	\$3,993

Total EMERGENCY COMMUNICATIONS CENTER FUND resources available for fiscal year ending June 30, 2023:	<u>\$8,066,354</u>
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SECTION X

All of the monies appropriated as shown by the contained items in Sections I through IX 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 Chief Financial Officer 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 Chief Financial Officer. 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 Chief Financial Officer 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 Chief Financial Officer.

Paragraph Six

Any funds appropriated herein to recipients who are not directly governed by the Board of Supervisors ("External Recipients") may be used only for the exclusive and singular purpose for which the funds are appropriated, subject to any additional conditions as stated in the Approved Budget, County policies, County agreement with the External Recipient, or as otherwise required or proscribed by law or ordinance. External Recipients have an affirmative fiscal duty to account for the appropriate and most responsible use of the funds and, as an express condition of the appropriation and in addition to other reporting requirements, must provide an accounting upon request by the County within 30 days in a form determined by the Department of Finance and Budget. External Recipients must be able to at all times account for any County funds appropriated to them separate from donations from any other source. Failure to adhere to these conditions or to the purposes for which the appropriations are made may, among other remedies, affect future appropriations. The Department of Finance and Budget is authorized to withhold transfers of appropriated funds to any External Recipient until any pending requests for reporting and accounting have been met to the County's satisfaction. If any funds allocated to an External Recipient remains unused at the end of FY 23, the unspent balance must be returned to the County unless a County agreement with the External Recipient, an agreement to which the County is a party pertaining to the funding terms of the External Recipient, or the applicable law, provides otherwise. These foregoing conditions shall be deemed incorporated into any agreement with an External Recipient executed after May 4, 2022.

Paragraph Seven

The County Executive is authorized to:

1) administratively approve budget transfers of unencumbered funds of up to \$500,000.00 per fund in the fiscal year from one classification, department, or project to another within the same fund;

2) allocate funding between the below identified classifications and the appropriate budget line-items for expenditure:

Expenditure Classifications Eligible for Transfer Under this Resolution:

General Fund

- Business Process Optimization Reserve
- Climate Action Pool
- Pandemic Reserve
- Reserve for Contingencies
- Salary and Benefits Reserve
- Space Reserve

Capital Funds

- Advancing Strategic Priorities Reserve in CIP
- Economic Development Funding for Public-Private Partnerships (P3s)
- Transportation Leveraging Fund

3) allocate salary lapse between department budgets;

4) administratively approve the carry forward of outstanding grants and capital projects and programs from year to year;

5) close out Capital projects and transfer any unencumbered residual funds to the Capital Improvement Fund fund balance;

6) close out grant funds; including the transfer of any unencumbered residual funds to the appropriate fund's fund balance.

7) administratively approve the carry forward of outstanding balances up to \$18,000,000 for estimated encumbered purchase orders.

Paragraph Eight

The Chief Financial Officer 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 Nine

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

Paragraph Ten

This resolution shall become effective on July 1, 2022.

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

WHEREAS, the Board of Supervisors of Albemarle County, Virginia (the "Borrower") has or intends to acquire, construct and equip various capital improvement projects described in the Borrower's Capital Improvement Program (as it may be amended from time to time), including but not limited to projects undertaken for the following governmental and public purpose categories: (a) County administration, (b) judicial, (c) parks, recreation and cultural, (d) community development, (e) public safety, (f) public works, (g) schools, (h) transportation, (i) water resources and (j) solid waste (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 \$68,449,995.

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.

FY 2023
CAPITAL IMPROVEMENTS PLAN RESOLUTION

BE IT RESOLVED by the Board of Supervisors of Albemarle County, Virginia:

- 1) The County Executive has prepared and recommended a Five-Year Capital Improvements Plan to the Board of Supervisors and that plan is included in the Budget Document and was presented at Budget Work Session #2 on March 14, 2022, with project discussion by the Board of Supervisors at additional budget work sessions.
- 2) The Board of Supervisors of Albemarle County hereby adopts the Five-Year Capital Improvements Plan for FY 23 - 27 as summarized below:

CIP Expenditures (net of transfers)	FY 23 - 27	
Administration	\$	14,867,000
Judicial	\$	18,500,000
Public Safety	\$	22,069,117
Public Works	\$	18,154,458
Parks, Recreation, & Culture	\$	7,214,156
Community Development	\$	21,916,765
Other	\$	41,436,712
Public Schools	\$	153,173,496
Total CIP Expenditures	\$	297,331,704

**RESOLUTION TO APPROVE
SE2022-00013 IVY ROSE TEAHOUSE HOMESTAY**

WHEREAS, upon consideration of the Memorandum prepared in conjunction with the SE2022-00013 Ivy Rose Teahouse 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:

- (i) would not cause adverse impacts to the surrounding neighborhood;
- (ii) would not cause adverse impacts to the public health, safety, or welfare;
- (iii) would be consistent with the Comprehensive Plan and any applicable master or small-area plan(s); and
- (iv) would be consistent in size and scale with the surrounding neighborhood.

