

An adjourned meeting of the Board of Supervisors of Albemarle County, Virginia, was held on February 9, 2011, at 9:00 a.m., Albemarle County Office Building, Room 241, McIntire Road, Charlottesville, Virginia. This meeting was adjourned from February 2, 2011.

PRESENT: Mr. Kenneth C. Boyd, Mr. Lindsay G. Dorrier, Jr., Ms. Ann Mallek, Mr. Dennis S. Rooker, Mr. Duane E. Snow (arrived at 9:09 a.m.) and Mr. Rodney S. Thomas.

ABSENT: None.

OFFICERS PRESENT: County Executive, Thomas C. Foley, Assistant County Executive, Bryan Elliott, Assistant County Executive, Bill Letteri, County Attorney, Larry W. Davis, Senior Deputy Clerk, Meagan Hoy.

Agenda Item No. 1. Call to Order.

Ms. Mallek, Chair, called the Board of Supervisors to order at 9:07 a.m.

Mr. Townsend, President, called the Library Board to order at the same time.

---

Agenda Item No. 2. Joint Meeting with Albemarle County Library Board Representatives.

LIBRARY BOARD MEMBERS PRESENT: Ms. Mary Coy (Nelson County), Mr. Gary Grant (Albemarle County), Mr. Peter McIntosh (Charlottesville), Mr. Mike Plunkett (Charlottesville), Ms. Faye Rosenthal (Louisa County), Mr. Timothy F. Jost Tolson (Albemarle County), Mr. Anthony Townsend (Albemarle County), and Ms. Deborah Willenborg (Greene County).

ABSENT: Hope Payne (Charlottesville).

ASLO PRESENT: Library Director, John Halliday, and Ms. Roxanne White.

---

Item No. 2a. Work Session: Regional Library Study.

Mr. Elliott reported that he would review some findings and data related to the Jefferson-Madison Regional Library analysis the Board requested staff undertake last year. He said that he would review the scope of work the Board authorized staff to move forward on, consider some of the County's contractual obligations of the current agreement, review operating models for library systems across Virginia, identify the peer group of counties and cities utilized in the analysis, offer an assessment of the JMRL services and a peer review related to those communities, offer some of the challenges the County would face in transitioning to a County-owned system, and consider recommendations for the Board of Supervisors.

Mr. Elliott said that the Library Analysis Scope of Work was released several weeks ago for the Board and the Library Board. The staff has reviewed the current JMRL agreement; the County's contractual obligations; federal, state and local mandates relative library services; and a review of peer counties. He stated that the analysis also includes an overview of the CIP and operating budget impacts of the proposed library projects that have put in and out of the CIP. Mr. Elliott acknowledged the work done by Ms. White in preparing the analysis and conducting the peer review, and Mr. Halliday for his assistance and time.

He reported that the County is operating in a version of the Library Agreement that was established in 1991, which is a multi-jurisdictional agreement with the City of Charlottesville, and Albemarle, Nelson, Greene and Louisa Counties. Mr. Elliott stated that in terms of financial obligations for the County, there are three specific categories: The first is regional costs allocated based on each member's percentage of circulation for financial management, system costs and reference services. For Charlottesville and Albemarle, there is also a cost allocation based on circulation for the operation of Central Library, Gordon Avenue Library and Northside Library. The County is also responsible for 100% of the local costs of the operations of Crozet and Scottsville. Second, the County is required to participate in the Bookmobile, Monticello Avenue, and the McIntire Library. Per the agreement, these three elements are to be contracted separately with the City; however, in the course of the analysis nothing in writing was found to set forth those responsibilities and financial obligations.

Mr. Elliott stated that Albemarle currently provides approximately 59% of total operating funds for JMRL based on circulation and financial obligations listed above. Translating to actual dollars, in FY10 and carried forward to FY11, the County's financial obligations totaled approximately \$3.17 million done through one appropriation, with Albemarle's share of management and related system costs were 58% or \$847,000; reference services were 34%; and in Central and Gordon Avenue Libraries, the County's share was 61% and 55% respectively, followed by Northside where the share is 86%. He said that Northside's obligation is the greatest at \$856,000 a year followed by the management and system costs.

Mr. Rooker asked what is included in reference services.

Mr. Halliday stated that those are the central reference services provided from the Central Library, where there is a team of reference librarians offering support to any branch of the Library. They also manage all online databases and select all needed reference materials for the system. He stated that reference services are broken out as a separate cost in the 1991 regional agreement, and a separate statistic is used by jurisdiction, with Charlottesville paying about 66% of those costs.

Mr. Elliott reported that the Bookmobile is allocated based on circulation and based on the latest data, with Albemarle constituting about 74% of the Bookmobile circulation. He said that Monticello Avenue, which is the website and technology aspect of JMRL, is split 50/50 with the City, as well as the operation of the McIntire Library, which houses the historical collection for both the City and the County.

He said that the research and analysis points to four models in existence in Virginia: a regional approach similar to JMRL with costs split based on circulation and member jurisdictions responsible for local-only libraries; a regional system where the locality pays directly for the maintenance and upkeep of buildings, i.e., custodial, painting, general maintenance, etc., with a little bit of cost-share in the case of Scottsville and Crozet, and some CIP projects to maintain those libraries and costs split for Central and Gordon Avenue; single-county library systems that operate like any other local government department; and a single-library system with the IT platform for circulation being shared by a number of jurisdictions in that area, i.e., Roanoke County. In terms of peer group, Mr. Elliott stated that Roanoke, Henrico, Fauquier, and Chesterfield all operate county standalone systems, with Hanover, James City County, Stafford and Spotsylvania operating in a regional system.

