

**ACTIONS**  
**Board of Supervisors Meeting of January 22, 2025**

January 23, 2025

AGENDA ITEM/ACTION	ASSIGNMENT	VIDEO
<p>1. Call to Order.</p> <ul style="list-style-type: none"> <li>The meeting was called to order at 1:02 p.m. by the Chair, Mr. Andrews. All BOS members were present. Also present were Jeff Richardson, Andy Herrick, Claudette Borgersen, and Travis Morris.</li> </ul>		<a href="#">Link to Video</a>
<p>4. Adoption of Final Agenda.</p> <ul style="list-style-type: none"> <li>By a vote of 6:0, <b>ADOPTED</b> the final agenda.</li> </ul>		
<p>5. Brief Announcements by Board Members.</p> <p><u>Mike Pruitt:</u></p> <ul style="list-style-type: none"> <li>Reminded community members to bring pets inside during cold weather.</li> <li>Commented that the General Assembly was in session and noted two budget amendments that were moving forward; one for the additional spur to connect Biscuit Run to the Southwood community and another for Rivanna Station. He also noted that Delegate Nadarius Clark reintroduced his rent stabilization bill and Delegate Callsen was working on an algorithmic pricing bill to address illegal cartels that artificially raise rents through illegal coordination.</li> </ul> <p><u>Bea LaPisto-Kirtley:</u></p> <ul style="list-style-type: none"> <li>Provided and update on General Assembly legislation on HB1666 - Photo Speed Monitoring Device.</li> <li>Addressed the recent dog abuse case and reminded community members to allow law enforcement to complete their process before passing judgement.</li> </ul> <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> <li>Announced that the Crozet Arts and Crafts festival would be held on Mother's Day weekend and noted that now was time for artisan vendors and non-profit organizations to apply for the selection process; more information could be found on the <a href="#">Crozet Arts and Crafts Festival</a> website.</li> <li>Commented that, on a recent hike along the Mechums River, she learned about headward migration, which causes erosion. She noted that this was something to be cognizant of when planning in order to not cause unintended problems.</li> <li>Celebrated Albemarle County landowner, Billy Wagner, for being selected for induction into the Baseball Hall of Fame.</li> </ul> <p><u>Jim Andrews:</u></p> <ul style="list-style-type: none"> <li>Announced that there would be a community conversation "<i>After the Batesville Floods, Looking to the Future</i>" on January 23, 2025, from 7 pm - 8:30 pm at the Batesville Methodist Church.</li> </ul>		
<p>7. Public Comment on: Matters Previously Considered or Currently Pending Before the Board</p>		