NOW, THEREFORE, BE IT RESOLVED, that in association with the Ivy Rose Teahouse Homestay, the Albemarle County Board of Supervisors hereby approves the special exception to permit a resident manager to fulfill the residency requirements for a homestay use, subject to the conditions attached hereto.

* * * * *

SE2022-00013 Ivy Rose Teahouse Homestay Conditions

1. Parking for homestay guests must meet the requirements for homestays as outlined in County Code § 18-5.1.48(b) (Attachment C).
2. The existing screening, as depicted on the Parking and Structures Location Exhibit dated April 14, 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
SE2022-00009 1317 MCCAULEY STREET HOMESTAY**

WHEREAS, upon consideration of the Memorandum prepared in conjunction with the SE2022-00009 1317 McCauley Street 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:

- (i) would not cause adverse impacts to the surrounding neighborhood;
- (ii) would not cause adverse impacts to the public health, safety, or welfare;
- (iii) would be consistent with the Comprehensive Plan and any applicable master or small-area plan(s); and
- (iv) would be consistent in size and scale with the surrounding neighborhood

NOW, THEREFORE, BE IT RESOLVED, that in association with the 1317 McCauley Street Homestay, the Albemarle County Board of Supervisors hereby approves the special exception to permit the use of an accessory structure for a homestay, subject to the conditions attached hereto.

* * * * *

SE2022-00009 1317 McCauley Street Homestay Special Exception Conditions

1. Parking for homestay guests must meet the requirements for homestays as outlined in County Code § 18-5.1.48(b) (Attachment C).
2. Homestay use is limited to (i) the existing accessory structure as currently configured or (ii) a primary dwelling meeting all homestay setbacks as depicted on the Parking and Structures Location Exhibit dated April 13, 2022.

**RESOLUTION TO APPROVE THE DESIGNATED OUTDOOR REFRESHMENT
AREA LICENSE AT THE SHOPS AT STONEFIELD**

WHEREAS, the 2021 General Assembly amended laws pertaining to the Alcoholic Beverage Control Authority's retail licenses, redefining "local special events" licenses as licenses for "Designated Outdoor Refreshment Areas;" and

WHEREAS, The Shops at Stonefield will be partnering with a local charitable non-profit organization to apply for a Designated Outdoor Refreshment Areas license from the Alcoholic Beverage Control Authority;

WHEREAS, this partnership has drafted a public safety plan that has been reviewed and approved by both the Albemarle County Police Department and Albemarle County Fire and Rescue; and

WHEREAS, this Board finds the planned events promote economic, recreational, cultural, and entertainment opportunities for the public and are consistent with the general welfare of the County.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to Virginia Code § 4.1-206.3, the Board of Supervisors of Albemarle County, Virginia, hereby authorizes the County Executive to sign the letter of support regarding a local charitable non-profit organization's application for a Designated Outdoor Refreshment Areas license to hold events at the Shops at Stonefield in Albemarle County.

**RESOLUTION TO APPROVE
SP202100018 GREENBRIER VETERINARIAN EXPANSION**

WHEREAS, upon consideration of the staff report prepared for SP202100018 Greenbrier Veterinarian Expansion 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 §§ 18-22.2.2(5), 18-24.2.2(4), and 18-33.8, 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, with the uses permitted by right in the underlying zoning districts, with the applicable provisions of *County Code* § 18-5.1.11, 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 SP202100018 Greenbrier Veterinarian Expansion, subject to the conditions attached hereto.