He said that even though the county libraries listed have county-department structures they also have a policy-making board or an advisory board. In Fauquier, he said, they have a policy-making board that submits their annual budget to the Board of Supervisors and has an operating budget of \$1.9 million annually with one central library and two branches. Mr. Elliott reported that Roanoke has an advisory board system jointly funded with the IT, but has a central library and five branches and operates for approximately \$2.9 million each year. He said that Henrico's library system is about \$15 million per year with Chesterfield at about \$7.3 million per year. Mr. Elliott mentioned that the overall operating costs of the Rappahannock Regional Library system is \$12.0 million per year, with Stafford providing \$4.8 million annually in allocations. He said that Hanover allocates about \$2.8 million per year to the 10-library Pamunkey Library system; Williamsburg is in a jurisdiction with James City County that operates under an agreement that has nine member libraries, and it is based on circulation. Mr. Elliott reported that some systems have inter-library agreements with adjoining jurisdiction citizens able to use the libraries at no costs, or a small \$10.00 to \$15.00 annual fee for library use – as in Henrico with New Kent County and in Fauquier for some Northern Virginia libraries.

Mr. Elliott said that when they looked at the assessment of the JMRL level of service for this region, they concluded that based on statewide data and information Albemarle is getting good value for the dollars that it is investing in JMRL. JMRL delivers an efficient and effective library system when compared to other localities. He also said that in per capita spending, James City County leads with \$64.00 per person per year in library services, followed by Henrico at \$53.00 and Stafford at \$36.00, with Albemarle at \$33.00 ahead of Roanoke, Spotsylvania, Fauquier, Hanover and Chesterfield.

Mr. Thomas asked about the low per-capita staff and use of volunteers in the JMRL library system. Mr. Halliday responded that there are more volunteers than paid staff, which helps keep costs down.

Mr. Elliott reported that the JMRL system has a low number of staff per-capita, low staff expenditures relative to the overall budget, a low operating budget and one of the highest levels of state aid. He said that the state favors regional systems, and because Albemarle, and some of the other localities, is rural in nature it gets additional credit from the state for coming together as a regional system. Mr. Elliott noted that the Library systems receives between \$500,000 and \$600,000 per year in state aid but the state has been cutting back on that funding level in recent years, so the ability of the library system to purchase new books and materials has been hampered.

Mr. Halliday asked if he was going to address the rent at Northside.

Mr. Elliott responded that the rent at Northside is about \$250,000 per year, and taking that out of per-capita spending takes that down to \$31.00 per capita. He said that the state does not consider debt service as part of per-capita spending, and he did not feel the rent should be discounted because without that they would be paying debt service. Mr. Elliott stated that the borrowing has to be paid off with taxpayer dollars, and even at the \$31.00 Albemarle would be ahead of Hanover, Chesterfield and Fauquier.

Mr. Thomas asked if that was comparable to the School Board's CIP being in County government's operating budget. Mr. Elliott said he was looking at it in total, the total localities investment in library services. He added that if that was considered everyone's bar would be raised.

Mr. Thomas asked how the other localities handle construction. Mr. Elliott commented that Albemarle is unique in having the rental agreement which it has been paying for almost 20 years, as most localities pay for construction out of the CIP or borrow money.

Mr. Thomas commented that Northside is always a busy library. Mr. Elliott responded that Northside is the largest in the entire system with 500,000 volumes in circulation.

Ms. Mallek said that some localities are covering custodial operational costs with part of County government, and Albemarle assigns that to JMRL on their side. She added that they need to be careful when comparing apples to apples.

Mr. Elliott said that in Chesterfield, they are not necessarily fully allocating costs over to the library system and there are some functions of local government that do not charge an inter-service fee, which could be depressing the reported per-capita figure.

Mr. Rooker commented that a library has not been built in this community for quite some time. Mr. Halliday noted it had been three decades. Mr. Rooker asked who takes title to the real estate when a library is built. Would it be funded through the Library Board or directly by the County?

Mr. Elliott responded that the Northside facility has been programmed for funding in the past through the County's CIP, even though it is a joint City-County operation. He said that there would be a cost share with the City as far as capital investment and additional operating expenses, noting that Albemarle residents generate about 86% of Northside circulation today. You would assume that the City would contribute 14% of the cost at this time.

Mr. Rooker asked if the title of a property would be held by the Library Board in the case of a shared facility. Mr. Davis replied that the Downtown Library is jointly titled with the City and the County; Gordon Avenue was acquired by the City prior to the regional system and is held in their name although the County has contributed substantially to the building over the years. The agreement is not clear on the title issue. Mr. Davis said that if a joint library were purchased with both localities contributing to the cost, it would likely be jointly titled.

Mr. Elliott reported that JMRL maintains comparable service levels with its peers in library visits, collection size, print materials, computer usage, and the number of libraries in the system.

Ms. Mallek added that it is important to note that that is with fewer resources.

Mr. Elliott said that data showed that JMRL falls significantly below the median in several areas when compared to peer localities: video and audio materials, downloadable books, reference transactions, library programs, program attendance, number of computer terminals, and money spent on material collection. He stated that it could be said that what is depressing the performance relative to these indicators is the availability of space, as the system simply does not have the space of other peers to run certain programs. Mr. Elliott said that in the case of downloadable books, JMRL put that into place in November and has seen an explosion in the use of that service since it has been operable.

Mr. Rooker asked if the books are downloadable through the website.

Mr. Halliday explained that audio books or eBooks can be downloaded through the Library's website to computer, iPod, MP3 Player, Sony Reader, etc., but not Kindle because their technology is currently proprietary, and will not allow someone to read free books on their product. Mr. Halliday said that JMRL has several thousand books available but this is expected to grow and the use is very heavy. He added that the busiest downloadable service day was Christmas, as people likely got devices they could use for eBooks.

