

RWSA BOARD OF DIRECTORS
Minutes of Regular Meeting
January 22, 2001

A regular meeting of the Rivanna Water and Sewer Authority (RWSA) Board of Directors was held on Monday, January 22, 2001, at 2:05 p.m., in the Conference Room, Administration Building, 200 Franklin Street, Charlottesville, Virginia.

Board members present: Dr. John Marshall (arrived late), presiding, Mrs. Judith Mueller, Mr. William Brent, Mr. Gary O'Connell and Mr. Robert Tucker

Authority staff present: Mr. Arthur Petrini, Mr. Lonnie Wood, Mr. Gene Potter, Mr. Stephen Bowler and Mrs. Rhonda Bridgwater

Also present: Mr. Kurt Krueger, RWSA Attorney, the public and the media

1.0 Call To Order

The regular meeting of the RWSA Board of Directors was called to order by Mr. Gary O'Connell, Vice-Chairman, on Monday, January 22, 2001, at 2:05 p.m. and a quorum was established.

2.0 Minutes Of Previous Meeting

Upon motion by Mr. Brent and seconded by Mrs. Mueller, the Board of Directors approved the minutes of the regular meeting held on Monday, December 18, 2000.

3.0 Items From The Public

Mr. John Via, public, stated that he is one of the original landowners of the Buck Mountain property. He said that he was not fond of the outcome that RWSA is planning to hold on to this land for 30 or 40 years until the original owners all die off and then RWSA can do what they please with it. He commented on the land being leased to a hunt club, which he found very disturbing. He said that he does not agree with this and he did not feel that the neighbors agree. He said that the RWSA should give this land back to the original owners and let them take care of this land.

4.0 Consent Agenda

In regards to Item 4d), Future Water Supply, Mr. Brent said that the [Vanassee Hangen Brustlin, Inc.] minutes of the December 14, 2000 meeting with the regulatory agencies, page 3, under Chris Greene Lake, stated: "Thomas Dumm discussed a graph showing drawdown levels for Chris Greene Lake over a period from 1929-1989", and he assumed that they meant 1969 instead of 1929. Mr. Petrini said that he would clarify this. Dr. Marshall stated that on page 1, under the section on dredging, there was no indication that there was any distinction made between the one time dredging and continuous dredging.

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4.0 Consent Agenda Item 4d) Future Water Supply Continued

Mr. Petrini stated that they are looking at both. Dr. Marshall referred to page 6, under the section on indirect reuse, and asked if there was any tentative conclusion discussed about the probability that this will stay on the table. Mr. Petrini stated that he believed it will not be one of the ultimate recommendations to this Board. Dr. Marshall asked if the final draft report will be available for the citizens. Mr. Petrini said that a public meeting should be scheduled in about four months. Dr. Marshall referred to page 7, the bottom half, scenario 3, "Drought management yields 1.4 MGD, and would not fully be realized until 2050. [Note: this figure is for demand side drought management – supply side measures could yield an additional 1 MGD]", and asked what the supply side is under drought management. Mr. Petrini said that it is operating the system as one unit instead of looking at the reservoirs individually. He said that if you operate the reservoirs in combination you will get a little more safe yield out of the system. Mr. Petrini stated that he would confirm this. Dr. Marshall said that on the last page, second paragraph, it mentioned that there might be a request for a formal review of the demand analysis and asked why that would be. Mr. Petrini said that he would ask VHB and get back with the Board. Dr. Marshall said that the Moormans River flow is mentioned in the last paragraph, and asked if it reflected the only discussion of the flow in the Moormans River. Mr. Petrini said yes.

In regards to Item 4c), Staff Report of Ongoing Projects, Mrs. Mueller said under Authority-Wide SCADA Project, it stated that "One critical work element has occurred that allows validation of the FCC license issued for the radio system which is significant" and asked what is the critical work element that occurred. Mr. Potter stated that the radio was in place and able to transmit by January 1 in order to validate the FCC license.