<p>(Other than Scheduled Public Hearings).</p> <ul style="list-style-type: none"> <li>• <b><u>The following individuals address the Board concerning affordable housing:</u></b> <ul style="list-style-type: none"> <li>• Anna Keller, IMPACT</li> <li>• Vikki Bravo, IMPACT</li> </ul> </li> <li>• <b><u>The following individuals address the Board concerning the AC44 Comprehensive Plan Update as it relates to biosolids:</u></b> <ul style="list-style-type: none"> <li>• Stuart Overbey, Samuel Miller District</li> <li>• Sophie Massie, Samuel Miller District</li> </ul> </li> </ul>		
<p>8.1 Personnel Policy Amendments.</p> <ul style="list-style-type: none"> <li>• <b>ADOPTED</b> Resolution to amend personnel policy § P-36 and archive policies § P-38, § P-41.</li> </ul>	<p><u>Clerk:</u> Forward copy of signed resolution to Human Resources and County Attorney's office (Attachment 1)</p>	
<p>8.2 Letter of Support of MERIT Technical Assistance Grant from the Virginia Department of Rail and Public Transportation.</p> <ul style="list-style-type: none"> <li>• <b>SUPPORT</b> TJPDC's application for the MERIT Grant by authorizing the County Executive to sign a letter of support substantially similar to the letter provided in the executive summary as Attachment A.</li> </ul>		
<p>8.3 Resolution Approving the Scheduling of a Public Hearing for a Proposed ACSA Sewer Easement on County Property Parcel ID 046B5-00-00-001C0.</p> <ul style="list-style-type: none"> <li>• <b>ADOPTED</b> resolution to authorize a public hearing on this proposed conveyance.</li> </ul>	<p><u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office; Schedule on agenda when ready. Advertise in the Daily Progress and Notify appropriate individuals. (Attachment 2)</p>	
<p>8.4 Resolution of Intent - ZTA 2024-02 Data Centers.</p> <ul style="list-style-type: none"> <li>• <b>ADOPTED</b> Resolution of Intent for an initial zoning text amendment to better address data centers.</li> </ul>	<p><u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 3)</p>	
<p>8.5 SE202400030 Pantops Overlook Stepback Waiver.</p> <ul style="list-style-type: none"> <li>• <b>ADOPTED</b> Resolution to approve a special exception to waive the 15-foot stepback requirement for the proposed hotel.</li> </ul>	<p><u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 4)</p>	
<p>8.6 Resolution Changing the Start Time of the February 5, 2025, Meeting of the Albemarle County Board of Supervisors.</p> <ul style="list-style-type: none"> <li>• <b>ADOPTED</b> resolution.</li> </ul>	<p><u>Clerk:</u> Forward copy of signed resolution to County Attorney's office and post on the Auditorium door. (Attachment 5)</p>	
<p>9. <b>Work Session:</b> AC44: Environmental Stewardship Chapter.</p> <ul style="list-style-type: none"> <li>• <b>HELD.</b></li> </ul>		
<p><b>Recess.</b> At 3:06 p.m., the Board recessed and reconvened at 3:22 p.m.</p>		
<p><b>Work Session (continued):</b> AC44: Environmental Stewardship Chapter.</p> <ul style="list-style-type: none"> <li>• <b>RECEIVED.</b></li> </ul>		
<p><b>Note:</b> Supervisor Gallaway left the meeting at 3:51 and returned at 5pm.</p>		
<p>10. Closed Meeting.</p> <ul style="list-style-type: none"> <li>• At 4:25 p.m., the Board went into Closed Meeting pursuant to section 2.2-3711(A) of the Code of Virginia under subsection (1), to discuss and consider both: <ul style="list-style-type: none"> <li>• the performance of the Interim County Attorney; and</li> <li>• the appointment of a County Attorney.</li> </ul> </li> </ul>		

11. Certify Closed Meeting. <ul style="list-style-type: none"> <li>At 6:00 p.m., the Board reconvened into an open meeting and certified the closed meeting.</li> </ul>		
Resolution Appointing County Attorney. <ul style="list-style-type: none"> <li><b>ADOPTED</b> resolution appointing Andy Herrick as County Attorney.</li> </ul>	<u>Clerk:</u> Forward copy of signed resolution to Human Resources and County Attorney's office. (Attachment 6)	
12. From the County Executive: Report on Matters Not Listed on the Agenda. <u>Jeff Richardson:</u> <ul style="list-style-type: none"> <li>Introduced Charlottesville Albemarle Regional Airport Director, Jason Burch.</li> </ul>		
13. Public Comment on: Matters Previously Considered or Currently Pending Before the Board (Other than Scheduled Public Hearings). <ul style="list-style-type: none"> <li><u>Mer McLernon</u>, Charlottesville City resident and representative of IMPACT, spoke about homelessness and the community support from the Board.</li> </ul>		
14. <b><u>Pb. Hrg.: ZMA202300014 Archer North Development.</u></b> <ul style="list-style-type: none"> <li>By a vote of 5:1 (Pruitt), <b>ADOPTED</b> ordinance to approve ZMA202300014 Archer North Development with the revised Application Plan dated 12-6-24.</li> </ul>	<u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 7)	
15. From the Board: Committee Reports and Matters Not Listed on the Agenda. <u>Bea LaPisto-Kirtley:</u> <ul style="list-style-type: none"> <li>Commented that HB1666 had been pulled.</li> <li>Provided and update from the last Economic Development Authority meeting.</li> </ul>		
16. Adjourn to February 5, 2025, 5:00 p.m. Lane Auditorium. <ul style="list-style-type: none"> <li>The meeting was adjourned at 8:12 p.m.</li> </ul>		

ckb/tom

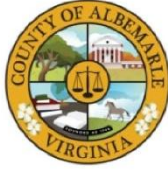
- Attachment 1 – Resolution to Amend Personnel Policy § P-36 and Archive Policies § P-38, § P-41
- Attachment 2 – Resolution Approving the Scheduling of a Public Hearing on the Proposed Conveyance of a Sewer Easement Across County-Owned Parcel 046B5-00-00-001C0
- Attachment 3 – Resolution of Intent - Zoning Text Amendment Data Centers
- Attachment 4 – Resolution to Approve SE2024-00030 Pantops Overlook Stepback Waiver
- Attachment 5 – Resolution Changing the Start Time of The February 5, 2025, Meeting of the Albemarle County Board of Supervisors
- Attachment 6 – Resolution Appointing Andrew H. Herrick as County Attorney
- Attachment 7 – Ordinance No. 25-18(1) - ZMA 2023-00014

**RESOLUTION**

**WHEREAS**, the Board of Supervisors may adopt Personnel Policies under Albemarle County Code §2-901; and

**WHEREAS**, the Board desires to amend and re-number: Policy §P-30 Employee Reduction in Force as §P-36 Reduction in Force, and desires to archive §P-38 Athletic Coaches and §P-41 Release Time for Advanced Study.