Mr. Grant pointed out that the program was all funded through a grant from Friends of the Library, not through operating funds.

Mr. Elliott reported that it is possible that JMRL lags in the reference material area because UVA has such a renowned collection nearby. He also reported that almost 46% of the circulation at JMRL is attributable to children's books, and because of the limited space may not be able to have as many programs in this area as peer localities. Mr. Elliott said that historically JMRL has used state aid to purchase materials for the collection rather than turn to the localities, which could drive some of the per-capita data.

Mr. Elliott stated that all peer library systems have reduced their library budgets utilizing different methodologies with some having specific targets, some imposing across-the-board reductions, some having specific service level changes such as closing the library early on a low-demand day. He said that as of yet the State has not reduced funding to jurisdictions because of those cuts.

Mr. Halliday noted that the State cut the library funding to Nottoway and Craig Counties due to disproportionate cuts to their library's budget. Mr. Halliday also said that this would likely happen to one of JMRL's peer localities with the key being proportionate cutting in relation to other jurisdictional cuts.

Mr. Boyd asked how much of the library's budget comes from the state. Mr. Halliday responded that it is about \$600,000, or 10%.

Mr. Townsend said that if the State were to fully fund it, it would be approximately \$1.0 million per year.

Mr. Elliott stated that the Board had asked what it would take for Albemarle to withdraw from the system, but based on the data from peer localities the County is currently getting a very good deal from the dollars it invests in JMRL. He added they could not find at the present time a case that would say it would be less expensive on an operating basis to move forward with that. Mr. Elliott said that the challenges in such a transition include the agreement stating that a committee would be formed to determine the value of assets a jurisdiction would be entitled to if it were to withdraw, and there is no specificity as to how that would work. Mr. Elliott said that the asset disposition would have to consider that the Central Library is assessed at \$3.2 million with one-half shared by the City, Gordon Avenue had a foundation donate the land so the County's share is more complicated to ascertain, and there is no methodology in the agreement regarding the division and payout of the County's interest in furniture, equipment, assets, etc. He added that there is also great uncertainty with the start-up costs, as JMRL already has a standing IT infrastructure and the County would have to develop its own IT services and reference services. Mr. Elliott said that the space factor is also an issue, with Northside at 15,000 square

feet and if the County were to withdraw from JMRL it would only be able to offer citizens 21,000 square feet of space for a population of 90,000, with .2 square feet per capita, far below the state recommendation of .6 or .7 square feet.

Mr. Elliott said that there were some recommendations in the report. The report indicates that economically, the County is getting a good value for its dollars, and based on the lack of facilities and challenges, there does not appear to be an argument for the County to pursue its own library system at this time. One item uncovered in the report was the outer area assessment. It is staff's recommendation that staff take a closer look at how this is done. A number of years ago it was determined that the County would take responsibility for all of the out-of-area circulation so use of those facilities by adjoining county residents would be tabbed to Albemarle. If another jurisdiction that is not in the system uses a City/County facility, the County is also responsible for that circulation. It was also a handshake agreement that the City was determined to be responsible for any circulation attributable to UVA students, and no data indicates that there is much growth in the UVA use, unlike the growth in outer areas.

Mr. Halliday clarified that if someone from Waynesboro uses the Greene County Library, the usage is counted toward that particular library. If somebody from Waynesboro uses Louisa County Library, that usage is counted towards Louisa.

Mr. Rooker asked what if someone from Waynesboro uses the Downtown Library. Mr. Halliday responded that that is counted towards Albemarle.

Mr. Snow asked for a number as to how many out of area students use the libraries.

Mr. Halliday responded that about 3,000 out-of-area college and private school students use the library system, and those are credited to Charlottesville.

Mr. Grant pointed out that there are 4,450 outsiders that come to JMRL but there are 4,510 Albemarle residents that use outside libraries.

Mr. Rooker noted that he is aware that some people use the Orange Library.

Mr. Halliday said the report is excellent and he agrees that out-of-area should be looked at.

Mr. Dorrier said the users in the Scottsville area are some of the poorest of the poor, who use the computers to work on their resumes and job applications. He suggested contacting Mr. Don Weaver, whose Fluvanna constituents use the Scottsville Library to see about their allocating some funds for their citizen's usage.

Ms. Mallek noted that about 30% of Scottsville's circulation is Fluvanna and Buckingham.

Mr. Elliott stated that the County and JMRL should come to some written understanding with the City that stipulate roles, responsibilities and financial obligations, and at the same time look at the out-of-area assessment and how it can be more equitable. He added that it may be determined that it is fair the way it is, but at least it could be documented, and not just based on a handshake.

Mr. Rooker asked how a UVA student who lives in the County and uses the Downtown Library would be counted. Mr. Halliday replied that they would be counted as a County resident, and if they are a dorm resident they are counted as City. Mr. Rooker commented that most of the dorms are located in the County. Mr. Halliday said he still thinks they are counted as City, but can look at that.

Mr. Elliott said that the study did not find any jurisdiction that was doing anything much different than what JMRL is doing. He stated that the City and County shares are included in the existing JMRL agreement, but the out-of-area libraries are not covered.

Mr. Rooker noted that if JMRL asks for contributions from outside users, those localities could come in and do the same thing, i.e., Orange County has asked Albemarle. He added that there is a precedent for Albemarle not doing that in reverse.

Ms. Mallek commented that perhaps some other localities could be enticed to join the regional system, especially those that have had large population growth and commuters working in Charlottesville.

