

ACTIONS
Board of Supervisors Meeting of March 13, 2013

March 14, 2013

<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>	<u>PODCAST</u>
1. Call to Order. <ul style="list-style-type: none"> Meeting was called back to order at 9:03 a.m., by the Chair, Ms. Mallek. All BOS members were present. Also present were Tom Foley, Larry Davis, Ella Jordan and Travis Morris. 		
2.2 FY 2013 Budget Amendment and Appropriations. <ul style="list-style-type: none"> By a vote of 6:0, APPROVED appropriations #2013063, #2013072, #2013074, #2013075, #2013076, and #2013077. 	<u>Clerk:</u> Notify OMB, Finance and appropriate individuals.	Listen
2.3 Resolution to accept road(s) in West Hall Subdivision into the State Secondary System of Highways. <ul style="list-style-type: none"> ADOPTED Resolution. 	<u>Clerk:</u> Forward signed resolution and Form AM-4.3 to Glenn Brooks. (Attachment 1)	
2.4 SDP-2011-00064. Senior Center – Belvedere Block 1, Preliminary Site Plan – Variations from Belvedere Code of Development. <ul style="list-style-type: none"> APPROVED variation #49 as recommended by staff subject to one condition. APPROVED variation #50 as recommended by staff subject to two conditions. APPROVED variation #51 as recommended by staff subject to seven conditions. 	<u>Clerk:</u> Set out conditions of approval. (Attachment 2)	
2.5 Road name change of Proffit Crossing to Proffit Crossing Lane. <ul style="list-style-type: none"> APPROVED changing the road name of Proffit Crossing to Proffit Crossing Lane and authorized staff to implement the change. 	<u>Andy Slack:</u> Proceed as approved.	
2.6 To authorize County Executive to sign Albemarle County Service Authority easement for a public waterline extension across Darden Towe Park to serve the Lewis and Clark Exploratory Center. <ul style="list-style-type: none"> ADOPTED Resolution approving the ACSA easement and AUTHORIZED the County Executive to sign, in a form approved by the County Attorney, the Deed of Easement on behalf of the County. 	<u>Clerk:</u> Forward copy of resolution to County Attorney and OFD. (Attachment 3)	
2.7 Resolution to approve the issuance of Economic Development Authority revenue refunding bonds in an amount not to exceed \$8,000,000. <ul style="list-style-type: none"> ADOPTED resolution. 	<u>Clerk:</u> Forward copy of resolution to McGuireWoods. (Attachment 4)	
2.8 SDP-2012-00071. Special Exception for Temporary Construction Yard. <ul style="list-style-type: none"> APPROVED the special exception subject to four conditions. 	<u>Clerk:</u> Set out conditions of approval. (Attachment 2)	
2.9 Bergen (Earlsville Forest) (Lot 166-Section 9B) - Special Exception for Setback Variation. <ul style="list-style-type: none"> APPROVED the special exception, as recommended by staff, to allow the requested variance to reduce the rear yard setback for Lot 168 from 20' to 16.5', which is a 3.5' reduction. 	<u>Rebecca Ragsdale:</u> Proceed as approved.	
2.10 Resolution Endorsing the Rail Preservation Application of Buckingham Branch Railroad Company. <ul style="list-style-type: none"> ADOPTED resolution. 	<u>Clerk:</u> Forward copy of adopted resolution to Buckingham Branch Railroad Company and County Attorney's office. (Attachment 5)	
3. To give notice of an intent to amend the Board's		