**NOW, THEREFORE, BE IT RESOLVED**, the Board of Supervisors of Albemarle County, Virginia, hereby approves the renumbering, amendment, and archiving of the County's Personnel Policies as set forth in the documents attached hereto.



<b>P - §36.0</b>	<b>Policy Name:</b> Reduction in Force	<b>Approved Date:</b> January 22, 2025
<b>Prepared By:</b> Human Resources		<b>Adopted Date:</b> August 7, 1996
<b>Amended Date:</b> March 3, 2010		

**A. PURPOSE**

To establish guidelines for ensuring non-discriminatory practices during implementation of a reduction in the workforce that results in position elimination.

**B. DEFINITIONS**

Former position – Position held by the employee just prior to layoff.

Job Family – A group of related positions, grouped by function, that share similar skills, knowledge, responsibilities, and career path.

Layoff – A temporary or permanent elimination of a position that is unrelated to performance.

Reduction in Force – A reduction in force (RIF) occurs when a position is eliminated with no intention of replacing it and results in a permanent cut in headcount. This can be achieved through attrition, early retirement package offers, or layoffs.

Regular employee – permanent full-time or part-time employee who has successfully completed the initial probationary period as a new hire.

Seniority – The continuous length of time an employee has worked in the job family.

**C. ROLES AND RESPONSIBILITIES**

**County Executive** – the County Executive holds decision authority for implementing a reduction in force that results in the layoff of a regular employee. Authority to eliminate vacant positions may be delegated to the Executive Leadership Team and Director of Human Resources jointly.

**Department Head** - responsible for identifying opportunities to improve efficiency and service, while eliminating underutilization of resources. Department heads are responsible for

collaborating with Human Resources and their portfolio lead to determine the highest and best use of personnel resources in their department. Department Heads will assist with the coordination of the layoff process, as required.

**Human Resources** – responsible for assessing on job-related objective criteria for layoffs, facilitating internal placement assessments, administering severance payouts, assisting departments with employee communications, and ensuring compliance with Federal and State laws.

#### **D. POLICY**

Occasionally, the County may need to invoke a reduction-in-force to ensure appropriate stewardship of resources. Position eliminations may occur when work functions are cut, reduced, or reassigned to meet organizational needs. These decisions are not made lightly and are conducted in a fair manner, while ensuring that the highest standards of service and efficiency are upheld for the community.

- The reasons for a reduction in force include, but are not limited to, the following: a general downsizing of the total organizational headcount; technological advancements; a change in the organizational structure of the given department due to work redundancies or improved efficiency; the changing service or program needs of the community; budget or economic drivers.
- Department of Social Services employees will follow the State's (DHRM) Lay Off Policy 1.30.
- Reduction in force cannot be used as a form of discipline or for performance management.
- Position elimination must be approved by the Director of Human Resources and the Executive Leadership Team.

The following procedures shall be applied when a reduction in force becomes necessary for the elimination of any full-time or part-time, regular employees of the County:

##### **1. Employee Notification**

- Affected employees will be notified in writing at least 60 calendar days prior to the effective date that the position is eliminated. The employee(s) will have the opportunity to discuss the notice with the Director of Human Resources/ designee and the respective department head.

- Affected employee(s) will be notified of their anticipated separation pay and impact to benefits within 5 business days of receiving the Reduction in Force notification.
- A Human Resources staff person will meet with employee(s) in the affected positions to conduct an assessment of knowledge, skills, abilities, and interests to begin work in identifying possible alternative position placements.

## **2. Reduction Criteria and Process**

- Alternative placement, freezing of vacant positions, early retirement options, and other viable solutions will be considered prior to implementing a layoff.
- When more than one employee occupies the same position and not all of the positions are being eliminated, the employees' level of training, skill, experience, seniority in the job family, and transferrable skills within the County will be considered in determining which employee(s) will be retained.
- Job performance will only be used as a decision factor when all other determining factors are equal between employees.