In terms of improving budget and performance information, Mr. Elliott said the report recommends developing performance measures for key performance indicators consistent with peer communities and implement a quarterly reporting system. Mr. Halliday has indicated that the Library Board already tracks on a pretty consistent basis a number of these indicators and it is just a matter of asking to have this shared with the County on a quarterly basis. Another recommendation is that the Board may consider making appropriations by functional area versus one lump sum, and have it mirror what the agreement specifically says so there is a better track of where those dollars are going, i.e. regional services, City/County services, local services, or other side agreements.

Mr. Elliott said that the budget document from JMRL to the County is made by January 15 of each year. If the document mirrored the County's format, it could perhaps include a breakdown of staffing level by functional area or branch; actual expenditures for expenditures for the previous year, as the current document submitted to OMB has a budget-to-budget current year to proposed budget.

Mr. Rooker stated that is very important, because it is valuable to see what has been spent and not just what was budgeted.

Mr. Elliott said that they may also want more detailed description of any major budget variances, adding that from FY05-09, the Board did allocate additional funding for expanded services. He stated that the Board could possibly request from JMRL how those dollars are spent and what the result of that is, such as expanded operating hours and how many additional patrons were served because of the change. Mr. Elliott noted that when the JMRL budget is submitted to the County, the Library does not know what they will be getting from the State or allocations from Friends of the Library, and that information is left blank.

He stated that one of the recommendations related to the Library Board structure would require an amendment to the agreement because the County provides 60% of the funds to the system but only has one-third representation on the Board. This Board may want to consider how it might get greater representation on the Library Board for the dollars invested. Mr. Elliott said that within the next two years the Board would have some pretty significant decisions to make on key leadership appointees to JMRL, as Mr. Townsend and Mr. Tolson would have their terms expire and will not be eligible to renew them. As the Board begins to vet interested parties to serve on the Library Board, it needs to consider attributes, roles and responsibilities to carry forward.

Mr. Grant commented that he is eligible for another term, but his current term expires in June 2011.

Ms. Mallek asked if most of the decisions the Library Board has made have been somewhat unanimous, and if any of them have been detrimental to the County in any way.

Mr. Townsend responded that in the eight years he has been on the Board, he can count on one hand the number of decisions that were not unanimous, and those were usually because of an abstention due to absence.

Ms. Coy stated that when she joined the Board as a representative from Nelson County, it was made clear that she was charged with considering regional needs, not just that County's.

Mr. Elliott reported that one frustration factor for everyone in the room, and one they do not have much control over, is the County's inability to move forward with capital investment in libraries. He noted that the timing of what was previously in the CIP was locked and loaded to go during the five year period, and many peer jurisdictions were ahead of that curve and have expanded their facilities. With a reduction in the CIP of over \$100.0 million, Albemarle had to unfortunately put a break on a number of library projects. Mr. Elliott said that in looking at the five library projects that were included in previous CIPs, there was an investment of approximately \$42.0 million over a 10-year period, including Crozet, Northern, Central Library renovations, the Southern Urban Library project, and the Scottsville renovation. Mr. Elliott noted that this would mean about \$4.2 million in debt service on top of the \$3.0 million invested today plus additional operating costs for the new facilities.

Mr. Thomas asked if there is any money in the maintenance budget to deal with the roof at the Central Library.

Mr. Elliott responded that there are projects in the CIP that are maintenance only that address libraries over the next few years, but he is not sure of the scope.

Mr. Letteri stated that there are no major funds for the Central Library at this time.

Mr. Thomas expressed concern about leaks ruining the books.

Mr. Halliday stated that there are no leaks at this point that have not been repaired.

Mr. Elliott said that this is a good opportunity to evaluate what impact things such as downloadable books and self-checkout might have on operations and facilities. He is not suggesting peeling back the two previous planning studies, but to monitor how, over the next several years, and look at CIP projects again. He added that thought should also be given to take a look at the County's urban ring and evaluate what effect Crozet, Northside, and the Southern Urban Library will have on the County's investment of facilities within the City limits. He stated that the Neighborhood Model suggests that County facilities be put into neighborhoods, so future County use of libraries within City limits might shift outward.

Mr. Rooker commented that many school systems are going to iPads instead of textbooks and kids coming along are computer-screen oriented, and he asked how the Library is viewing this trend.

Mr. Halliday responded that while people are using more electronic devices, they are still using books. The book circulation over the past two years is the highest in JMRL history.

Mr. Dorrier said that there is a massive shift in focus from books to computers. Albemarle is poised in a unique position, adding that everything the Library Board is focusing on align with the County's Economic Vitality Action Plan. He added Albemarle County can be a leader in the State in this process.

Mr. Halliday noted that in 1991 when the regional agreement was struck there were very few personal computers, but it is now a big part of the library business and computers should be worked into a

performance measure when looking at libraries. The libraries are doing a great deal for economic development in the community.

Mr. Boyd asked if the Library was beginning to accumulate data on these trends, and wondered if there were more users or just more books.

Mr. Halliday responded that library registrations went from 50,000-55,000 twenty years ago, with 90,000-95,000 ten years ago, and 100,000-105,000 now. He said that he thinks that is what is driving the circulation, not a few people checking out more books.

Mr. Boyd commented that he went into Alderman Library a couple of days ago, and saw a sea of terminals. He did not find many people wondering around the book aisles. Mr. Tolson said that there are people sitting in the stacks in Alderman studying. The reading room is downstairs on the second floor, and it is usually packed.

Mr. Halliday added that 17% of people coming through the doors use the internet, but in Crozet that figure is 8%, so if there were more computers perhaps people would come in and use them.

Mr. Snow asked if that might be a function of broadband availability throughout the County.