* * * * *

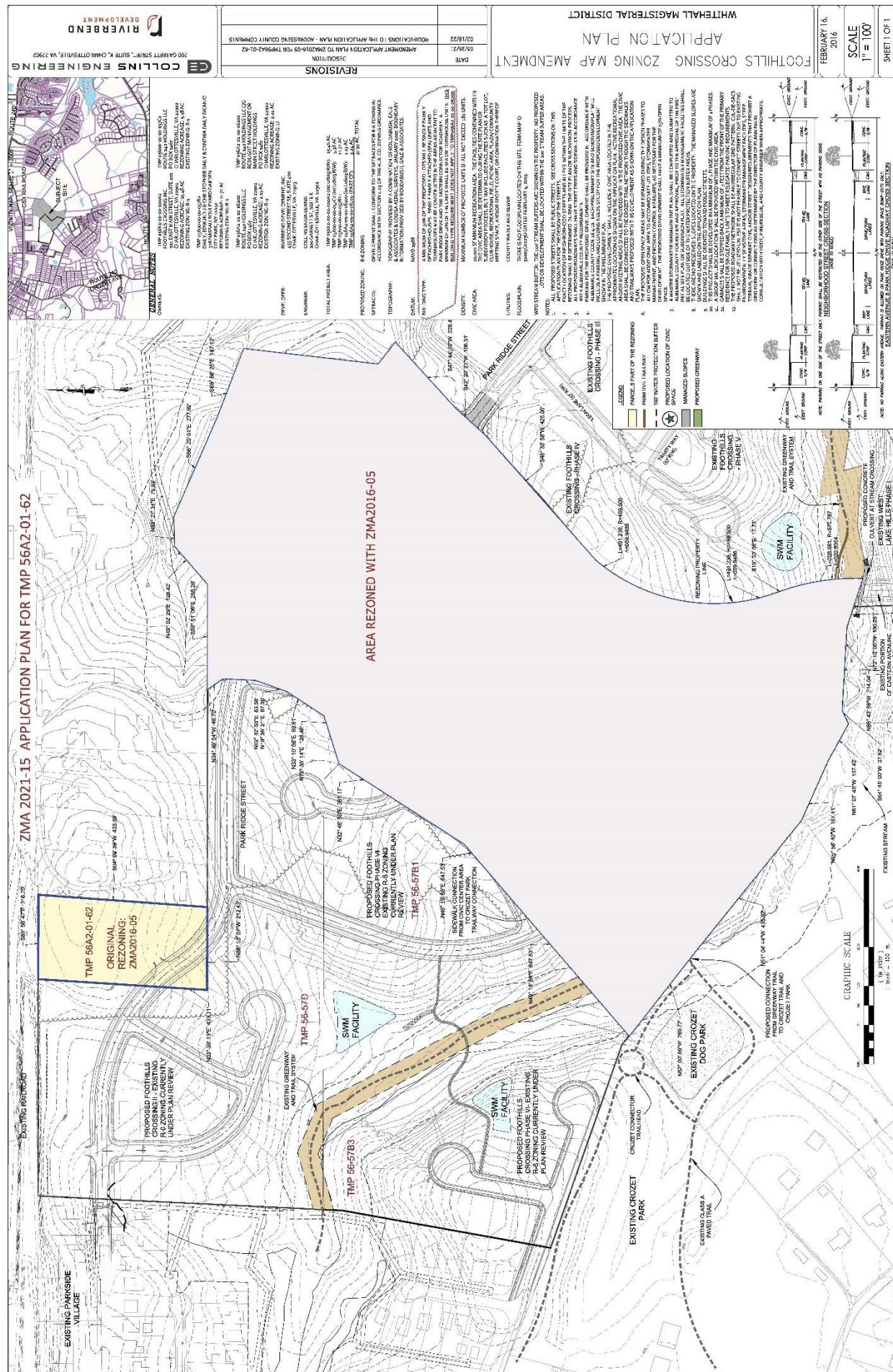
SP202100018 Greenbrier Veterinarian Expansion Special Use Permit Conditions

1. There shall be no outside exercise area. However, walking of animals is permitted and shall be delineated with either post and cable or fencing to an area in the northwest corner of the parcel as shown on the attachment (described in 3);
2. No animals are to be confined outside;
3. Use is allowed in 370 and 380-386 Greenbrier Drive as shown on the attached Land Title Survey Showing Parcel B-1 Section One Westfield created by B. Aubrey Huffman and Associates, LLC dated April 13, 2005; and
4. No overnight boarding shall be permitted, except for those animals under emergency medical care.

**ORDINANCE NO. 22-A(5)
ZMA 2021-00015 GLENBROOK**

**AN ORDINANCE TO AMEND THE ZONING MAP
FOR PARCEL ID 056A2-01-00-06200**

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 2021-00015 and their attachments, including the application plan last revised on February 18, 2022 the proffers dated March 28, 2022, the information presented at the public hearing, any comments received, the material and relevant factors in Virginia Code § 15.2-2284 and County Code §§ 18-16.1 and 18-33.6, and for the purposes of public necessity, convenience, general welfare and good zoning practices, the Board hereby approves ZMA 2021-00015 with the application plan last revised on February 18, 2022 and the proffers dated March 28, 2022.



Amended PROFFER STATEMENT

FOOTHILLS CROSSING

Date: March 28, 2022

ZMA#: 2021-0015

Parcel ID #: 056A2-01-00-06200

Owner of Record: Glenbrook LLC

Rezone Parcel ID # 056A2-01-00-06200, totaling approximately 1.89 acres, from R-6 Residential to R-6 Residential.

Total Land Area: 1.89 acres

The owner and applicant specifically deem the following proffers reasonable and appropriate, as conclusively evidenced by the signature(s) on this document.

The Proffer Statement for Foothills Crossing, ZMA 2016-05, dated February 6, 2017, and approved by the Albemarle County Board of Supervisors on February 8, 2017, shall remain in full effect, except that the development of Parcel ID # 056A2-01-00-06200 (the "Property") shall be in accord with the Application Plan prepared by Collins Engineering dated February 16, 2016 and last revised on February 18, 2022, exempting the Property from the Building Type requirements of ZMA 2016-05.

[Signature page follows]

The undersigned Owner(s) hereby proffer that the use and development of the Property shall be in conformance with the proffers and conditions herein above. This Proffer Statement may be executed in any number of counterparts, each of which shall be an original and all of which together shall constitute but one and the same instrument

WITNESS the following signature:

OWNER of Parcel ID # 056A2-01-00-06200:

Glenbrook, LLC, a Virginia limited liability company

By: Riverbend Development, Inc.

Its: President

By: Alan R. Taylor
Alan R. Taylor
Its: President
Date: 3/29/2022