<p>Rules of Procedure to provide time limit for the initial "Matters from the Public" and to add another opportunity for "Matters from the Public" at the end of the agenda.</p> <ul style="list-style-type: none"> • CONSENSUS to not make any changes to the Board's Rules of Procedure, but agreed to hold public hearings after lunch during day meetings. 		Listen
<p>4. To establish a public process for appointing an interim Board member to hold office until a special election is held if a vacancy occurs on the Board.</p> <ul style="list-style-type: none"> • By a vote of 6:0, DIRECTED staff to establish an application process to be utilized and its intent to commit to a public process, if a vacancy occurs on the Board of Supervisors. 	<p><u>Clerk:</u> Proceed as directed.</p>	Listen
<p>5. Financial Management Policies.</p> <ul style="list-style-type: none"> • By a vote of 6:0, APPROVED the Financial Management Policies for inclusion in the Board's proposed budget for final adoption. 		Listen
<p>6. Industrial Hemp Farming Act of 2013.</p> <ul style="list-style-type: none"> • By a vote of 4:2, ADOPTED resolution. 	<p><u>Clerk:</u> Forward copy of signed resolution to James Politis and County Attorney's office. (Attachment 6)</p>	Listen
<p>7. Solid Waste Services RFP.</p> <ul style="list-style-type: none"> • DIRECTED staff is to review the draft RFP with potential bidders, determining if there is interest in bidding on this proposal and identifying any concerns with the draft RFP. Staff to then present its findings to the Board. 	<p><u>County Executive/Community Development:</u> Proceed as directed.</p>	Listen
<p>8. Closed Meeting.</p> <ul style="list-style-type: none"> • At 11:10 a.m., the Board went into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia under Subsection (1) to consider appointments to boards, committees, and commissions in which there are pending vacancies or requests for reappointments and to consider the removal of a Board member from his appointed position on certain committees and commissions; under Subsection (3) to discuss the acquisition of real property for a library because an open meeting discussion would adversely affect the bargaining position of the County; under Subsection (7) to consult with legal counsel and staff regarding specific legal matters requiring legal advice relating to the Lewis and Clark Exploratory Center of Virginia, Inc.; under Subsection (7) to consult with legal counsel and staff regarding the pending Bishop litigation because a public discussion would adversely affect the litigating posture of the County; and under Subsection (7) to consult with legal counsel and staff regarding probable litigation resulting from an accident on Old Mills Trail because a public discussion would adversely affect the litigating posture of the County. 		Listen
<p>9. Certified Closed Meeting.</p> <ul style="list-style-type: none"> • At 1:38 p.m., the Board reconvened into open meeting and certified the closed meeting. 		
<p>10. Boards and Commissions: Appointments.</p> <ul style="list-style-type: none"> • REAPPOINTED Ms. Mary Gallo, Mr. John Savage, Ms. Meg Holden and Mr. Kelly 	<p><u>Clerk:</u> Prepare appointment/reappointment letters, update Boards and Commissions book,</p>	

<p>Strickland to the Crozet Community Advisory Council, with said terms to expire March 31, 2015.</p> <ul style="list-style-type: none"> • APPOINTED Ms. Beth Bassett to the Crozet Community Advisory Council, with said term to expire on March 31, 2015. • APPOINTED Mr. Steve Janes as Rivanna District representative, to the Equalization Board, with said term to expire December 31, 2013. • REAPPOINTED Ms. Constance Palmer, Mr. Robert Gest III and Mr. Richard Lindsay to the Jefferson Area Board for Aging (JABA), with said terms to expire March 31, 2015. • APPOINTED Mr. Lewis Lloyd to the Public Recreational Facilities Authority, with said term to expire December 13, 2015. • REAPPOINTED Mr. Richard Wagaman, Ms. Carole Milks, Ms. Paula Pagonakis and Mr. Dennis Odinov to the Village of Rivanna Community Advisory Council, with said terms to expire March 31, 2015. <p><u>Appointed Board members to serve on the following committees:</u></p> <p><u>Ken Boyd:</u></p> <ul style="list-style-type: none"> • Audit Committee • Fiscal Impact Advisory Committee • Village of Rivanna Community Advisory Council <p><u>Dennis Rooker:</u></p> <ul style="list-style-type: none"> • Thomas Jefferson Planning District Commission <p><u>Rodney Thomas:</u></p> <ul style="list-style-type: none"> • Rivanna River Basin Commission 	<p>webpage, and notify appropriate persons.</p>	
<p>11. "Counting the Costs and Benefits of Growth: A Fiscal Impact Analysis of Growth in the City of Charlottesville and Albemarle County, Virginia."</p> <ul style="list-style-type: none"> • Received. 		<p>Listen</p>
<p>12. Department of Social Services Advisory Board Annual Report.</p> <ul style="list-style-type: none"> • Received. 		<p>Listen</p>
<p>13. Virginia Pre-School Initiative "Bright Stars" Annual Report.</p> <ul style="list-style-type: none"> • Received. 		<p>Listen</p>
<p>14. Work Session: ZTA-2013-01. Phase I – Wireless.</p> <ul style="list-style-type: none"> • Held. 	<p><u>Clerk:</u> Schedule on agenda when ready to come back to Board.</p>	<p>Listen</p>
<p>Recess. At 3:01 p.m., the Board took a recessed and reconvened at 4:00 p.m.</p>		
<p>15. <u>Joint Meeting with School Board:</u> Discussion: Medical and Dental Insurance Programs.</p> <ul style="list-style-type: none"> • By a vote of 6:0, APPROVED the following recommendations: <p><u>Medical Plan:</u></p> <ul style="list-style-type: none"> • Continue to offer the Basic and Plus plans through Coventry. • Increase the Board contribution by 7% for the new plan-year starting October 1, 2013. • Set full-time employee premiums (7% increase) <p><u>Dental Plan:</u></p>	<p><u>Human Resources:</u> Proceed as approved.</p>	<p>Listen</p>

