

The Board of Directors of the Albemarle County Service Authority met in regular session on September 15, 2005 at 9:00 am at the Albemarle County Office Building.

Members Present: Mr. Parker, Chairman, Mr. Wagner, Vice-Chairman; Messrs. Humphris, Lumpkin, Roberts

Members Absent: Mr. Larsen

Staff Present: Messrs. Bowling, Brent, Shoop; Ms. Barton, Ms. Breeden, Ms. Rohm-Briggs

Public Present: Messrs. Colbaugh, Martin

The Chairman called the meeting to order and a quorum was established.

Approval of Minutes

The minutes of the Board's August 18, 2005 meeting were reviewed and approved.

Matters From the Public

There were no matters from the public.

Consent Agenda

For Information

- a. Monthly Financial Reports- Mr. Humphris asked about current water and sewer bills from Rivanna and Ms. Breeden stated that the Revenue and Expense reports were always one month behind, therefore current reports would be delivered at the next Board meeting.
- b. Monthly CIP Report
- c. RWSA Minutes of June 25, 2005

Public Hearing on Proposed Non-residential Irrigation Rates

Mr. Brent stated that the rate for commercial or non-residential irrigation customers in the Rules and Regulations was unclear and referred to the resolution clarifying that all irrigation water be charged the three tiered rate (Attached as Pages ____). Mr. Brent said that through billing records staff was able to identify 46 customers that would be affected by this change in rate and notices were sent to each as well as advertising in The Daily Progress. He asked that the Board adopt the resolution placing the three tiered rate in effect for all irrigation water effective September 15, 2005.

The Chairman opened the floor for public comment.

Mr. John Martin stated that he was confused with the wording of the resolution and asked if irrigation accounts were required to pay wastewater fees if a separate irrigation meter was in place. The Chairman verified that customers with separate irrigation meters were not charged for wastewater.

Mr. Martin continued, suggesting that the Board reserve judgment on whether irrigators with separate meters should be relieved of the obligation to pay wastewater charges. He stated that his concern was with the current nutrient control issue in the Rivanna River, James River and the Chesapeake

Bay. He said that it appears that substantial charges would be placed upon wastewater customers to reduce nutrient emissions at Moores Creek and feels local irrigators with separate meters, farmers and non-point sources contributing to the issue should assist in clean-up costs.

Mr. Martin stated that he and many of his friends have well and septic systems and are not Service Authority rate payers but would be willing to assist in the cost to protect the Chesapeake Bay. He reiterated that all community members should pitch in and pay the fees for the reduction of nutrient emissions in Virginia streams and bays.

The Chairman said this was something to consider.

Mr. Wagner moved to adopt the resolution, seconded by Mr. Lumpkin. The Chairman called for a roll-call vote: Mr. Wagner, aye; Mr. Lumpkin, aye; Mr. Parker, aye; Mr. Humphris, aye; Mr. Roberts, aye.

Consideration of Connection Fees for Irrigation Systems

Mr. Brent stated that in the 2004 rate study it was recommended that the Authority begin charging full connection fees for each irrigation meter. He stated that during the November 18, 2004 public hearing legitimate concerns were expressed by representatives of the irrigation industry. Irrigation contractors and irrigation industry representatives warned that the proposed fees would likely cause irrigators to employ methods that would not be water-conserving in order to avoid the connection fees. Mr. Brent said that action was deferred to allow staff time to meet with irrigation industry representatives. He said that through several meetings staff learned of the expansion taking place in the irrigation industry and had obtained good input. Mr. Brent stated that in the end staff decided that charging any connection fee other than the actual cost of the installation and the Buck Mountain surcharge, which the Authority is required by contract to charge, would most likely produce unfavorable results. Although equity would have been achieved the Authority's water conservation goal would not. Therefore, the staff sided with the conservation goal. Equity would have to be attained through user fees rather than connection fees.

