

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on March 9, 2005, at 6:00 p.m., Lane Auditorium Second Floor, County Office Building, McIntire Road, Charlottesville, Virginia.

PRESENT: Mr. David P. Bowerman, Mr. Kenneth C. Boyd, Mr. Lindsay G. Dorrier, Jr., Mr. Dennis S. Rooker, Ms. Sally H. Thomas and Mr. David C. Wyant.

ABSENT: None.

OFFICERS PRESENT: County Executive, Robert W. Tucker, Jr., County Attorney, Larry W. Davis, Director of Planning, V. Wayne Cilimberg, and Senior Deputy Clerk, Debi Moyers.

Agenda Item No. 1. The meeting was called to order at 6:02 p.m., by the Chairman, Mr. Rooker.

Agenda Item No. 2. Pledge of Allegiance.
Agenda Item No. 3. Moment of Silence.

Agenda Item No. 4. Other Matters Not Listed on the Agenda from the Public.

Mr. Rooker indicated that there were four people signed up to speak, and each speaker would have three minutes.

Mr. John Martin of Free Union addressed the Board regarding the local water supply. He commented that the prior week's joint City Council-Board of Supervisors meeting held "many surprises" brought forth by the Rivanna Water & Sewer Authority. He mentioned that the RWSA Board went into closed session because of "consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by counsel with respect to the community water supply plan as permitted by citation to the statute." Mr. Martin said that people asked that they be admitted to the closed session, including other local officials, but they were not permitted. He contended that there was a "certain degree of secrecy" maintained between government factions, and suggested that at future closed sessions regarding the water supply one City Councilor and one County Supervisor be allowed to attend.

Ms. Liz Palmer addressed the Board to also discuss the joint meeting. She read points from a joint letter written by John Martin, Ed Imhoff, and herself. She thanked elected officials for their questions and comments at the joint meeting. She said that the consultant and leading presenter Bill Ellis downgraded the potential for use of Beaver Creek water by stating there would be "big losses due to evapo-transpiration as the water moves down the Mechums River to the South Fork Rivanna Reservoir." Ms. Palmer contended that with a restored Mechums Pump Station, the distance water would need to travel in the river is greatly reduced because it would be pumped via pipe to Ragged Mountain. She added that if Beaver Creek water is run down the Mechums to the South Fork, filtration losses would be "insignificant" because the distance is relatively short and because of the nature of the area. Ms. Palmer emphasized that RWSA, in response to state regulations, is preparing a long-range water supply plan to provide safe yield if there is a recurrence of the worst drought on record, which is a less than one percent chance in any given year. She also stressed that the extension of the Ragged Mountain Dam permit is necessary given the "many unanswered questions," and RWSA has already enacted the responsible policy of drawing down the Ragged Mountain Reservoir when severe storms or hurricanes are forecasted. Ms. Palmer said that elected representatives should be able to request that the dam permit be extended for a time period to allow input. She expressed concern with the "lack of depth" with which RWSA answered the question "what will the South Fork Rivanna Reservoir look like in 50 years." She asked that there be a science-based analysis done to determine that. She also expressed concern about an old sediment study done for the Charlottesville Regional Airport, encouraging the Board to pursue the dredging alternative with a more current study. Ms. Palmer emphasized that plans need to be phased in response to financial capability, changing water needs, and changing technologies.

Jamie Spence, President of the Blue Ridge Homebuilders Association, addressed the Board. He noted that the BRHA has been "actively engaged" in the Subdivision Text Amendment process for over two years. He believes that their positions had been "misrepresented by county staff" at the Board meeting last week. Mr. Spence explained that the BRHA wants to support the amendment, but does not support it as written. He said that they support interconnectivity, but does not support building road with curb, gutter and sidewalks dictated by the potential need of adjoining property owners. Mr. Spence added that BRHA supports overlot grading plans where appropriate, and along with staff support certification of safe and convenient access by state and licensed professionals. He stated that the BRHA does not support the effective prohibition of basement level garages, and does not support the creation of new focus points of potential pollutants from the piping of stormwater runoff. Mr. Spence said that they support the adjustment to the threshold when overlot grading plans are required. He stated that the BRHA opposes the amendment as written and "intends to fight it."

Mr. John Moore, representing residents of Route 231 and 22, addressed the Board. He commented that there was another tractor-trailer accident on Route 22 on Monday, closing the road for several hours. He stated that he received, in the mail, a copy of a report from Butch Davies that he is not going to support the implementation of a through-truck restriction on Routes 22 and 231. Prior to receiving the VDOT report, Mr. Moore said that he had already sent a letter and report to Secretary

Clement. Mr. Moore emphasized his concern about this issue and the likely need for the Board of Supervisors to coordinate with Delegates Rob Bell and Creigh Deeds on a petition to the Secretary of Transportation unless Butch Davies can be convinced to change his position. He suggested a meeting with Mr. Rooker and Mr. Boyd to try to coordinate a response through legislators on this critically important issue.

Agenda Item No. 5. **PUBLIC HEARING** to receive comments on the County Executive's Recommended Operating and Capital Budget for FY 2005/2006. (Advertised in the Daily Progress on March 6, 2005.)

Mr. Tucker presented a short video on the county's strategic planning efforts and its relationship to the county budget.

Mr. Tucker presented a pie chart that shows 61 percent of the county budget going to the school system, 34 percent going to general government needs, 4 percent to the City of Charlottesville revenue-sharing agreement, and 1 percent in a reassessment reserve equating to \$3 million to be used for a possible tax rate reduction or other critical capital or operational needs for schools or local government.

Mr. Tucker noted that a citizen survey last year indicated that education is very important to the community, and in FY 06 the school division has an additional \$9.4 million to spend in combined local, state, and federal revenues. He said that this budget completes the second phase of the teachers' salary scale implementation, and he is proposing \$7.8 million in capital projects for schools – including Henley additions and renovations (expanding it from 600 to 900 pupils), technology projects, and maintenance/replacement projects. Mr. Tucker said that the budget funds six Bright Stars four-year-old programs, because the county supports the concept that getting kids off to a good start will help them become better students in the future.

Mr. Tucker said that citizens also ranked public safety as a high priority, and a large part of county resources have been directed to provide a high level of public safety services – including a commitment to volunteer fire and rescue services; an increased commitment to fund 100 percent volunteer fire department and EMS operations from the current 85 percent. He added that the budget provides \$1.9 million in the CIP for volunteer fire and rescue apparatus replacement. Mr. Tucker said that the county is also committed to enhancing the police force to reach 1.5 officers per thousand residents; he noted that eight police patrol positions have been added over the past four years, and three more would be added next year along with a civilian patrol assistant.