## **3. Reassignment and Recall**

- A member of the Human Resources Department will meet with employees in positions identified to be eliminated to determine their skills, experience, education, training and interests in order to identify other positions in the County for which they may qualify, or for which retraining is feasible. Every reasonable effort will be made to place an affected employee in a vacant position for which they may qualify.
- In lieu of being laid off, full-time employees may be eligible to assume vacant positions within the same or lower pay classifications provided they hold appropriate qualifications or have had previous successful experience in the particular position. An employee reassigned to a position in a lower pay grade pursuant to this policy will be bound by the provisions of policy §P- 17 Classification and Compensation and §P- 18 Pay Administration.
- Employees receiving a layoff will be placed on a recall list that will remain effective until the end of the fiscal year. If a position becomes available during that period, and the employee is qualified to fill that position, the employee will be notified in writing and proceed directly to the interview screening. Former employees are not guaranteed to be hired into the vacant position, but will be placed as finalists, at minimum. After the period on the recall list has expired, the former employee may apply or reactivate their application for any vacant position for which they are qualified.

**4. Separation Benefits**

Regular employees will receive the following separation benefits to assist them in their transition from County employment. Payment will be issued only if they have not been placed in another vacant position prior to the elimination of their current position. Unless otherwise specified, an employee who declines a reassignment to another vacant position prior to the effective date of the reduction shall not be entitled to separation benefits. If an employee receiving separation benefits is rehired by the County, they will be under no obligation to repay those funds.

- a. Separation Pay. Pay will be calculated at the employee’s regular rate of pay at the time of the reduction-in-force, based on the length of service and the schedule provided below. “Length of service” shall mean years of continuous service, including any approved leave of absence, as a regular employee in the employee’s current position and in any prior position within the same job family, as a regular employee.

<b>Length of Service:</b>	<b>Separation Pay Period:</b>
Full- time: Less than two years	Two weeks of pay
Full- time: Two years and above	One week of pay for every full year of service, up to a maximum of 12 weeks
All regular part-time	One week of pay for every full year of service, up to a maximum of 6 weeks

- b. Continued Insurance Contributions. The County contribution for medical and dental insurance coverage will continue for the duration of the separation pay period for laid-off employees who were enrolled in those plans at the time of the reduction. Upon completion of the separation pay period, the employee may elect to continue coverage under COBRA.



**RESOLUTION APPROVING THE SCHEDULING OF A PUBLIC HEARING ON THE PROPOSED  
CONVEYANCE OF A SEWER EASEMENT ACROSS COUNTY-OWNED PARCEL 046B5-00-00-001C0**

**WHEREAS**, the County owns Parcel 046B5-00-00-001C0 adjacent to Archer Avenue and Ashwood Blvd;

**WHEREAS**, the developer of Archer North, is seeking a sanitary sewer easement across Parcel ID 046B5-00-00-001C0

**WHEREAS**, *Virginia Code* § 15.2-1800 requires a public hearing prior to the conveyance of this interest in County-owned real property;

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby approves the scheduling of a public hearing on this proposed conveyance.

**RESOLUTION OF INTENT  
ZONING TEXT AMENDMENT  
DATA CENTERS**

**WHEREAS**, the Albemarle County Code allows data centers of unlimited size by-right in the Light Industry, Heavy Industry, and Planned Development Industrial Park districts and by special use permit in the C-1 Commercial and Commercial Office districts, among others;

**WHEREAS**, the Albemarle County Code allows data centers of up to 4,000 square feet by-right, and over 4,000 square feet by special exception, in the Highway Commercial, Planned Development Shopping Center, and Planned Development Mixed Commercial districts;

**WHEREAS**, data centers may have unique impacts, including energy demands, sound, water consumption, and visual impacts, among others; and

**WHEREAS**, the Albemarle County Code Board of Supervisors desires to consider regulations that would better address the impacts of data centers;

**NOW, THEREFORE, BE IT RESOLVED THAT** for purposes of public necessity, convenience, general welfare, and good zoning and development practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to consider amending Albemarle County Code § 18-3.1, § 18-4.14, § 18-20B, § 18-22, § 18-23, § 18-24, § 18-25, § 18-25A, § 18-26, § 18-27, § 18-28, § 18-29, and any other section(s) of the Zoning Ordinance deemed to be appropriate to achieve the purposes described herein.