In regards to Item 4e), Watershed Manager's Report, Dr. Marshall commended Mr. Bowler on his report. Dr. Marshall said that one of the problems that Mr. Bowler has to deal with is simply the ignorance of the landowners not knowing the statutes or ordinances. Dr. Marshall said that he would like to see this prevented by informing the landowners. He said one way this might be handled is when the land changes hands. Dr. Marshall suggested asking the CAC to draft a document in conjunction with Mr. Bowler and other folks and to ask that the realtors present this to the new owners. Mr. Tucker said that he did not think that legally they could require the realtors to provide anymore than they are already required but Mr. Bowler might want to check into this, and RWSA could try and do what they can to inform the new owners. Mr. O'Connell suggested a brochure to educate the new landowners. Mr. Brent also brought to the attention of the Board the turnover of realtors that RWSA might be better off educating the people directly. Mrs. Mueller said that the City has formed a master list for the landowners of their historic district and they perform a mass mailing to inform those landowners on

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4.0 Consent Agenda Item 4e) Watershed Manager's Report Continued

a regular basis. Mr. Bowler said that the County's current real estate database is very easy to sort out the different areas. The Board asked that Mr. Bowler meet with the CAC [March 21, 2001] to draft a document informing the neighbors of rules and regulations in the watershed area each time the land changes hands and then bring their suggestions to the Board. Mr. Tucker suggested that Mr. Bowler first check into the cost implications and to share that information with Mr. Petrini or Mr. Potter.

- 4a) Staff Report on Finance
- 4b) Staff Report on Operations
- 4c) Staff Report of Ongoing Projects
- 4d) Future Water Supply
- 4e) Watershed Manager's Report

Upon motion by Mr. Tucker and seconded by Mr. O'Connell, the Board of Directors approved items a), b), c), d) and e) of the Consent Agenda.

5.0 **Other Business**

In regards to Item 5a1), RWSA Citizens Advisory Committee, Draft Minutes for the December 20, 2000 meeting, Dr. Marshall said that he did not see any requested action from this Board. Mr. John Hermsmeier said that there were no recommendations for the Board's action in addition to the Matrix. Dr. Marshall said that in the August memo there were several suggestions: to include the Matrix in with the water bills and/or publishing the Matrix in the newspaper with an accompanying article to get this information out to the public. Mr. Hermsmeier said that he felt that before the Board makes any final recommendation that they should review the comments that were received. Dr. Marshall said that there are only two tasks that are before this Board: 1) to decide whether to accept the Matrix as it has been modified over the last six months and 2) if the Board approves the Matrix, how do they want to use this.

Mrs. Rochester concurred with Mr. Hermsmeier's comments. Mrs. Rochester suggested creating an Ad Hoc Committee to develop a plan to move the Matrix forward. Mrs. Mueller stated that she did not know if RWSA is the right group to create an Ad Hoc Committee, that it might be a City/County function with RWSA being a player. After some discussion, Mrs. Mueller suggested that the Board come together at the next Board meeting when they have all had the opportunity to review the August 22 memo and the other citizens comments, and at that time put their thoughts together in writing a cover

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5.0 Other Business Item 5a1), RWSA Citizens Advisory Committee Continued

letter to send to the City and the County for their comments. Mr. Hermsmeier suggested the possibility of a public workshop to be held. He said this could be addressed at a water supply public meeting by asking those who are interested to stay after the meeting. Dr. Marshall asked that Mr. Petrini add an additional item on the agenda for the next public meeting for the water supply to look into the possibility of what Mr. Hermsmeier suggested.

A motion was made by Mr. Tucker, and seconded by Mrs. Mueller, to accept the Matrix knowing that it can be amended at any given time.

Mr. Krueger requested a legal review of the Matrix before its approval. Mr. Tucker withdrew his motion and Mrs. Mueller withdrew her second for approval to accept the Matrix. Dr. Marshall asked that Mr. Krueger present the recommendations on the Matrix to the Board at the next meeting. Dr. Marshall thanked the CAC for their work on the Matrix.

In regards to Item 5b), Revision to RWSA Bylaws [attached], Mr. Petrini said that the Resolution was drafted by Mr. Kurt Krueger to clearly state for the record what roles of authority and duties the Executive Director and the Director of Finance and Administration hold. Mr. Brent questioned whether or not the resolution enabled the Executive Director to sell or purchase real property. Mr. Krueger said that this will allow him to sign contracts and agreements but not to purchase actual property. Mr. Petrini stated that he agreed that he is not looking to purchase property. Mr. Krueger said that if this is something that the Board should do, then the Executive Director is entitled to say that he does not want to exercise his authority and that he believes that this is something that the Board should handle.