Mr. Tucker stated that the budget continues funding for the new Northern Fire and Pantops Fire stations, committing an additional \$1.7 million in FY 06. He said that these are capital commitments, but with each new station comes a huge financial commitment to fund new career firefighters. In the past four years, the county has hired 27 new career firefighters.

Mr. Tucker mentioned that the citizen survey revealed dissatisfaction with the county's affordable housing strategies, and the Board has committed \$250,000 each year to go into an affordable housing trust fund to help new homebuyers purchase their first home. He said that citizens also expressed concern with the need to address the growing infrastructure of the urbanizing county, and to address these concerns, the county is continuing to fund urban infrastructure projects in the operating and Capital Improvements budgets. Mr. Tucker pointed out that this budget funds \$115,000 for the northern development area master planning, and \$886,000 in the CIP for sidewalks, roadway landscaping, and neighborhood plan implementation, and \$700,000 in the CIP for transportation improvements and the VDOT revenue-sharing road program. He emphasized that these needs are increasing, and expensive.

Mr. Tucker said that the survey also showed citizens wanting more access to natural areas and walking and hiking trails, and \$71,400 is included in the FY06 budget for trail development, as well as enhancing maintenance for the existing trails. He stated that the budget also provides \$919,000 for land purchase of a new Southern Urban area park. They are continuing to set aside funds to improve community access to rivers and lakes in conjunction with developing new greenways. He added that an additional \$424,000 toward a new Crozet library is also included.

Mr. Tucker stated that the survey indicated citizen support for preserving natural resources and rural land, and the county would be funding "unfunded mandates," including \$359,000 in the operating budget and \$450,000 in the CIP for stormwater control. He explained that \$250,000 in the operating budget and \$640,000 in the CIP has been allocated to the Rivanna Solid Waste Authority and Ivy Landfill remediation, respectively. Mr. Tucker noted that these mandated initiatives alone total \$1.6 million. He explained that over the past few years the county has spent almost \$5 million to acquire conservation easements through the ACE program, and additional funding will be the topic of an upcoming budget work session. Mr. Tucker said that this year the ACE contribution fund – to be used exclusively for purchase of conservation easements and supported by tax-deductible private contributions – was established.

He mentioned that while the survey showed satisfaction with services, the county is always looking to improve services to residents. Mr. Tucker used the CityView software example, noting that it provides internet access to link into the county system and check on development activity, inspections activity, and apply for various permits online to save customers time. He added that the county will be upgrading its current mainframe system to improve efficiency and allow more interactive online transactions with the public. Mr. Tucker noted that the budget also upgrades the GIS system which will begin to provide more accurate mapping data for staff and public. He added that mobile computers are being placed in police cars for more effective public service.

Mr. Tucker presented a revenue pie chart, which showed that the majority of revenues come from local funds such as property taxes and account for 63 percent of the budget; 26 percent of the budget comes from state allocations, and only 5 percent comes from the federal government, with 4 percent coming from borrowed funds that support both school and local government CIP projects.

Mr. Tucker presented information on how Albemarle compares to other localities in terms of real estate tax rate, noting that the county's 76 cents per \$100 requires that 10 cents of that is transferred to the City each year, equating to \$10 million this year alone. He presented information on the trend in rising reassessments, with a peak in 1991 of 22 percent and a bottoming-out of 2 percent in 1997. Mr. Tucker said that at that point, it began to climb to the most recent 27 percent increase in 2005. He emphasized that \$3 million of that has been set aside in reserve for the Board to use as it sees fit.

Mr. Tucker concluded by reviewing the public hearing and work session schedule for the budget, noting that the Board is scheduled to adopt the FY 05-06 budget on April 20th, and the FY 06-10 CIP budget, as well as setting the real estate tax rate.

Mr. Rooker reviewed the general guidelines for Board of Supervisors public hearings, and called forward the first five speakers.

Mr. William Tomlin addressed the Board as a homeowner. He noted that he had brought a signed petition and had given it to the Clerk. He explained that he had lived on Earlysville Road since 1976, and came to express concern about "skyrocketing real estate values" and the "boom in real estate construction." Mr. Tomlin emphasized that the expanded tax base generated by this should allow the county to meet all of its budget needs and still cut the real estate tax rate. He proposed that the rate be lowered to 70 cents per \$100 for 2005-06, and added that non-essential services should only be funded at the current inflation rate. Mr. Tomlin emphasized that the Board should set the tax rate, and asked them if the rise in assessments underwrites the need to increase the Board's spending.

Ms. Sherry Buttrick addressed the Board on behalf of the ACE Committee. She asked that their budget be restored to its \$1 million and be increased modestly to keep pace with real estate prices. She explained that the program is in its fifth year and enjoys wide support. Ms. Buttrick noted that ACE has completed 13 projects with the 14th nearly completed, with over 3,000 acres protected and another six projects in advanced stages of completion, with nine qualifying applicants this year. She said that this year's class is the strongest they have seen so far, and that acreage exceeds 2,100. Ms. Buttrick said that ACE will need \$1.7 to \$2 million to fund all of these projects, and they will be short even with a \$400,000 carryover. She emphasized that to keep pace with inflation in real estate, ACE should have a budget of \$1.4 million. Ms. Buttrick said that Lee Catlin has good ideas for publicizing ACE in the coming year, and the committee would like an additional \$5,000 to \$7,000 for this purpose. Despite the success of the program, they are forced each year to ask for the budget to be restored. She suggested that ACE become a permanent line item in the budget.

Mr. Tom Loach next addressed the Board. He said that the land-use tax costs the county \$9 million in lost revenue last year, and costs the taxpayers \$950,000 in additional taxes. He emphasized that the reassessments would make those figures rise this year to \$10 million and \$1.2 million, respectively. Mr. Loach said that 90,000 acres have been lost because of this program, and there is no data that shows that this program offers any return to taxpayer investment except for the rich who receive it. He emphasized that there is no reason to continue this program, and if the same money was put into ACE, there would be 100,000 acres in protected land.