**RESOLUTION TO APPROVE SE2024-00030  
PANTOPS OVERLOOK STEPBACK WAIVER**

**WHEREAS**, upon consideration of the staff report prepared for SE2024-00030 Pantops Overlook Stepback Waiver and the attachments thereto, including staff's supporting analysis, any comments received, and all relevant factors in Albemarle County Code §§ 18-4.20(a)(4) and 18-33.9, the Albemarle County Board of Supervisors hereby finds that the proposed waiver would be consistent with the intent of the underlying zoning districts and the Neighborhood Model Principles of the Comprehensive Plan, including the criteria contained in land use recommendations from the Pantops Master Plan and the relevant Neighborhood Model Principles contained in the Albemarle County Comprehensive Plan.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby approves a special exception to waive the 15-foot stepback requirement of County Code § 18-4.20(a)(4) on Parcels 07800-00-00-013A0 and 07800-00-00-073A7.

**RESOLUTION CHANGING THE START TIME OF THE FEBRUARY 5, 2025 MEETING OF THE ALBEMARLE COUNTY BOARD OF SUPERVISORS**

WHEREAS, *Virginia Code* § 15.2-1416 requires that the Board of Supervisors meet at such days, times and place as may be established by the Board at its organizational meeting, provided that it hold at least six meetings per fiscal year;

WHEREAS, *Virginia Code* § 15.2-1416 further requires that if the Board subsequently prescribes any public place other than the initial public meeting place, or any day or time other than that initially established, as a meeting day, place or time, the Board shall pass a resolution as to such future meeting day, place or time;

WHEREAS, according to its January 8, 2025 resolution, the Board established its regular meeting schedule for the period of January 2025 through January 2026;

WHEREAS, such resolution generally provides that the Board will hold regular meetings on the first and third Wednesdays of each month, starting at 1:00 p.m.; and

WHEREAS, the Board has determined to defer the start of its February 5, 2025 meeting from 1:00 p.m. to 5:00 p.m.;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Albemarle, Virginia that its regularly scheduled meeting on February 5, 2025, in the Auditorium of the County Office Building, 401 McIntire Road, Charlottesville, Virginia, will start at 5:00 p.m.; and that the Clerk of the Board is directed to post an attested copy of this resolution at such location where official notices are posted and to take such further actions as deemed appropriate to give notice of this change.

**RESOLUTION APPOINTING ANDREW H. HERRICK AS COUNTY ATTORNEY**

**BE IT RESOLVED** by the Board of Supervisors of the County of Albemarle, Virginia (“Board”) that Andrew H. Herrick (“Herrick”) is hereby appointed the County Attorney (“County Attorney”) for the County of Albemarle, Virginia effective February 1, 2025, pursuant to *Virginia Code* § 15.2-1542; and

**BE IT FURTHER RESOLVED** that Herrick will serve as County Attorney at the pleasure of the Board, for an indefinite tenure, and pursuant to that certain County Attorney Employment Agreement dated January 22, 2025 (the “Agreement”); and

**BE IT FURTHER RESOLVED** that the Board approves the Agreement and authorizes its execution by the Chair; and

**BE IT FURTHER RESOLVED** that as County Attorney, Herrick will have and may exercise all statutory powers and duties set forth in *Virginia Code* § 15.2-1542 and any other powers and duties set forth in any other sections of the Code of Virginia (1950), as amended; and those powers and duties assigned or imposed by the Albemarle County Code or by duly adopted motion, resolution, or uncodified ordinance of the Board.

**ORDINANCE NO. 25-18(1)  
ZMA 2023-00014**

**AN ORDINANCE TO AMEND THE ZONING MAP FOR  
PARCELS 04600-00-00-10800 and 04600-00-00-10900**

**WHEREAS**, an application was submitted to rezone Parcels 04600-00-00-10800 and 04600-00-00-10900 from Planned Residential Development (PRD) to Planned Residential Development (PRD) by amending the Application Plan previously approved with ZMA2020-00007 (RST Residences); and

**WHEREAS**, on November 12, 2024, after a duly noticed public hearing, the Planning Commission recommended approval of ZMA 2023-00014;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the transmittal summary and staff report prepared for ZMA 2023-00014 and their attachments, the information presented at the public hearings, any written comments received, the material and relevant factors in *Virginia Code* § 15.2-2284 and *Albemarle County Code* § 18-19.1, and for the purposes of public necessity, convenience, general welfare, and good zoning practices, the Board hereby approves ZMA 2023-00014 with the Application Plan prepared by Collins Engineering, dated September 18, 2023, and last revised December 6, 2024.