<ul style="list-style-type: none"> • Continue the contract with United Concordia with no change in benefit design. • Retain the current rates for the new plan year starting October 1, 2013. • Implement a dental rate holiday from March 2013 through September 2013 for all dental enrollees for this period, regardless of hire date. 		
<p>16. Adjourn.</p> <ul style="list-style-type: none"> • At 5:01 p.m., the meeting was adjourned. 		
6:00 P.M. – Regular Night Meeting, Auditorium		
<p>1. Call to Order.</p> <ul style="list-style-type: none"> • Meeting was called to order at 6:01 p.m. by the Chair, Ms. Mallek. All BOS members were present. Also present were Tom Foley, Larry Davis and Travis Morris. 		Listen
<p>4. Adoption of Final Agenda.</p> <ul style="list-style-type: none"> • REMOVED agenda item #12. • ACCEPTED the final agenda. 		
<p>5. Brief Announcements by Board Members. <u>Ann Mallek</u></p> <ul style="list-style-type: none"> • Announced that the County held a native plant symposium to provide exposure to more people in the environmental planting infrastructure business. • Announced that the robotics team “Defying Gravity” won the state championship and are going to the first ever world championship. 		Listen
<p>6. Recognitions:</p> <p>a. Proclamation recognizing March 20 through March 24, 2013 as the 19th Annual Virginia Festival of the Book.</p> <ul style="list-style-type: none"> • Chair read and presented proclamation to Susan Coleman, Director Virginia Center for the Book. 		Listen
<p>7. From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> • <u>The following individuals spoke about the appropriateness of Mr. Dumler to continue to represent the Scottsville District:</u> <ul style="list-style-type: none"> • Jamie Morgan • Jordan McNeish • Carrol Kastanza • Dayna Brazille • Anna Freshwater • Charles Winkler • Keith Morris • Lena Marie • Steve Peters • Tim Dodson • Joe Draego • Randolph Byrd • Tom Olivier • Carole Thorpe • Kali Chichon • Richard Lloyd • Clara Belle Wheeler • Lewis Recler • Michael Basile • <u>Nancy Carpenter</u> resident of the Scottsville 		Listen