Mr. Gordon Walker addressed the Board as Chair of the Albemarle County School Board. He stated that next week the School Board would be submitting its budget request to the Board of Supervisors. He said that the School Board unanimously approved the budget, which recognizes the considerable gains made to date and the enhanced initiatives necessary to achieve established educational priorities for students, staff, and the community. Mr. Walker said that the schools have received an 85 percent vote of confidence, and the new budget will continue to pursue further excellence in our schools. He emphasized that education is a partnership between the schools, county government, and the taxpayers, and everyone is getting their money's worth. Mr. Walker reported that the county's schools score in the top 10 percent in the state, and all schools are fully accredited. He noted that SAT scores are on the upswing and are substantially above the national average, adding that 80 percent of students pursue post-secondary education, and CATEC continues to offer new training programs to meet the demand of local businesses. Mr. Walker said that he has been asked why student per capita expenditures are rising, and the answers are: (1) competitive compensation for teachers and staff; (2) high infrastructure costs due to small schools; (3) low class sizes combined with a goal not to increase class sizes; and (4) the high cost of unfunded state and federal mandates. He explained that there is a deficit of \$1.2 million, but the School Board is encouraged that the Board of Supervisors has available revenue to balance this school budget.

Mr. Rooker thanked Mr. Walker, Ms. Sue Friedman, and Ms. Diantha McKeel for their work on the School Board.

Mr. Rex Linville addressed the Board on behalf of the Piedmont Environmental Council. He explained that his role with PEC is to help explain to landowners options available for land preservation. The ACE program is one that he consistently discusses with them. Mr. Linville noted that ACE has successfully preserved almost 3,000 acres throughout the county, and offers a viable alternative for landowners who want to preserve their property but are not in a financial position to donate a conservation easement. He said that it is one of the few positive and proactive programs in the county to implement the objectives outlined in the Rural Areas section of the Comprehensive Plan. Mr. Linville noted that

landowner interest in ACE has increased significantly, and the program has been building momentum over the past few years. He added that a decreased budget amount would send a poor message to the community, and preliminary estimates indicate that the \$1 million allocated for last year's round of applicants will not be enough to purchase conservation easements from all those landowners. Mr. Linville noted that the Office of Management and Budget (OMB) figures indicate that there is sufficient surplus funding from FY 04-05, and expected surplus could be used to bring ACE back up to its \$1 million funding level.

Ms. Vicki Miller, Principal of Murray High School, addressed the Board. She expressed her support for the increase in teachers' salaries and expansion of Murray from 90 to 110 students. Ms. Miller said that Murray is asking for the \$100,000 in order to provide all of the students who need it a smaller, non-traditional environment. She emphasized that they are one of only four charter schools in Virginia, and the investment has paid off with the highest SOL scores in history and science. Ms. Miller stated that they are experiencing waiting lists due to space, and they would like to accommodate these students.

Ms. Jo Vining, Principal of Brownsville Elementary School, addressed the Board. She thanked Dr. Castner for his work to make Albemarle a great school system. Ms. Vining said that she has seen the improvements to county schools during his term, and expressed her support of standardized testing and the No Child Left Behind legislation. She stated that this budget reflects well priorities and needs in order to prepare students to be successful in the 21st century. Ms. Vining emphasized that without competitive compensation for teachers and administrators, and classified employees, the county will lose the staff that has brought the county into the top tier of schools. She added that the budget request supports increased funding for assessment and information services to meet the No Child Left Behind achievement targets and professional development in instructional and assessment practices. Ms. Vining said that this staff development is vital in reducing teacher variance in classrooms and in providing staff with the tools to reach children most effectively. She concluded that the budget includes funding needed to support the computer replacement cycles and fund transportation to provide a needed longer elementary school day.

Ms. Debbie Vermillion addressed the Board, representing the Stony Point PTO and the Parent Council. She encouraged the Board of Supervisors to fully fund the superintendent's recommended budget for 2005-06. She said that the reason Albemarle has become such a popular place to live, in part, because of its outstanding school system. As a parent, she has observed teachers going above and beyond their requirements to help students. She noted that there is an all-time high of SAT score averages of 1096. Ms. Vermillion encouraged the Board to set aside funds to attract only the highest quality staff, and asked them to continue the highest standards in education.

Mr. John Vermillion addressed the Board, representing the Board of Directors of the Stony Point Volunteer Fire Company. He said he had previously submitted a Capital Improvements Budget for their facilities, including \$349,000 to renovate the facility, which was turned down. Mr. Vermillion read the letter which he had submitted when Mr. Dorrier was chair. The letter emphasized that the process of preparing a request for the county budget has raised questions about how to meet fire needs, and outlined 10 necessary improvements: (1) exterior building repair; (2) generator for back-up power; (3) paving of both front and rear driveways; (4) 20' x 40' steel storage building for electrical and water; (5) new bathrooms; (6) complete shower facilities; (7) completely renovate and enlarge kitchen; (8) HVAC system upgrade; (9) renovate meeting room; (10) epoxy bay floors. Mr. Vermillion said that he feels the Stony Point request is modest compared to other facilities, and would serve the community for many years to come. He noted that they have an active staff of 30 volunteer firefighters, but not have adequate dormitory space.

Ms. Bernadette Hearn, mother of a 3rd grader and rising kindergartner, and President of the Brownsville Elementary PTO, addressed the Board. She expressed her support of the 2005-06 school budget, because of increases in NCLB funding, a longer elementary school day, the K-12 world language initiative, technology upgrades and replacements, teacher professional development, and the implementation of best curriculum and instruction practices as outlined in the framework for quality learning. Ms. Hearn said that this would also allow the county to maintain a market competitive compensation package that attracts, retains, and motivates a diverse staff. She emphasized that more than 30 percent of Albemarle's most experienced teachers will be eligible for retirement within the next two years, and statistics show that more than 60 percent of new hires depart within their first three years on the job. Ms. Hearn emphasized that Albemarle must be able to compete with neighboring localities in staff compensation. She encouraged the Board of Supervisors to fully fund the School Board's budget request.

Ms. Carol Hastings addressed the Board, noting that she has been a taxpayer, county employee, and parent in Albemarle County. She is the spokesperson for the Albemarle County Building Level Administrator's group, and the four members who worked on the 2005-06 school budget. Ms. Hastings said they support the proposal because the School Board does not have enough revenue to fund its full budget request, and staff salaries, needed building improvements, and increased medical costs must be funded. She expressed her support for the increase in elementary school day by 15 minutes, and looked forward to a time when the school days were synchronized. Ms. Hastings thanked Mr. Tucker and the Board for their support.