Mr. Halliday responded that it may be a factor, and also many residents see the library as a third place outside of work and home where they can do some research, emails, etc. There are still some people who cannot afford computers, but it is a combination of things.

Ms. Mallek said that almost one-half of the users are children and parents who are getting things for their children, and a Kindle does not replace holding a book in your hand when you are a struggling reader because of illustrations and format, etc. She noted that the wrap-up party for the summer reading program in Crozet had about 300 kids.

Mr. Dorrier commented that the great thing about libraries is it covers everyone from kindergartners to seniors.

Mr. Halliday mentioned that computer use is not included in circulation, but if the regional agreement is updated it should be incorporated to ensure that every jurisdiction is paying its fair share of computer usage.

Mr. Townsend noted that since he has been on the Board, money has been spent on increasing bandwidth to the branches, which continues to get saturated. He said that there needs to be some caution with replacing paper books with eBooks, as that type of thing has been tried before and does not usually work out, such as Betamax vs. VHS tapes. Mr. Townsend added that you want to make sure that you are not jumping ahead of the technology too.

Mr. Rooker asked about the copyright arrangement with downloadable books.

Mr. Halliday explained that JMRL provides the service through a vendor, who works out the contracts with the publishers and authors. It varies from author to author as far as limitations.

Mr. Tolson noted that there is often a limit to the number of downloads and two weeks after your checkout period the book disappears from your machine, and you can only have two downloads at a time. He added with the technology, they limit what is available. Also, people can get on a waiting list for downloadable books the same as they would for a paper copy.

Ms. Rosenthal said that people also come to the library to get help from the Librarian, i.e., email and job searches.

Mr. Halliday commented that there are people who come into the library and have not used a mouse before.

Ms. Coy mentioned that the local schools count on the library for a project or things teachers have assigned and to be there when they are closed in the summer or on weekends. When you support the school system, it is also important to support the library system.

Mr. Plunkett emphasized that the point has been made this is a public library, which serves everybody.

Mr. Tolson mentioned that they had done a study of community leaders on trends in library space, and one need that has continued is meeting space for clients because it is free. He stated that it helps them get their business up and running. Nationally the space needs of libraries continue to increase for that reason. He added that books are not dead; their publication continues.

Mr. Elliott said that regarding recommendations related to next steps, he would suggest that the County Executive in conjunction with the JMRL Library Director convene meetings with the City Manager and other County Administrators in the Library system to review the study and develop recommendations regarding any amendments for consideration by their governing bodies. At the same time, he said, the recommendation is for the County Executive in conjunction for the City Manager and the JMRL Library Director to develop specific agreements related to the operation of the Bookmobile, Monticello Avenue and McIntire Library, then present those agreements to the Board and City Council for adoption.

In regards to the first recommendation, Ms. Mallek asked about a formal commission type group to do a vision of regional wishes before a lot of staff time is spent.

Mr. Townsend said that was a good point, noting that there has not been a formal review of the entire regional agreement in almost 20 years. When Mr. Peter McIntosh came back on the Board he provided a good historical overview of the agreement. Originally every five years the agreement was looked at by each jurisdiction. He stated that the JMRL Board would welcome a formal process to sit down with all the jurisdictions to review the regional agreement through a commission, task force, etc. They would then draft a new regional agreement.

Mr. Dorrier commented that the new agreement could provide for funding from all the localities.

Mr. Elliott said that the question for the Board is whether that would be a staff-led initiative with the JMRL Director, as the study team suggests for simplicity purposes that the Director, County Executive, City Manager and County Administrators, work on it with input from the Library Board, with recommendations coming back to the respective governing bodies.

Mr. Rooker stated that the staff approach would be better and faster, given the number of jurisdictions involved. The staffs could report back to their respective governing bodies periodically.

Mr. Townsend said that he would be happy to serve as a facilitator, since his term expires in June, and would like to see the Library Trustees involved, with the project having a definite deadline. He agreed that having staff involved will make it a quicker process.

Mr. Foley suggested that staff work with Mr. Halliday as a starting point to set out a process.

Mr. Halliday suggested having County staff coming up with a proposed process for reviewing the regional agreement which he would take to the Library Board, so that it does not look like Albemarle is driving this.

Mr. Foley agreed, adding that even getting a first step done would be helpful. He reiterated that this process would be driven by timelines, staff, with broader input from elected officials and Library Trustees.

Mr. Townsend said that one of the report recommendations is to define the Library Board members roles and responsibilities overall in the regional agreement.

Mr. Dorrier asked about using the TJPDC. Mr. Townsend said that they could be used for demographic information about the region.

Mr. Boyd said that what spurred this whole discussion was how monies are spent, and that needs to be zeroed in on as Albemarle felt that it did not have control over its \$3.0 million investment. This Board feels that, as elected officials, it should have some control over how County money is spent.

Mr. Snow said that that was one of the recommendations in the study that was led by Ms. White, to have a clear picture of all incoming revenues and all expenditures, by line item.

Mr. Rooker emphasized that it needs to be understood that the Library Board is a separate, independent board, and the County will never direct their line-by-line expenditures under the current system. He said that there are counties that are not part of regional systems and operate libraries as departments.

Mr. Snow said that the County can make suggestions though, such as closing early on certain days and times that are slow.

Mr. Rooker said that is different than looking at their budget line by line.

Mr. Tolson stated that they do deliver detailed budgets to County staff.

Mr. Foley said that staff has been asked to address performance indicators as part of that process.

Ms. Mallek commented that there are lots of different jurisdictions represented here, and it cannot be expected that the library have six different budgets. She does not quite support telling them to modify their budget to suit Albemarle.