	District announced that one of the Albemarle nine passed away and thanked the Board for approving the nine housing vouchers for the previously homeless citizens.		
8.	<p>Pb. Hrg.: To consider granting a water line easement to the Albemarle County Service Authority across property owned by the County located on Berkmar Drive adjacent to Agnor-Hurt Elementary School (Parcel 04500-00-00-09400). This easement is necessary for the replacement of a water line along Berkmar Drive that provides water service to Greenfields Trailer Park.</p> <ul style="list-style-type: none"> By a vote of 6:0, APPROVED the proposed easement and authorized the County Executive to sign a deed of easement on behalf of the County after the deed has been approved by the County Attorney with any necessary changes. 	County Attorney: Provide Clerk's office with copy of signed document.	Listen
9.	<p>Pb. Hrg.: <u>SP-2012-00029. 5th Street Station (Sign #120).</u></p> <ul style="list-style-type: none"> By a vote of 6:0, APPROVED SP-2012-00029 with six conditions as outlined and modified by staff. 	Clerk: set out conditions of approval.	Listen
	Recess. At 8:17 p.m., the Board recessed and reconvened at 8:29 p.m.		
10.	<p>Pb. Hrg.: <u>ZTA-2010-00004. Industrial Uses.</u></p> <ul style="list-style-type: none"> CONSENSUS to defer action on ZTA-2010-00004 and ZTA-2012-00013 to allow the Board additional time to further consider the proposed amendments as provided, the public comments and points raised during its discussion before taking action. 	Clerk: Schedule on agenda when ready to come back to the Board.	Listen
11.	<p>Pb. Hrg.: <u>ZTA-2012-00013. Industrial Uses in Commercial Districts.</u></p> <ul style="list-style-type: none"> See actions above. 		
12.	To give notice of an intent to amend the Board's Rules of Procedure to provide time limit for the initial "Matters from the Public" and to add another opportunity for "Matters from the Public" at the end of the agenda. (REMOVED FROM AGENDA)		
13.	<p>From the Board: Committee Reports and Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> By a vote of 6:0, AUTHORIZED the County Attorney to settle the Bishop lawsuit. 	County Attorney: Proceed as authorized.	Listen
14.	<p>From the County Executive: Report on Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> There were none. 		
15.	<p>Adjourn to March 27, 2013 at 6:00 p.m., Lane Auditorium.</p> <ul style="list-style-type: none"> At 10:50 p.m., the Board adjourned until March 27, 2013. 		

ewj/tom

Attachment 1 – Resolution to accept road(s) in West Hall Subdivision into the State Secondary System of Highways

Attachment 2 – Conditions of Approval

Attachment 3 – Resolution - Albemarle County Service Authority easement for a public waterline extension across Darden Towe Park

Attachment 4 – Resolution – The Covenant School

Attachment 5 – Resolution Endorsing the Rail Preservation Application of Buckingham Branch Railroad Company

Attachment 6 – Resolution - Industrial Hemp Farming Act of 2013

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 13th day of March 2013, adopted the following resolution:

R E S O L U T I O N

WHEREAS, the street(s) in **West Hall Subdivision**, as described on the attached Additions Form AM-4.3 dated **March 13, 2013**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

WHEREAS, the Area Land Use Engineer for the Virginia Department of Transportation has advised the Board that the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **West Hall**, as described on the attached Additions Form AM-4.3 dated **March 13, 2013**, to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements; and

BE IT FURTHER RESOLVED that the Board guarantees a clear and unrestricted right-of-way, as described, exclusive of any necessary easements for cuts, fills and drainage as described on the recorded plats; and

FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Area Land Use Engineer for the Virginia Department of Transportation.

* * * * *

The road(s) described on Additions Form AM-4.3 is:

- 1) **Park Road (State Route 1204)** from Summerdean Road (Route 1901) southeast to Westhall Drive (1903), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3125, pages 306-313, with a 50-foot right-of-way width, for a length of 0.05 miles.
- 2) **Park Road (State Route 1204)** from Westhall Drive (Route 1903) southeast to Nicolet Court (1904), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3196, pages 41-48, with a 40-foot right-of-way width, for a length of 0.05 miles.
- 3) **Park Road (State Route 1204)** from Nicolet Court (1904) south of the cul-de-sac, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3196, pages 41-48, with a 40-foot right-of-way width, for a length of 0.06 miles.
- 4) **Summerdean Road (State Route 1901)** from Brookwood Road (1900) south to Park Road (Route 1204), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3125, pages 306-313, with a 53-foot right-of-way width, for a length of 0.07 miles.
- 5) **Park Road (State Route 1204)** from 0.22 miles east to Summerdean Road (Route 1901), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3125, pages 306-313, with a 50-foot right-of-way width, for a length of 0.12 miles.
- 6) **Westhall Drive (State Route 1903)** from Park Road (Route 1204) west to end of cul-de-sac, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3125, pages 306-313, with a 50-foot right-of-way width, for a length of 0.08 miles.