Ms. Nancy Markos, a physical education teacher at Broadus Wood Elementary and President of the Albemarle Education Association, addressed the Board. She expressed her support for Dr. Castner's budget, noting that while students are performing in the top 10 percent on the SOL's, teacher salaries are only raised to the bottom of the top quartile. Ms. Markos said that Dr. Castner's plan would help attract and retain highly qualified individuals, noting that there has been a trend of teachers leaving the county one to three years into their service. Within the last three years, the county has hired 395 new teachers,

with 156 teachers with 28 years or more experience and anticipated retirements. Ms. Markos emphasized that county students deserve the best prepared instruction.

Ms. Gene Smith addressed the Board, thanking Mr. Tucker for his excellent budget. She noted that public safety is of utmost importance, and supported the budget items that address police, fire and rescue services. Ms. Smith stated that the additional police staff are necessary, as are the mobile computers and upgraded equipment. She said that there is a wonderful educational system, but there are also wonderful police, fire and rescue personnel.

Mr. Ted Armantrout addressed the Board, as Chief of the Stony Point Volunteer Fire Company. He explained that their budget request was submitted in 2003, and this request is a maintenance replacement CIP request, which he understands should take precedence over new projects. Mr. Armantrout emphasized that the Stony Point station is the oldest in the county, built in 1976 with one slight addition in 1984 and very little done since then. He mentioned that there are four female firefighters currently serving, and they have no dorm space at the station currently.

Ms. Lisa Moorefield addressed the Board, speaking on behalf of the Albemarle County Schools Parent Council, representing over 12,000 public school students. She said that the 26 members are either appointed or elected by the PTO/PTA groups at each school, and she has served for seven years. Ms. Moorefield said that the council meets once a month with the superintendent and staff, and then gather input from parents and students through meetings, emails, and phone calls. She stated that the school division budget priorities and goals are reflective of that input, and the council supports the funding request. Ms. Moorefield outlined the council's priorities as: (1) fair and competitive compensation for teachers, administrators, and classified staff; (2) maintain current class size levels with additional staffing for literacy initiatives, SOL remediation, and technology support; (3) provide students and teachers with adequate instructional materials and resources to go beyond the SOL requirements including teacher training and technology upgrades; and (4) support world languages program from Kindergarten through 12th grade. She concluded by thanking the Board for their past support.

Mr. David Edwards addressed the Board, stating that the county should not automatically increase taxes without taxpayer approval. He suggested that the county use the composite index rate so that the assessments would go up and down in accordance with federal COLA limits.

Ms. Jennie Carter addressed the Board, as Co-President of the Meriwether Lewis Elementary PTO. She expressed pride in the school system and student achievements, and asked the Board to fully fund the recommended school budget. Ms. Carter said that teacher salaries are in the bottom quartile in an area with a high cost of living, which encourages the high turnover rate. She stated that the PTO encourages the 4.4 percent merit increase, increased health insurance contributions, and funding of the second phase of the teacher salary index increase. Ms. Carter noted that they also support increases for new technology in classrooms. She concluded by thanking the county for striving for the best.

Mr. Carter Highsmith addressed the Board, noting that "the Board listens." Mr. Highsmith said that after receiving his real estate assessment notice, he visited the Albemarle County website, which informed him that the assessments increased 27.2 percent over two years. He noted that his own assessment went up 40 percent. Mr. Highsmith said that the increased assessments would provide an additional \$22 million, and he did not believe that was necessary to maintain quality government, and they should be reasonable in funding current programs and adding new ones. He suggested that the county follow the city's lead and reduce the tax rate.

Ms. Denise Ramey addressed the Board on behalf of the Stone Robinson Elementary PTO, noting that the school's parents support Dr. Castner's budget. She said that the teacher salary increases have had a positive affect on staff morale and help attract the best possible instructors, noting that nearby school systems still have higher pay. Ms. Ramey stated that the literacy specialists are important, as they help support both teachers and students. She mentioned that the framework for quality learning curriculum development requires spending money, but it is worth it. Ms. Ramey added that Stone Robinson also supports the improved computer programs, as that also helps student learning. She asked the Board to fully fund the budget.

Ms. Betty Ketron of White Hall addressed the Board, expressing her concern about the drastic escalation of property taxes. She explained that she moved here in 1996 to be with her daughter, and in 2001, her property tax increased 13.72 percent; in 2003, it increased another 36.85 percent; in 2005, it will increase another 21.8 percent. Ms. Ketron said that her tax will have realized increases of 89.56 percent, or an average of 17.91 percent a year over five years. In comparison, increases in her social security grew 2.46 percent per year. She stressed that the Board has a moral obligation to control the escalation of the county budget and significantly reduce the tax rate.

Ms. Phyllis Laviano of White Hall addressed the Board, noting that the last two reassessments have increased her taxes 43 percent. She noted that homes can be an income-depleting asset, and encouraged the Board to significantly reduce the tax rates.

Ms. Maria Miller addressed the Board, expressing concern about the inflation of property values, noting that taxes are becoming a crushing burden, especially to those with low to moderate incomes and fixed incomes. She said that the tax burden could be lowered by reducing the tax rate, and asked the Board to give priority to doing so.

Mr. Rick Krell addressed the Board, expressing concern over tax rates that have gone up 57 percent on his property. He asked them to consider reducing the tax rate and not letting the budget run wild.

Mr. Robert Hogue addressed the Board, noting that his real estate tax payments have doubled over the last six to eight years, and the cost of living here is now the second highest in Virginia. He encouraged the Board to lower the tax rate. Mr. Hogue stated that doing away with land use would encourage more subdivisions, which cost more. He encouraged spending less and paying off debts, comparing it to the national deficit and trade imbalances. Mr. Hogue suggested that those receiving services pay for them, as they are reaping their benefits.

Ms. Martha Harris of White Hall addressed the Board and expressed her concern that the total county budget has increased \$67 million over the last four years, or 38.19 percent, with an increase in population of just 11.56 percent. She emphasized that the per capita cost of government has risen from \$2,223 to \$2,753 or 23.84 percent, and the school budget has increased \$35 million or 32.31 percent, with an enrollment increase of only 119 students, less than 1 percent. She said that per student costs have risen 31 percent over just four years, during a period of relatively low inflation. Ms. Harris stated that compensation raises have accounted for much of the increases, while social security has increased just over 2 percent each year. She noted that the school division alone has requested a 9 percent overall budget increase. Ms. Harris asked that the tax rate be lowered at least 4 cents, as excellent services could still be provided. She asked that all in support of lower tax rates stand.