Mr. Brent recommended to the Board that a new meter use category be created. He said that every customer would have a primary water meter and all fees would apply to that meter; any customer desiring an automated irrigation system must install an "auxiliary meter" serving just the irrigation demand. Any customer desiring an auxiliary meter must apply to the Authority and present a plan for the irrigation system including data on flow and demand requirements. The Authority would size the auxiliary meter to meet the requirements of the irrigation system and provide the customer with the cost of the meter installation and the Buck Mountain surcharge, where applicable. Mr. Brent stated that the customer would be required to obtain a plumbing permit from the County for the irrigation system and, once connection fees

were paid and the County inspection office notified the Authority that the system was properly installed and tested, the Authority would set the auxiliary meter. The customer's water use would be charged according to the tiered rate.

Mr. Brent said that the use of evapotranspiration devices were considered by staff, but it was learned that these devices cannot be used on all installations. Since they cannot be used uniformly they should not be required. He suggested that staff follow the development of new technology in irrigation for possible future retrofitting of existing systems.

The Chairman stated that he had an equity problem with irrigation use being subject to the tiered water rate. His concern was with the use of the auxiliary meter for irrigation use. He said that the customer watering his lawn through the main meter did not get a second chance at the tiered water rate like the customer using the auxiliary meter and he was not sure that the irrigation user should get that benefit. Mr. Wagner added that if the irrigation system is set properly the customer would use less water than the customer watering their lawn with a sprinkler. He added that the Authority could justify the use of auxiliary meters because less water is wasted.

The Chairman asked if the billing system could aggregate the water use for the two meters through the tiered rates and Ms. Breeden stated that it could be written into the program. The Chairman asked if Ms. Breeden could research whether rewriting the billing system would be beneficial and equitable.

The Chairman questioned the Authority's ability to reject a customer's plan. He asked if regulations could be as explicit as to say, for example, if you water more than three acres of lawn the customer is over-irrigating. Mr. Brent stated that if the plan was not approved the Authority would not permit the auxiliary meter. He added that at this point the Authority was not proposing any limitations on areas being irrigated with an approved system. Mr. Brent said that the main concern was with over-taxing the meter and irrigating improperly. The Chairman sought verification that the review was primarily for making sure that an appropriate size meter was in place which Mr. Brent confirmed.

The Chairman stated that the County staff that regulates land use should be made aware that irrigation use is approaching 10% of total water usage in the driest months of the season when the system is drained the most. He said that this is an enormous amount of water and the Board of Supervisors and County staff should be reminded that water use continues to be a major issue for the Charlottesville/Albemarle community. The Chairman added that he was not familiar with whose job it would be to decide as to whether irrigation systems were a necessity, but he felt as though it would be an area for the Board of Supervisors or County staff to act upon. He continued by voicing his concern with irresponsible irrigation.

Ms. Amy Barton stated that Amy Arnold, the landscape planner for the County, has put together a manual of acceptable and native plants for the Albemarle community that do not require excessive irrigation. Therefore, the County is already attempting to minimize the need for irrigation by forcing appropriate plantings. The Chairman asked if the major problem was with plantings or grass and Ms. Barton stated that it was with percentage of cover and this was all becoming part of the planning process.

Mr. Brent said that, if it was the Board's desire, the staff could begin the process of creating water budgets. Mr. Humphris noted that it was not his desire to move forward with creating water budgets at this time.

The Chairman agreed to a public comment.

Mr. Jim Colbaugh stated that it was unfortunate that the tiered water rate has not had as big an impact as expected. He stated that it could be because the water user is not completely aware of their usage and suggested adding something to the water and sewer bills stating how much water was used in each tier. He added that if the customer knows that they are considered a "water waster" then the impact of the tiered rates would be more dramatic.

Mr. Brent said that the Authority was in the process of redesigning the water and sewer bills, but there is about a five month inventory of bills. He agreed that the new bills should give the customer a better picture of their water use noting that planning was already in progress.

The Board discussed possible ways of educating the customer through the bills. It was agreed that whatever method is chosen must be simple.

Consideration of Abandonment of Easement for West Leigh Well Lot

Mr. Brent stated that an easement for the West Leigh well lot was to have been abandoned many years ago but this had never taken place. The contract purchaser of the property has asked that the easement be abandoned. He proposed that the Board approve the deed of abandonment following the addition of suggested changes made by Mr. Bowling (Attached as Page ____).