- 7) **Summerdean Road (State Route 1901)** from Brookwood Road (1900) north to Joanna Street (Route 1902), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 4077, pages 175-190, with a 53-foot right-of-way width, for a length of 0.10 miles.
- 8) **Joanna Street (State Route 1902)** from Summerdean Road (Route 1901) east to end of State maintenance, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 4077, pages 175-190, with a 55-foot right-of-way width, for a length of 0.05 miles.
- 9) **Westhall Drive (State Route 1903)** from Park Road (Route 1204) east t end of cul-de-sac, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3125, pages 306-313, with a 50-foot right-of-way width, for a length of 0.03 miles.
- 10) **Nicolet Court (State Route 1904)** from Park Road (1204) southwest to end of the cul-de-sac, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3196, pages 41-48, with a 40-foot right-of-way width, for a length of 0.07 miles.
- 11) **Joanna Street (State Route 1902)** from Summerdean Road (Route 1901) west to end of State maintenance, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 4077, pages 175-190, with a 55-foot right-of-way width, for a length of 0.05 miles.
- 12) **Brookwood Road (State Route 1900)** from 0.22 miles southeast of Route 1220 east to Summerdean Road (Route 1901), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3125, pages 306-313, with a 55-foot right-of-way width, for a length of 0.15 miles.

Total Mileage – 0.88

CONDITIONS OF APPROVAL**SDP-2011-00064. Senior Center – Belvedere Block 1, Preliminary Site Plan****Variation #49**

1. Table 10 of the Belvedere Code of Development must be updated prior to Final Site Plan approval.

Variation #50

1. The 'Pergola and Garden' feature along Belvedere Boulevard, as shown on the exhibit, will be required in addition to all standard street tree, parking lot, and site plan landscape requirements.
2. An updated description of Block 1 in the Belvedere Code of Development must be provided prior to Final Site Plan approval.

Variation #51

1. A minimum nine foot (9') paved parallel parking area must be provided on each side of the road section. Travel lanes will remain twelve feet (12') in width, free of on-street parking. Five feet (5') striped bike lanes will be provided on both sides of the road section as indicated in the Code of Development. A minimum six feet (6') planting strip is required between the road and the 8' multi-purpose trail, as previously approved. A four foot (4') planting strip and five feet (5') sidewalk must be provided on the opposite side of Belvedere Blvd for safety and pedestrian access.
2. The full width of the multi-purpose trail must be within the Belvedere Blvd right-of-way. Either a boundary line adjustment or realignment of the road section will be required.
3. As shown on the exhibit, bike lanes must be provided on both sides of Belvedere Blvd.
4. Revised road plans must be approved by the County Engineer and VDOT. Work with the County Engineer to provide additional traffic calming measures to their satisfaction.
5. A revised Water Protection Ordinance plan must be approved by Engineering.
6. VDOT acceptance of Belvedere Boulevard.
7. An updated Table 8 showing the changes listed above (and variations #49 & #50) must be provided as part of an updated Code of Development and Application Plan reflecting all variations approved since February 2, 2010 (the latest Code revision date) comprehensively prior to Final Site Plan approval.

SDP-2012-00071. Special Exception for Temporary Construction Yard

1. The temporary construction yard for Dominion Virginia Power's Doods-Bremo Rebuild Project shall be located in those areas of Tax Map and Parcel Number 07300-00-00-02800 shown on the drawing titled "Doods-Bremo Rebuilt Project's Temporary Laydown Yard at Ivy Landfill," dated January 18, 2013 (Attachment B).
2. The temporary construction yard shall be used only for the storage of construction or development materials, supplies, equipment, and tools, and the on-site stockpiling and recycling of useable construction materials and other items of Dominion Virginia Power for its Doods-Bremo Rebuilt Project.
3. Because this special exception authorizes only the temporary construction yard to be located off-site from the construction project, the temporary construction yard shall comply with all other requirements of County Code § 18-5.1.18(b).
4. Any activities associated with the temporary construction yard shall be conducted during Ivy Material Utilization Center's hours of operation.

SP-2012-00029. 5th Street Station

1. Disturbance of the floodplain shall be limited to that part of the attached exhibit which is labeled as "Proposed fill areas as of 27 Feb 2013". This area may be increased if determined necessary to accomplish the grading associated with an approved variation to plan. The County Engineer shall have the sole authority in making the determination if this modification to the disturbed area is necessary.
2. Final plans and construction shall provide a stable, non-erodible surface for fill materials, subject to County Engineer approval.