Ms. Tippi Koenig addressed the Board as PTO President of Sutherland Middle School and mother of three students enrolled in the county school system. She expressed her concern that teachers' pay is comparatively low, and many top quality teachers will leave for better salaries and benefits. Ms. Koenig encouraged the Board to pass Dr. Castner's budget and include teacher salary increases as part of it.

Ms. Lillian Mezey addressed the Board and requested that the ACE program be funded at \$1 million again, and not reduce funding. She commented that ACE is an important way for Albemarle to implement the objectives of the Rural Areas section of the Comprehensive Plan, and there is wide support for preserving the county's rural character and protecting natural resources.

Mr. Tom Laux addressed the Board, noting that he has been a resident since 1999. He said that the school's operating budget represents over half of the county budget, and while enrollment has only increased just over 1 percent over the past five years, inflation has totaled 13 percent. However, the school's operating budget per pupil has increased 40 percent, or 24 percent adjusted for inflation. Mr. Laux said that the school's budget projections show a further increase of 28 percent despite virtually no increase in enrollment, with per pupil costs of \$13,174 by 2010, an increase of 91 percent from ten years earlier, or 50 percent adjusted for inflation. He commented that the average salary and benefits package for a teacher will be almost \$63,000 in 2005-06, and this will rise to \$82,000 by 2009-10. Mr. Laux noted that the teacher student ratio overall is 12.6 to 1. He encouraged the Board to "put the brakes on this runaway train."

Mr. Tom Jones of Earlysville addressed the Board. As President of the Boys and Girls Club of Charlottesville/Albemarle, he thanked the Board for their support of the organization. Mr. Jones reported that the club began in Charlottesville in 1992, and expanded to Southwood in 2001 and to Jack Jouett Middle School in 2003. He reported that they have over 300 members at those two sites, and many of them are from disadvantaged backgrounds, with a high percentage from single-parent households. Mr. Jones mentioned that both sites are open every day after school, with Jack Jouett also open before school. He noted that county schools are opened 1,200 hours per year, with the clubs open 1,500 hours per year. Mr. Jones emphasized that their programs include education and career services, character and leadership, health and life skills, the arts, and sports/fitness/recreation. He noted that the hours they are open are the hours studies show are most likely for students to engage in illegal activity, drug use, and sexual activity. Mr. Jones noted that they have many volunteers and support from a number of sources.

Mr. Rooker noted that that was the last speaker who signed up, and invited others to address the Board.

Ms. Liz Palmer addressed the Board, noting that Board members spend an increasing amount of time on budgetary and other county matters. She encouraged the Board to give themselves a small raise. She added that she would like to have some money spent to heat Lane Auditorium in the wintertime.

Ms. Margie Shepherd, a teacher at Henley Middle School and parent of four daughters, addressed the Board. She expressed her approval of the budget's inclusion of support for schools, environment, quality of life, and service to the public, which she feels is in keeping with the priorities of citizens of Albemarle. Ms. Shepherd commented that the proposed school budget allows the county to pursue excellence at the highest level in the state, which befits the best community in which to live in the country. She encouraged the Board to fully support the school budget.

Mr. John Stokes, a 20-year resident of the county, addressed the Board. He commented that he has children in the county schools. He encouraged the Board to fully support the School Board budget, as it will allow increased merit pay, curriculum to go beyond SOL's, increased elementary school nurse time, increased teacher assistant time for K-1 classrooms, support literacy and math instruction, and allow for important technology upgrades. He expressed his support for the teacher salary increases. Mr. Stokes said that the county reassessments reflect supply and demand, and the school system is a significant factor in creating that demand. He emphasized that the 2002 community-wide survey placed the goal of providing good education as the number 1 goal of the community, and encouraged the Board to use the

\$3 million mentioned by Mr. Tucker to close the gap between Mr. Castner's budget and the proposed Board allotment.

Mr. Aaron Sieme of Crozet, Chair of the Jefferson Area Libertarians, next addressed the Board. He urged the Board to reduce the real estate tax rates so that the burden is eased on the taxpayer.

Mr. Keith Hammond, Principal of Baker-Butler School, addressed the Board. He expressed his empathy for taxpayers dealing with increased assessments, but noted that federal mandates are part of the reason why the school budgets have increased. Mr. Hammond stated that there are not enough quality teachers to replace the numbers of teachers that are retiring.

Ms. Marta Ramsey addressed the Board as a parent and county school teacher. She thanked the Board for their past support, and expressed her support for fully funding Dr. Castner's budget. Ms. Ramsey pointed out that her class size is 27 students, noting that one piece of that budget is teacher assistants for Kindergarten and First Grade, which are needed to help students get off to a good start.

There being no further public comment, the public hearing was closed. Mr. Rooker thanked all of the speakers for participating.

Agenda Item No. 6. Discussion: Water Supply Options.

Mr. Rooker said a number of issues were raised in the recent joint meeting with City Council and the RWSA Board regarding various water supply options and source availability. Mr. Rooker noted that one option would be for the City and County to hire counsel to provide a second opinion to that which was provided by RWSA at the joint meeting. He mentioned that several questions went unanswered, including number of gallons in the 50-year scenario and whether a plan for that period must be presented, whether dredging could be permitted, etc. Mr. Rooker noted that City Council would prefer to appoint a joint committee of councilors and supervisors, along with RWSA board or staff members, and someone from the Albemarle County Service Authority, to meet with regulators.

Mr. Bowerman asked Mr. Tucker whether he agreed with the environmental counsel.

Mr. Tucker responded that Bill Ellis is highly respected in the state, and has a tremendous amount of experience. He noted that hiring new counsel would be expensive and time-consuming, and the committee approach perhaps would be helpful in obtaining feedback directly from regulators. He does not know how much the regulators are going to be able to tell the Board other than maybe some guidance. The regulators are waiting for Rivanna, the county, the city, and the Albemarle Service Authority, to submit a proposal on how the community is going to solve its water supply needs.

Mr. Bowerman commented that based on what was heard last week, how does the Board know which proposal to start making because we were advised that a couple of them are not feasible.

Mr. Rooker stated that regulators are used to responding to an application, and RWSA counsel provided an opinion of what was likely to be approved or not, steering towards two options, both of which leave out South Fork entirely. He commented that it may be necessary to hire separate counsel, specifically having city and county counsel putting together a packet of facts to present to new counsel. Mr. Rooker explained that the new counsel would review Mr. Ellis' opinion and that information and come back with an opinion.

Mr. Wyant noted that he believes it would be beneficial to meet with regulators and make decisions based on what those discussions yield.