Mr. Townsend stated that the Library Board Trustees are appointed by the Board of Supervisors, and he is charged with representing Albemarle's needs within the regional system.

Mr. Dorrier said it is also important to recognize that this is the first joint meeting of the Board and Library Board in 20 years.

Mr. Rooker said that anytime there are jurisdictions under budget stress, actions and their intentions can be misunderstood. He commented that the County should probably make better use of their appointees in that regard, having them come in periodically and address the Board.

Mr. Dorrier commented that Mr. Grant has been active in seeking out public forums to discuss libraries.

Mr. Boyd also stated that people may not realize whether they live in the City or County in terms of circulation.

Mr. Halliday explained that the library double-checks stated residence, noting that it is likely that more County people live in the City than vice versa.

Mr. Foley clarified the process moving forward, stating that he and Mr. Halliday should meet and discuss the report, then get together with representatives from the other jurisdictions get together to develop a process that assures Board members and Trustees are involved. He added that, along with the other County Administrators, they could get together and agree on a process as to how to move forward.

Mr. McIntosh said he hopes they do not lose this opportunity to make an overture to Fluvanna County. Fluvanna was part of the regional agreement for the first 18 years. There is a lot of overflow from Fluvanna going to Scottsville.

Mr. Snow asked about Buckingham.

Mr. Halliday responded that Buckingham County is part of another regional system.

Mr. Tolson commented that the Mont-Avenue, McIntire Library and Bookmobile Agreement would also have to be presented to the JMRL Board, not just the Board and City Council.

Ms. Mallek said she would like to receive quarterly reports on the progress.

Mr. Boyd stated that any inter-jurisdictional agreement would have to be approved by all the localities in order to move forward.

Mr. Snow asked for everyone to introduce themselves, and participants did so.

Mr. Bill Schrader, a member of Friends of the Library, said that the TRAIN report and the previous joint City/County report should be included as appendices to this study in order to provide some context and background information. This information will give an indication of the future of Crozet and the new Northside Library. He added that this was a well done report.

Ms. Mallek thanked everyone for coming.

At 10:36 a.m., the Library Board formally adjourned its meeting.

---

**(Note:** The Board took a brief recess and then reconvened at 10:40 a.m.)

---

Agenda Item No. 3. Fire and Rescue Ordinance Review Process.

**RECOMMENDED PROCESS FOR FIRE/RESCUE ORDINANCE CONSIDERATION**

February 9	BoS decides on a proposed timeline and procedure for considering a draft ordinance.
February 15 (date to be confirmed)	Volunteer Chiefs meet informally to discuss the draft ordinance <ul style="list-style-type: none"><li>• First half: volunteer chiefs meet alone to review the draft</li><li>• Second half: staff and BoS members of the committee meet with chiefs to discuss, answer questions, and review ordinance consideration process</li></ul>
	Volunteer chiefs discuss the draft ordinance with membership and boards.
February 23	Committee presents final draft ordinance to ACFRAB. 1 <sup>st</sup> reading.
March 3	BoS holds work session to decide one of the following: <ul style="list-style-type: none"><li>• Ordinance re-write (will require change in remaining schedule); or</li><li>• Move forward with final draft ordinance</li></ul>
March 23	ACFRAB – 2 <sup>nd</sup> Reading of final draft ordinance or discussion of re-write.
	Volunteer chiefs may continue to meet with membership and boards.
April 20	BoS decision

Mr. Foley said that the Board has a recommended process for the Fire Rescue Ordinance consideration, which was compiled based on input from Board members in two-on-two meetings to bring them up-to-date on the status. He said that there is a recommended action for the Board and a goal for completion of April 20 with a vote on the ordinance, and a work session scheduled on March 3 with

representatives of the committee who helped to draft this during the last six to eight months. Mr. Foley stated that the decision on March 3 would be which ordinance to advertise, and also allows for another six to eight weeks for the volunteers to consider the draft ordinance and discuss it with their members.

He said that the Board had a public hearing on this before, and the majority of members felt that a work session could serve as a public hearing of sorts with final vote on April 20.

Mr. Dorrier commented that the volunteers would not know what was said if the Board votes on this without a public hearing.

Ms. Mallek explained that the chiefs would carry the message to the volunteers, but the Board should reserve the opportunity for a public hearing so that everyone feels they have had input.

Mr. Boyd said that the outreach with all principal players would suffice, noting that on March 3 they would sit down and discuss it further. This has been going on for years.

Ms. Mallek expressed concern that the Board would not be asking for input from the community. She added that there could be a public hearing on April 20.

Mr. Rooker said that there could be a public hearing instead on March 3.

Ms. Mallek commented that the March 3 meeting is essential because it determines what goes forward.

Mr. Rooker said that the work that has been done for two years has included a series of delays in making a decision. He said that he does not think it serves the County well, does not serve the volunteers well, and at some point this Board has to make a decision. He is not interested in any further delays. The Board needs to make a decision and move forward. He added that there are not that many permutations of ordinances, and it should not take years to come up with one.

Mr. Dorrier agreed, stating that the public hearing revealed that the volunteers were all against the ordinance and now they are expected to all be for it. It seems to him that this Board is assuming a lot.

Ms. Mallek said that there is no argument that April 20 is the day of decision, and currently she knows of only one issue the chiefs would like to get feedback. There is no further committee editing or redrafting. She thinks there is an awareness to get an ordinance that the largest number of volunteers will buy into in order to have a successful system operation.

Mr. Boyd stated that if there is more public input possible, then the public hearing could be on March 3.