3. The applicant shall obtain Program Authority approval for an erosion and sediment control plan, and obtain a land disturbance permit according to the Water Protection Ordinance requirements prior to the start of construction.
4. The applicant shall obtain all necessary federal and state agency approvals (Army Corps of Engineers, Department of Environmental Quality, etc.) prior to commencing construction in the floodplain
5. The applicant shall obtain Program Authority approval of a mitigation plan, and provide mitigation according to the Water Protection Ordinance prior to commencing construction in the County regulated stream buffer. Stream bank mitigation on the Willoughby subdivision property shall be included in the mitigation plan if deemed necessary by the Program Authority and the property owner consents to the improvements in the mitigation plan being constructed on its property. Such mitigation plans shall be consistent with the intent of the proffers.
6. The applicant shall obtain approval from FEMA for changes to the floodplain prior to commencing construction in the floodplain and shall submit all documentation needed by FEMA to accurately reflect the as- built construction for a map revision following construction, Community Development shall not release erosion and sediment control bonds for this area until FEMA has all information needed to update the maps to reflect this change.

**RESOLUTION APPROVING DEED OF EASEMENT
BETWEEN THE COUNTY OF ALBEMARLE
AND THE ALBEMARLE COUNTY SERVICE AUTHORITY
FOR SERVICE TO THE LEWIS AND CLARK EXPLORATORY CENTER**

WHEREAS, the County of Albemarle and the City of Charlottesville jointly own Darden Towe Park (Parcel 06200-00-00-02300); and

WHEREAS, the County and City have leased a portion of Darden Towe Park for the construction and operation of the Lewis and Clark Exploratory Center; and

WHEREAS, an easement is necessary for the Albemarle County Service Authority to extend public water service to the Lewis and Clark Exploratory Center.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves the granting of an easement to the Albemarle County Service Authority, and authorizes the County Executive to sign, in a form approved by the County Attorney, a Deed of Easement with the Albemarle County Service Authority for an easement over Parcel 06200-00-00-02300 in order to provide public water service to the Lewis and Clark Exploratory Center at Darden Towe Park.

**RESOLUTION
OF THE BOARD OF SUPERVISORS OF
THE COUNTY OF ALBEMARLE, VIRGINIA**

WHEREAS, the Economic Development Authority of Albemarle County, Virginia ("Authority"), has considered the application of The Covenant School, Inc. (the "Borrower") requesting the issuance of the Authority's revenue refunding bonds in an amount not to exceed \$8,000,000 ("Bonds") to assist in financing the refunding of all or a portion of the outstanding principal amount of the Authority's Educational Facilities Revenue Bonds (The Covenant School, Inc.), Series 2001 (the "Series 2001 Bonds"), originally issued April 26, 2001 to (1) finance or refinance the acquisition, construction and equipping of the upper school and other capital improvements at the Borrower's 26-acre campus on Hickory Street near the intersection of Oak Hill Drive and certain other capital improvements and additions located at the Borrower's campus on Hickory Street all in the County of Albemarle, Virginia (the "Project"), and (2) pay financing and issuance costs related thereto ("Project"), and has held a public hearing on March 5, 2013;

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), provides that the governmental unit having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds;

WHEREAS, the Authority issues its bonds on behalf of the County of Albemarle, Virginia ("County"); the Project is located in the County and the Board of Supervisors of the County of Albemarle, Virginia ("Board") constitutes the highest elected governmental unit of the County;

WHEREAS, the Authority has recommended that the Board approve the issuance of the Bonds;
and

WHEREAS, a copy of the Authority's resolution approving the issuance of the Bonds, subject to the terms to be agreed upon, a certificate of the public hearing and a Fiscal Impact Statement have been filed with the Board.

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

1. The Board approves the issuance of the Bonds by the Authority for the benefit of the Borrower, as required by Section 147(f) of the Code and Section 15.2-4906 of the Code of Virginia of 1950, as amended ("Virginia Code") to permit the Authority to assist in the financing of the Project.
2. The approval of the issuance of the Bonds, as required by the Code, does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Project, the Borrower or any other person. The Bonds shall provide that the Authority and the County, among others, shall not be obligated to pay the Bonds or the interest thereon or other costs incident thereto, and neither the faith or credit nor the taxing power of the Commonwealth of Virginia or the County shall be pledged thereto.
3. This resolution shall take effect immediately upon its adoption.