Mr. Boyd agreed, commenting that that is probably the least expensive course of action. He asked what the cost of an application to regulators is, acknowledging that it might be rejected.

Mr. Dorrier suggested dealing with the counsel that the county has, and use Mr. Ellis and ask him more questions about why his findings are what they are.

Mr. Rooker agreed, but added that a second opinion and keeping options open are important.

Ms. Thomas said that regulators are talking to people in the community, and a lot of that information is coming back secondhand, which is creating doubts.

Mr. Davis commented that Bill Ellis is highly respected, has lots of experience, and also has extensive contacts with regulatory agencies. If the underlying assumptions are that a second attorney would look at are the same, then the Board is probably going to get the same opinion. But if the assumptions change, you are probably going to get different opinions.

Mr. Rooker reiterated the questions that arose from the joint meeting, such as 12 million gallons per day starting demand, whether a 50-year plan is required, etc., that "hemmed in" the potential for more than a couple of solutions to the problem.

Mr. Boyd and Mr. Tucker suggested that regulators could answer those questions.

Mr. Rooker agreed that a committee that becomes a public meeting, with public advertisement, could be extremely difficult, especially nailing down dates. He added that public Board and City Council meetings might also make the regulators speak less freely.

Mr. Bowerman said they need Bill Ellis and the regulators in a discussion together.

Mr. Rooker said that he has no problem with the meeting being open to the public, but would rather it not be an official City-County meeting. He asked who would like to serve on such a committee.

Mr. Bowerman suggested that Ms. Thomas serve.

Mr. Boyd nominated Mr. Wyant.

Mr. Rooker said that everyone could submit questions to be brought to the committee.

Mr. Dorrier commented that the questions for the joint meeting were not always clear.

Ms. Thomas said that the consultants should also be involved as the process moves forward.

Mr. Rooker agreed to share this information with Mayor David Brown, with Ms. Thomas and Mr. Wyant to serve on the committee.

Mr. Rooker asked if everyone had seen the letter emailed from RWSA today in response to the Southern Environmental Law Center's original letter of opinion on the water supply.

Mr. Rooker noted that the Board approved a plan that was also approved by City Council and the RWSA, and he was unable to find in his research what had ever happened to that plan. He is trying to determine what happened to that plan, because the outcome of that may help in formulating an application for regulators.

Mr. Boyd asked if a meeting could be convened if the committee meetings happened to include a quorum of supervisors or councilors attended. He suggested that staff choose a couple dates to meet with the regulators.

Mr. Davis responded that the Board would need to adjourn to the meeting time with the regulators.

Mr. Dorrier asked about the deadline for a decision on the matter.

Ms. Thomas indicated that one question is the July 1 deadline, and perhaps as an elected body the Board could change that date.

Mr. Rooker suggested that it be coordinated with City Council and appropriate regulators, and the Board could adjourn to that date. He agreed that Ms. Thomas and Mr. Wyant could take the lead to develop the questions, with the Board having a work session to formulate their discussion points.

Mr. Rooker asked if the Board would also like to pursue an elected official on the RWSA Board. Mr. Tucker agreed to follow up on that with Gary O'Connell, City Manager.

Agenda Item No. 7. From the Board: Matters Not Listed on the Agenda.

Mr. Tucker presented a resolution to the Board authorizing the execution of a Memorandum of Understanding between the City, County, University and Rivanna for funding environmental remediation costs at the Ivy Landfill.

Mr. Rooker indicated that this is in line with previous similar resolutions.

Mr. Boyd offered **motion** for approval of the resolution authorizing the execution of a Memorandum of Understanding between the City of Charlottesville, Albemarle County, the University of Virginia, and the Rivanna Solid Waste Authority for funding of environmental remediation costs of the Ivy Landfill. Ms. Thomas **seconded** the motion.

Ms. Thomas asked if this agreement could be handled if it has unforeseen costs, as the University is not flexible on their portion.

Mr. Davis responded that the University's costs are fixed at seven percent of 30-year projected costs, with the city and the county assuming unforeseen costs at a 35.5/64.5 percent split, respectively.

Mr. Rooker noted that the Rivanna Solid Waste Authority would have to approve any budget increases anyway.

Ms. Thomas complimented the Rivanna Board on their dealing with this matter.

Roll was then called, and the motion carried by the following recorded vote:

AYES: Mr. Dorrier, Mr. Rooker, Ms. Thomas, Mr. Wyant, Mr. Bowerman and Mr. Boyd.
NAYS: None.

(The agreement is set out below:)

RESOLUTION
AUTHORIZING THE EXECUTION OF A
MEMORANDUM OF UNDERSTANDING BETWEEN
THE CITY OF CHARLOTTESVILLE, ALBEMARLE COUNTY,
THE UNIVERSITY OF VIRGINIA AND THE RIVANNA SOLID WASTE AUTHORITY FOR FUNDING
ENVIRONMENTAL REMEDIATION COSTS AT THE IVY LANDFILL

BE IT RESOLVED by the Albemarle County Board of Supervisors that the County Executive is hereby authorized to execute, on behalf of the County, the *Memorandum of Understanding Among the City of Charlottesville, the County of Albemarle, the Rector and Visitors of the University of Virginia and the Rivanna Solid Waste Authority* related to the sharing of costs for environmental remediation at the Ivy Landfill, in a form approved by the County Attorney.

The County's payment of its respective share of the remediation costs pursuant to the terms of the Memorandum of Understanding is expressly made contingent on the annual appropriation of sufficient funds by the Board of Supervisors, and on the continuing payment by the University of Virginia and the City of Charlottesville of their respective shares of the remediation costs under the terms of the Memorandum of Understanding. A certified copy of this Resolution shall be attached to and made a part of the Memorandum of Understanding.

MEMORANDUM OF UNDERSTANDING
AMONG
THE CITY OF CHARLOTTESVILLE
THE COUNTY OF ALBEMARLE
THE RECTOR AND VISITORS OF THE UNIVERSITY OF VIRGINIA
AND
THE RIVANNA SOLID WASTE AUTHORITY

This **Memorandum of Understanding** ("MOU") is made this 10th day of January, 2005 by and among the **City of Charlottesville** (the "City"), the **County of Albemarle** (the "County") the **Rector and Visitors of the University of Virginia** (the "University") and the **Rivanna Solid Waste Authority** (the "Authority"), together referred to as the "Parties."