Mr. Thomas said that the volunteers did not want to go to a public hearing, and their goal is to get to where things are now, so a March 3 meeting could suffice for that with a final decision to be made on April 20. He agrees that it is time to make a final decision on this issue.

Mr. Snow commented that the March 3 meeting should be strictly between those who helped formalize this ordinance, with the main players able to speak their thoughts and feelings. He supports having the final vote on April 20<sup>th</sup>.

Ms. Mallek then **moved** to adopt the recommended process for the Fire/Rescue ordinance consideration.

Mr. Foley commented that this does not include a March 3 public hearing. Board members concurred.

Mr. Thomas **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Rooker, Ms. Mallek, Mr. Snow, Mr. Thomas and Mr. Boyd.  
NAYS: None.

---

#### Agenda Item No. 4. Regional Water Plan – Consideration of Dam Design.

Ms. Mallek said that Board members have been provided a copy of a draft letter to City Council as there seems to be a need for a clarification to City Council on the Board's position on this.

Mr. Rooker suggested amending the last sentence in the first paragraph to read: "After reviewing all available information including B&V's reports and presentations, the Board still thinks that the earthen dam is the best approach for expanding our water supply for the following reasons:" In the third bullet, amend the first sentence to read: "The Independent Technical Review Team reviewed B&V's concrete dam design and provided a written report describing numerous concerns with building on the existing 100 year old dam." He added that the Black & Veatch report points out that there is a general problem with building on the 100 year old dam given that it has had engineering problems from day one. He also suggested that it may be better to pick up the quote from the ITRT comments in that report and eliminate the remainder of the recommended language in the third bullet.

Mr. Foley agreed to make the changes.

Mr. Boyd said that it is not emphasized enough that everything in Schnabel's report has been bounced off the ITRT. He stated that the other point as suggested by the Albemarle County Service Authority is that they have adopted the earthen dam approach, including spending hundreds of thousands of dollars on design, which was suggested by Mayor Norris in a Rivanna Board meeting. Mr. Boyd also said that he feels strongly that it would be a mismanagement of funds not to build the dam to the full 42-foot pool rise when the dam is constructed, with parameters put in if necessary as to when it is fully filled.

Ms. Mallek said that she agrees, but would like to get one decision made on the earthen dam itself.

Mr. Boyd stated that there is an implication by City Council on the Board's unwillingness to support conservation, adding that providing information is one thing but in a free-market system a government should not dictate the amount of water a person uses.

Ms. Mallek said she also thinks the County needs to do a better job in presenting what Albemarle County does. The ACSA has been asked to prepare a report on the different levels of conservation and where they have taken a leadership role.

Mr. Rooker said that he does not disagree, but there is a consideration to be made from a pure dollar standpoint and building the dam to 42 feet makes sense. He also stated that the County has a partner, and this must move along in a way that includes them. Mr. Rooker said that the 42-foot initial pool may not be possible in working with City Council, and constructing the dam to allow for a 30-foot pool with objective triggers to take it up to 42 feet is the next best thing. He added that the difference in cost is about \$1.5 million 20 years from now, with a \$300,000-\$400,000 net value difference over time in staging the earthen dam. Mr. Rooker stated the Board needs to make certain that it can move this project forward now with some speed. He further stated that the Board needs a partner that is going to accomplish the things it needs to accomplish for this to take place. He added that he thinks the project needs to get defined reasonably soon. He does not want to insist on in this letter an initial build height of the dam.

Mr. Boyd stated that if he had some valid reason and not an ideological one, he might feel differently.

Mr. Rooker said that the ACSA is doing more to enhance conservation in the area than the City is presently doing, but the idea that building a dam to a certain height is going to change conservation patterns is ridiculous. He added that the only time conservation would affect the pool height is when there is a drought, and people would likely conserve hugely in that situation as they have before. Mr. Rooker stated that what impacts the public desire to conserve is the cost of water, and the tiered pricing structure best accomplishes that.

Mr. Clarence Roberts, Chairman of the ACSA Board, said that the drawings presented to City Council show a beautiful green dam that nestles in the mountains lead him to think that another 12 feet would be very inconspicuous. He also said that conservation has been very aggressive since he is been on the ACSA Board, with rebates for low-flow toilets, etc., and the tier pricing being the most significant measure. Mr. Roberts stated that when there is a drought they do conserve, and the ACSA is ready to present the list of conservation opportunities they have supported.

Ms. Mallek said that it is the ACSA that would be working on the agreements with the Rivanna Water and Sewer Authority and the City.

Mr. Roberts stated that it is very appropriate for the Board to at least read and know what is in that agreement before it is signed. He added those talks are going on daily.

Mr. Dorrier asked if the ACSA has taken a position on the 42-foot height.

Mr. Roberts responded that at the Rivanna Board meeting Mayor Norris asked the ACSA if they would fund the dam design costs, and the ACSA looked at that and determined that the dam must be designed to the 42-foot height initially in order to come back later and add 12 feet. He added that the ACSA have not taken a position on a 30 foot or 42 foot height, but they will design the dam to do that. He said that the consensus is that ACSA would prefer the 42-foot dam, but they have not formally taken a position.

Ms. Mallek commented that the future design will include information about the forestry impacts and the cost relationship of doing it twice versus once, and the difficulty of harvesting the trees and protecting the water for a second time.

Mr. Roberts also stated that in building the dam to 30 feet it was suggested that they remove the materials to add the additional 12 feet and stockpile them, which would be the cheaper way to accomplish removing the material from the bed of the reservoir the second time.

Ms. Mallek said that you would have to remove some water and let it dry before machinery could be brought in. She thanked Mr. Roberts for the ACSA's help and guidance.

Mr. Thomas asked Mr. Roberts for clarification of the dam height at 42 feet or 30 feet.