**RESOLUTION ENDORSING THE
RAIL PRESERVATION APPLICATION OF
BUCKINGHAM BRANCH RAILROAD COMPANY**

WHEREAS, the Buckingham Branch Railroad Company desires to file an application with the Virginia Department of Rail and Public Transportation for funding assistance for the North Mountain Subdivision Rail Improvements project, which will replace approximately 12,000 linear feet of curve worn rail between Milepost 194 and 209; and

WHEREAS, Buckingham Branch Railroad Company estimates that this project will cost \$800,000; and

WHEREAS, the General Assembly, through enactment of the Rail Preservation Program provides for funding for certain improvements and procurement of railways in the Commonwealth of Virginia; and

WHEREAS, the Buckingham Branch Railroad Company is an important element of Albemarle County's transportation system; and

WHEREAS, the Buckingham Branch Railroad Company is instrumental in the economic development of the area, provides relief to the highway system by transporting freight, and provides an alternate means of transportation of commodities; and

WHEREAS, the Albemarle County Board of Supervisors supports the project and the retention of the rail service; and

WHEREAS, the Commonwealth Transportation Board has established procedures for all allocation and distribution of the funds provided;

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors does hereby request the Virginia Department of Rail and Public Transportation to give priority consideration to the North Mountain Subdivision Rail Improvements project proposed by the Buckingham Branch Railroad Company for inclusion in the projects funded in the Rail Preservation Program.

**RESOLUTION URGING THE 113TH CONGRESS
TO CONSIDER ADOPTION OF THE INDUSTRIAL HEMP FARMING ACT OF 2013**

WHEREAS, the industrial hemp industry has recently experienced a revitalization with worldwide hemp sales continuing to increase; and

WHEREAS, faltering agricultural economics in a number of states have created pressure to investigate alternative crops, including industrial hemp; and

WHEREAS, industrial hemp's three raw materials – fiber, hurds and seeds, can be used in more than 25,000 products, including textiles, rope, cellulose plastics, resin, particle board, paper products, shampoo, vitamins and oil; and

WHEREAS, the histories of the United States and Virginia are replete with examples of the utility of and dependence on industrial hemp, which was legally cultivated in Virginia and many other states until the late 1930's; and

WHEREAS, although industrial hemp is derived from the Cannabis Sativa plant, it is distinctive from its better known relative, marijuana, in that it contains less than one percent of the chemical responsible for its psychoactive properties; and

WHEREAS, under the current United States drug policy, all Cannabis varieties, including hemp, are considered Schedule I controlled substances under the Controlled Substances Act, and as such, the growing of industrial hemp is controlled and strictly regulated by the U.S. Drug Enforcement Administration (DEA); and

WHEREAS, the growing of industrial hemp in the United States has been allowed only by a federal permit issued by the DEA, and the conditions of such a permit are so restrictive as to make the experimental cultivation of hemp essentially impossible; and

WHEREAS, the Virginia General Assembly in 1999 urged the federal government to revise the necessary regulations so as to permit the controlled experimental cultivation of industrial hemp in Virginia; and

WHEREAS, the National Farmers Union (NFU) has urged the President, the Attorney General, and Congress to direct the DEA to differentiate between industrial hemp and marijuana and adopt a policy to allow American farmers to grow industrial hemp under state law without requiring DEA licenses; and

WHEREAS, the National Association of State Departments of Agriculture supports revisions of the federal rules and regulations authorizing commercial production of industrial hemp and has urged the DEA to develop and adopt an official definition of industrial hemp that comports with definitions currently used by countries producing industrial hemp; and

WHEREAS, the Industrial Hemp Farming Act of 2013 (House Resolution 525 and Senate Bill 359) have been introduced in the 113th Congress with the intention of removing Industrial Hemp as a Schedule I controlled substance under the Controlled Substance Act and allowing the State Legislatures to license and regulate the commercial production of hemp as an industrial and agricultural commodity.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Albemarle County, Virginia, that the Board of Supervisors hereby urges the 113th Congress to consider adoption of the Industrial Hemp Farming Act of 2013 and grant the States the authority to license and regulate the production of industrial hemp as an industrial and agricultural commodity which in turn will open the market for farmers, businesses and entrepreneurs in the emerging and fast growing hemp industry.