- WHEREAS, prior to the formation of the Authority, the City and the County jointly owned a tract of approximately 300 acres of land situated on State Route 637 in Albemarle County, Virginia, on which a solid waste depository was developed known as the Ivy Landfill (the "Landfill");
- WHEREAS, on November 20, 1990, the City and the County entered into a certain Solid Waste Organizational Agreement for the purpose of forming the Authority to operate the Landfill, which Landfill operated continuously from 1968 until the closure of Cell 2 in 2001;
- WHEREAS, at all times since 1968 the City, the County and the University have utilized the Landfill and benefited from its use as a solid waste depository;
- WHEREAS, pursuant to the Virginia Administrative Code, the Virginia Department of Environmental Quality (the "VDEQ") has promulgated regulations for closure of solid waste depositories located within the Commonwealth of Virginia;
- WHEREAS, pursuant to such regulations, the Authority has submitted a Corrective Action Plan ("CAP") to the VDEQ for the closure, remediation and monitoring of all disposal cells located at the Landfill;
- WHEREAS, beginning July 1, 2005, the Authority expects to incur the following expenses for the closure, remediation and monitoring costs for the Landfill (the "Costs"):
- a. The expenses incurred by the Authority under the CAP;
 - b. The cost of such additional remediation activities, which if not required under the CAP, are approved by the Authority's Board of Directors as being reasonably necessary or appropriate to complete the remediation of the Landfill; and
 - c. The administrative overhead of the Authority reasonably allocated to such activities;
- WHEREAS, the estimated Costs for each fiscal year of the Authority beginning July 1, 2005 (the 2006 fiscal year) through June 30, 2035 are shown on a spreadsheet (i) using current dollars and (ii) assuming an inflation rate of 2.5% per annum attached hereto as Exhibit A;
- WHEREAS, the costs and expenses the Authority expects to incur under the CAP cannot be funded by future revenues of operation of the Authority;
- WHEREAS, the Parties have agreed that the following allocation of the Costs is reasonable and appropriate:

City: 33%
County: 60%
University: 7%; and

WHEREAS, the University, since it is not a party to the Solid Waste Organizational Agreement and not represented on the Board of Directors of the Authority, desires to fix its share of the Costs, and the City and the County are willing to allow it to do so.

NOW, THEREFORE, the Parties agree as follows:

1. The University agrees to fund its share of the Costs as set forth on Exhibit A on the first day of each fiscal year of the Authority beginning on July 1, 2005 and continuing on each July 1 thereafter through and including July 1, 2034, reserving the option to pay one-quarter of such amount initially, and paying three additional equal quarterly installments on October 1, January 1 and April 1 of each year. The University shall also have the right to prepay all or any portion of its share of the Costs on or before December 31, 2005 based on the amounts set forth on Exhibit B, or at anytime thereafter based on the amounts set forth on Exhibit A with any Costs projected after the prepayment date adjusted to prepayment date dollars using the inflation rate assumed on Exhibit A.

2. Each of the City and the County agrees to fund its share of the balance of the Costs remaining after payment of the University's share of the Costs as the total amount of such Costs for each year may be adjusted in the budget approved by the Authority's Board of Directors each year in the following percentages:

City: 35.5%
County: 64.5%

Such amounts shall be paid to the Authority on the first day of each fiscal year of the Authority beginning on July 1, 2005 and continuing on each July 1 thereafter through and including July 1, 2034, with each reserving the option to pay one-quarter of such amount initially, and paying three additional equal quarterly installments on October 1, January 1 and April 1 of each year.

3. Any amendment to this MOU must be made in writing and signed by the Parties; provided, however, that the City and the County may adjust their share of the balance of the Costs set forth in Paragraph 2 above as between themselves without the consent or agreement of the University; provided further, however, that such adjustment shall be in writing and signed by each of the City and the County.

4. This MOU shall be governed in all respects by the laws of the Commonwealth of Virginia.

5. Any notice, invoice, statement, instructions, or direction required or permitted by this MOU shall be addressed as follows:

a. To the City: Office of the City Manager
P.O. Box 911
Charlottesville, VA 22902

b. To the County: Office of the County Executive
401 McIntire Road
Charlottesville, VA 22902

c. To the University: Office of the Executive Vice President
and Chief Operating Officer
P.O. Box 400228
Charlottesville, Virginia 22904-4228

d. To the Authority: Thomas L. Frederick, Jr., Executive Director
Rivanna Solid Waste Authority
P.O. Box 979
Charlottesville, Virginia 22902-0979

Or to any other party at such other address or addresses as shall at any time or from time to time be specified by the Parties.

6. This MOU, and any amendment or modification that may hereafter be agreed to in accordance with the provisions herein, constitute the entire understanding between the Parties with respect to the matters addressed, and supersede any and all prior understandings and agreements, oral or written, relating hereto.

WHEREAS these terms are agreeable to the City of Charlottesville, the County of Albemarle, The Rector and Visitors of the University of Virginia, Rivanna Solid Waste Authority, each party offers its signature this 10th day of January, 2005.

THE CITY OF CHARLOTTESVILLE:

Gary B. O'Connell
City Manager

Date

THE BOARD OF COUNTY SUPERVISORS
OF ALBEMARLE COUNTY:

Robert W. Tucker, Jr.
County Executive

Date

THE RECTOR AND VISITORS OF
THE UNIVERSITY OF VIRGINIA:

Leonard W. Sandridge
Executive Vice President and
Chief Operating Officer

Date

THE RIVANNA SOLID WASTE AUTHORITY:

Thomas L. Frederick, Jr.

Date

Mr. Davis said there has been an identified plume of contamination in the water supply in the Red Hill area, and that area has been identified as at risk by the DEQ. He noted that proposed drinking water wells in that area have been drilled but not yet tested, and staff feels that it is important to know whether they are contaminated. Mr. Davis said that this emergency ordinance would require that there be testing in the event of identified petroleum discharges, to see if those levels exceed those set by state and federal law. He noted that if the wells were found to be contaminated, this ordinance would prevent the issuance of a building permit until an alternative potable water supply for those structures is identified.

In response to Mr. Boyd's question, Mr. Davis explained that staff would bring the ordinance back to the Board within 60 days, and it would become a permanent ordinance.

Mr. Rooker agreed that there should be some ordinance in place to effect the building permit issuance should contamination be found.

Ms. Thomas noted that DEQ did not indicate they would assist in helping to find a potable water supply.

Mr. Davis stated that he believes the county is not obligated in any way to provide water, and it is intended to be at the developers' cost. He emphasized that this ordinance would apply to other contamination sites as well.