Mr. Humphris moved to execute the deed of abandonment for the West Leigh well lot, once approved by Mr. Bowling, seconded by Mr. Lumpkin. All members voted aye.

Updated Resolution Obtaining Sanitary Sewer Easement Across Property of Kathleen Madigan

Mr. Brent stated that at the August 2005 meeting the Board authorized the taking of a sewer line easement across Ms. Madigan's property. The easement plat presented in August 2005 did not show the temporary construction easement although the appraisal setting the value of the easement did consider the construction easement. Mr. Brent asked that the Board adopt the updated resolution referencing the revised plat (Attached as Page ____).

Mr. Wagner moved to adopt the resolution, seconded by Mr. Lumpkin. The Chairman called for a roll-call vote: Mr. Wagner, aye; Mr. Lumpkin, aye; Mr. Parker, aye; Mr. Humphris, aye; Mr. Roberts, aye.

Presentation of Government Finance Officers Association (GFOA) Award

The Chairman announced the Certificate of Achievement for Excellence in Financial Reporting had once again been awarded to the Authority by the GFOA (Attached as Page ____). He added that the Authority's comprehensive annual financial report had qualified for the certificate for 23 consecutive years. The Chairman spoke on behalf of the Board in acknowledging the former Director of Finance, Mr. Jim Kister, for this achievement.

Other Matters Not on the Agenda

Condemnation Update for Property of Ms. Laura Moss - Mr. Brent stated that Kappa Sigma and Avon Properties have not yet returned the signed indemnification agreement; therefore he has not attempted further negotiations with Ms. Moss.

Park View at South Pantops - Mr. Brent stated that the developer for the Jefferson Area Board for Aging (JABA) project had made the September 1, 2005 connection payment deadline for water and sewer service to the above-referenced apartment complex for the elderly.

Meeting With the Secretary of Natural Resources - Mr. Wagner said that he attended a meeting with the Secretary of Natural Resources and his staff. He accompanied Tom Frederick, Mike Gaffney and Judith Mueller to discuss proposed nitrogen and phosphorus limits at the Moores Creek Advanced Wastewater Treatment Plant. RWSA's legal counsel also attended. A much stricter nitrogen/phosphorus limit was being proposed for the Moores Creek plant than was proposed for Lynchburg, Richmond and Hopewell. RWSA contended that the discharge limitations should be established fairly and equitably and questioned the scientific basis for the proposed limits. Lynchburg and Richmond have combined storm and sanitary sewer systems while Hopewell has a very heavy industrial discharge. RWSA was questioning if the economic impact on these three cities played a role in the setting of their discharge limits. Mr. Wagner speculated that the negotiations taking place with the SWCB staff and RWSA's consultant may produce a more equitable discharge limit for the Moores Creek plant.

Executive Session to Discuss a Personnel Matter

Mr. Brent requested that the Board go into Executive Session, in accordance with Section 2.2-3711.A1 of the Virginia Code, as amended, to discuss a personnel matter, the annual review of the Executive Director.

Mr. Lumpkin moved to enter into Executive Session, seconded by Mr. Humphris. All members voted aye.

The Board came back into regular session. Ms. Rohm-Briggs read into the record a resolution stating that only matters so previously stated and exempted from open discussion in regular session were discussed in executive session (Attached as Page _____).

Mr. Lumpkin moved to adopt the resolution, seconded by Mr. Wagner. The Chairman asked for a roll-call vote: Mr. Wagner, aye; Mr. Lumpkin, aye; Mr. Parker, aye; Mr. Humphris, aye; Mr. Roberts, aye.

Mr. Wagner stated that in recognition of Mr. Brent's excellent performance as executive director he moved that his annual compensation, retroactive to July 1, 2005, be increased by 5% and his auto allowance remain the same. Mr. Lumpkin seconded the motion and all members voted aye.

Mr. Brent thanked the Board and said that he appreciated their support and generosity.

There being no further business, Mr. Wagner moved the meeting be adjourned, seconded by Mr. Lumpkin. All members voted aye.

J. W. Brent, Secretary-Treasurer