Upon motion by Mr. O'Connell and seconded by Mr. Tucker, the Board of Directors approved the revision to the RWSA Bylaws through a roll call vote: Mrs. Mueller-Aye; Mr. O'Connell-Aye; Dr. Marshall-Aye; Mr. Tucker-Aye; Mr. Brent-Aye.

In regards to Item 5c), Report on Buck Mountain Leases, Mr. Tucker stated that Mr. Via was concerned about RWSA leasing land for a hunt club. Mr. Tucker said that the only instance he had heard of was when someone that RWSA leased to had subleased the property for a hunt club. Mr. Petrini stated that they were not aware of this and that is one of the reasons for the revision of the leases. Mr. Krueger said that the leases do not contain a lot of legal standard clauses and similar items. There was discussion on the leases determining the allocation of responsibilities and liabilities, 1-20 year lease terms,

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5.0 Other Business Item 5c) Report on Buck Mountain Leases Continued

conservation easements, subletting and watershed management. Mr. Brent asked that Mr. Ellis [legal counsel for the water supply alternatives process] review Dr. Marshall's concept of conservation easements. Dr. Marshall said that Mr. Krueger will review the leases and return to the Board with his comments. Mr. Tucker said that Mr. Via had raised a question on why this land could not be returned back to the property owners rather than RWSA maintaining the property and he asked that Mr. Petrini explain this to Mr. Via so he could understand that this is still a viable site for a reservoir. Mr. Petrini said that with their short term alternatives they can supply water to the community for the next 10 to 20 years without building a reservoir. He said after the short term alternatives are consumed then a reservoir, particularly Buck Mountain Reservoir, becomes a much higher viable alternative. Mr. Petrini said at this time it is not in the top five but in the future it could be in the top five if not the top one in 20 years.

Mr. Via said that it would be cheaper to do this today due to the cost of living. He said that the land should be returned to the original owners. Dr. Marshall said that RWSA has a responsibility to the community and that he saw no other alternative.

Upon motion by Mrs. Mueller and seconded by Mr. O'Connell, the Board of Directors accepted the broad management guidelines for the Buck Mountain Leases that are included in Mr. Petrini's memorandum dated January 2, 2001 and the prioritizing management goals of Mr. Bowler's memorandum dated December 8, 2000.

Mrs. Aschom commented on the easements in regards to fencing and their access to the water and pasture, their horses, live stock, and to their house. Mrs. Aschom stated that Mr. Sessoms and Mr. Williams stated that they would always have access to water and their house.

Mrs. Mueller said that she worded her resolution not to get into those specifics because she also had some questions and she clarified her resolution by saying that the reference to Mr. Bowler's memo was just for prioritizing management goals. Mrs. Mueller said that it is not RWSA's intention to cause a financial hardship on anyone who lives on this property. Mrs. Mueller said it is merely their intention to look and ask if we are really protecting the land and the watershed. Mrs. Mueller said that one of the management goals is to protect the land for the future reservoir and the second was to honor the commitments that were made to the original owners.

6.0 Other Items From Board/Staff Not On Agenda

Dr. Marshall thanked Mr. Petrini for the distribution of the "Moormans River Flows and the Fall 2000 Experimental Release at the Sugar Hollow Reservoir".

Dr. Marshall asked if the citizens will continue to collect [water quality and flow] data. Mr. Bowler said yes. Dr. Marshall asked if he will be a part of this. Mr. Bowler stated not in a major way.

Mr. Petrini distributed a GIS analysis to the Board of the topics that were discussed regarding the Buck Mountain property [attached].

7.0 Items From The Public

Mr. Via, public, commented on the condemnation of the land and that this is very unfair to the public and he felt that they should consider putting this land back in the hands of the original owners.

Mr. John Martin, public, thanked Mr. Bowler for all the time he had spent on educating the citizens in regards to the experimental release of the Moormans River.

8.0 Executive Session

There was no need for an Executive Session.

9.0 Adjournment

Upon a motion made by Mrs. Mueller for adjournment and seconded by Mr. Tucker, the Board voted that the meeting be adjourned at 3:15 p.m.

Respectively Submitted,

Mr. Robert Tucker
Secretary - Treasurer