Ms. Thomas **moved** adoption of an emergency ordinance establishing testing requirements to determine whether a private ground water well has been contaminated where the Virginia Department of Environmental Quality has confirmed that there has been a petroleum release or discharge and the well is located in an active contamination area. Mr. Wyant **seconded** the motion. Roll was called, and the motion carried by the following recorded vote:

AYES: Mr. Dorrier, Mr. Rooker, Ms. Thomas, Mr. Wyant, Mr. Bowerman and Mr. Boyd.

NAYS: None.

(The adopted ordinance is set out below:)

ORDINANCE NO. 05-E(1)

AN EMERGENCY ORDINANCE ESTABLISHING TESTING REQUIREMENTS TO DETERMINE WHETHER A PRIVATE GROUND WATER WELL HAS BEEN CONTAMINATED WHERE THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY HAS CONFIRMED THAT THERE HAS BEEN A PETROLEUM RELEASE OR DISCHARGE AND THE WELL IS LOCATED IN AN ACTIVE CONTAMINATION AREA

WHEREAS, Virginia Code § 32.1-176.5 enables the Albemarle County Board of Supervisors to establish reasonable testing requirements for private ground water wells serving as the primary potable water supply to determine whether the water from such wells complies with existing federal or state drinking water quality standards and to require that the testing be done prior to the issuance of building permits;

WHEREAS, the release or discharge of petroleum poses a threat to the ground water and to private ground water wells that serve as the primary potable water supply and, in turn, poses a threat to the public health, safety and welfare;

WHEREAS, private ground water wells located in areas where a petroleum release or discharge has been confirmed by the Virginia Department of Environmental Quality may pose an immediate threat to the public health where the contamination has not been remediated or otherwise corrected;

WHEREAS, it is necessary to protect the public health, safety and welfare in areas where there has been a petroleum release or discharge confirmed by the Virginia Department of Environmental Quality by requiring that new private ground water wells in such areas be tested for petroleum contamination to determine the extent of the contamination, if any, and to assure that the wells satisfy existing federal or state drinking water quality standards for the contaminants;

WHEREAS, active contamination areas have been identified in Albemarle County and proposed private ground water wells have not been tested and may be contaminated;

WHEREAS, the Virginia Department of Environmental Quality has cautioned that establishing new private ground water wells in the immediate area of a contamination plume could alter the conditions of existing contamination plumes and draw contaminants into areas that are currently free from contamination; and

WHEREAS, the Board of Supervisors finds that an emergency exists requiring the adoption of this Ordinance without prior public notice pursuant to Virginia Code § 15.2-1427.

NOW, THEREFORE, BE IT HEREBY ORDAINED THAT:

Section 1. Purpose.

The Board of Supervisors finds that discharges or releases of petroleum from leaking underground storage tanks may pollute ground water and, at high enough levels, these pollutants may render water unsuitable for drinking and may cause adverse effects on the public health, safety and welfare.

Section 2. Applicability.

This Ordinance shall apply to those areas of the County where the release or discharge of petroleum from leaking underground storage tanks has been confirmed by the Virginia Department of Environmental Quality and such area remains an active contamination area. For the purposes of this Ordinance, the term "active contamination area" means those lands within the area identified by the Virginia Department of Environmental Quality to be contaminated such that, in its judgment, the contamination poses a risk to human health and the environment and warrants corrective action or remediation, and those lands within two thousand (2,000) feet of the contaminated area determined by the Virginia Department of Environmental Quality to be at risk for contamination.

Section 3. Well testing and reporting.

Each private ground water well serving as the primary potable water supply for a structure within an active contamination area shall be tested as provided herein prior to the issuance of a building permit for the structure:

A. *Contaminants to be tested.* The tests shall determine whether the following volatile organic compounds are present in the water: Benzene, Toluene, Ethylbenzene, and Xylenes.

B. *Applicable standards.* Each contaminant identified in Section 3(A) of this Ordinance shall be tested for compliance with the maximum contaminant level established for that contaminant under the federal Safe Drinking Water Act, as follows:

1. Benzene: 0.005 MCL (mg/L)
2. Toluene: 1 MCL (mg/L)
3. Ethylbenzene: 0.7 MCL (mg/L)
4. Xylenes (total): 10 MCL (mg/L)

For the purposes of this Ordinance, "MCL" is the maximum contaminant level, which is the highest level of a contaminant that is allowed in drinking water. The units are in milligrams per liter (mg/L); milligrams per liter are equivalent to parts per million.

C. *Sampling and testing services.* Samples shall be taken and tests shall be performed using appropriate testing methods by either the Virginia Department of Environmental Quality or by a laboratory certified by the Commonwealth of Virginia to perform such services. No such tests shall be conducted by Consolidated Laboratories. The cost of such tests shall be paid by the landowner, provided

that nothing herein prohibits the Virginia Department of Environmental Quality from conducting the tests without charge to the landowner.

D. *Reporting of test results.* The testing laboratory shall notify the landowner of the test results in a written report.

Section 4. Building permit; withholding.

Each applicant for a building permit for a structure to be served by a private ground water well as the primary potable water supply within an active contamination area shall present the report containing the test results required by Section 3 of this Ordinance prior to issuance of the building permit.

A. *No contaminants detected.* If there are no tested contaminants detected, then the building permit shall be issued provided that all other applicable requirements are satisfied.

B. *Contaminants detected; exceed applicable standards.* No building permit shall be issued if one or more contaminants are detected and they exceed the federal Safe Drinking Water Act standards identified in Section 3(B) of this Ordinance, unless and until an alternative primary potable water supply is provided.

Section 5. Immediate effect; emergency.

This Ordinance shall take effect immediately, being adopted under emergency procedures pursuant to Virginia Code § 15.2-1427, and shall remain in effect not longer than sixty days unless readopted in conformity with the applicable provisions of the Virginia Code.

Agenda Item No. 8. Adjourn to March 14, 2005, Room 235, 1:00 p.m.

With no further business to come before the Board, at 9:10 p.m., **motion** was offered by Mr. Bowerman, **seconded** by Mr. Dorrier, to adjourn this meeting until March 14, 2005, 1:00 p.m.

Roll was called, and the motion carried by the following recorded vote:

AYES: Mr. Dorrier, Mr. Rooker, Ms. Thomas, Mr. Wyant, Mr. Bowerman and Mr. Boyd.

NAYS: None.

Chairman

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|-------------------|
| Approved by Board |
| Date: 07/13/2005 |
| Initials: DBM |