Mr. Roberts explained that City Council discussed having the water level at 30 feet, with a dam at seven or eight feet higher. He said that another issue is the spillway and having to cut the mountain down and then come back to build a concrete dam in the spillway. He added that the earthen dam aesthetically is preferable to a concrete dam.

Ms. Mallek added that the impact from trucks carrying concrete would also be significant.

Mr. Roberts agreed, given the topography of the road accessing the dam site.

Ms. Mallek said that engineers' role is to do what they are asked, not to tell you it is a bad idea. She said that from what she knows about the process, you do not ever mess with the integrity of the natural spillway if you can possibly avoid it because you can never rebuild it to the same strength as that rock is before you blast it out.

Mr. Rooker noted that there are some issues that need to move forward from the standpoint of the dam safety deadline, timely issuance of RFPs, and the City's drafting of the easement.

Mr. Snow suggested adding another paragraph in the letter in support of the earthen dam but with a strong recommendation that because of the money involved in building the dam to the full height it is preferable to build it to that standard. He also wants to acknowledge the courage of some City Council members to get to this point.

Ms. Mallek said she thinks that raises another whole level of complexity for their decision.

Mr. Foley said that if the letter is limited to the design of the dam it will allow the permit modification to go forward very quickly, and does not preclude the Board from taking a position on the 42 feet at another time. He stated this just moves the modification forward.

Mr. Boyd agreed, but said he is not going to hide the fact that he is totally committed to the 42 feet height. He said that City Council delayed their vote because they thought the Board wanted to see more of the Black & Veatch report.

Ms. Mallek said that she simply wants to acknowledge that the Board is in favor of the earthen dam, and hopes that they will complete their vote.

Mr. Snow then **moved** to approve the letter as modified in this meeting. Mr. Boyd **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Dorrier, Ms. Mallek, Mr. Rooker, Mr. Snow, Mr. Thomas and Mr. Boyd.  
NAYS: None.

Mr. Snow emphasized that the bottom line is this needs to be moved along.

Mr. Thomas commented that he is happy to be able to take a vote on it.

(**Note:** The letter is set out in full below:)

The Honorable David Norris, Mayor, and Members of City Council  
City of Charlottesville  
P. O. Box 911  
Charlottesville, Virginia 22901

Dear Mayor Norris and City Councilors:

At the January 18<sup>th</sup> joint Albemarle County Board of Supervisors and Charlottesville City Council meeting to discuss the water supply plan, the Board considered the possibility of inviting representatives of Black & Veatch ("B&V") engineering firm to give a presentation on their concrete dam design at an upcoming Board meeting. Since then, we have individually and collectively reviewed the information prepared and presented by B&V at various times, including their most recent presentation to Council on February 7<sup>th</sup> in which they outlined cost estimates for constructing a phased pool elevation. After reviewing all available information including B&V's reports and presentations, the Board has a number of concerns with adopting the concrete dam approach laid out by B&V.

- The price difference between the earthen dam and concrete dam has narrowed substantially, making the construction of a new earthen dam built entirely to today's modern engineering standards a more attractive alternative.
- We are on a strict and ambitious timeline to address the safety issues of the Upper and Lower Ragged Mountain dams. The Virginia Soil and Water Conservation Board gave our community a deadline of April 30, 2011, to complete final design of a dam, with a deadline of May 31, 2011, to have in-hand approved construction permits. We are not optimistic that those deadlines can be met by B&V.
- The Independent Technical Review Team reviewed B&V's concrete dam design and provided a written report describing numerous concerns with building on the existing 100 year old dam. The report states, "The cost required to remediate the existing dam will be high and funds would possibly

be better spent in constructing a new dam using modern engineering and construction technology, provided that the respective costs are comparable.”

- We have concerns with the substantial safety risks and transportation impacts to residents along Reservoir Road due to the increased volume of aggregate and cement trucks needed for the construction of a concrete dam. The earthen dam will require fewer truck trips along that road without the inconvenience caused to local residents.
- There is significant cost savings associated with advancing the project rapidly in order to take advantage of the current favorable construction market. Further delays could mean increased costs of construction.
- We feel that the earthen dam will be visually less obtrusive than a concrete dam in the context of the surrounding woods and lands at Ragged Mountain.
- The Albemarle County Service Authority has completed 60% of the design for an earthen dam, expending over \$458,000 toward the ultimate dam design effort.

While we appreciate Council's offer that B&V provide a presentation at an upcoming Board meeting, for the reasons outlined above and many others, the Board feels a presentation is no longer necessary and reaffirms its commitment to the construction of a new earthen dam at Ragged Mountain. We hope that the City Council will take up this issue at its next meeting and adopt a similar position.

Sincerely,

Ann H. Mallek  
Chairman

---

Agenda Item No. 5. From the Board: Matters Not Listed on the Agenda.

Ms. Mallek asked for an update on the Planning Commission's meeting with regard to the farm winery noise issue.

Mr. Foley indicated that Mr. Cilimberg could not be here to discuss that, noting that the Commission took an action that was different from what the Board had wanted. He said that the Commission has asked for a redraft of the ordinance and a public hearing on that.

Mr. Davis said that he is not aware of what the Planning Commission did last night, but in order to adopt an ordinance amendment the Planning Commission must first hold a public hearing and make a recommendation before the Board can hold a public hearing and adopt an amendment. He stated that if the Board wants to make a decision on it, the Board would need to request that the Commission move forward with an ordinance amendment.

Mr. Dorrier commented that the Board did not give the Commission a timeframe in which to complete this.

Mr. Rooker said that at the last Board meeting, there was consensus for a decibel standard.

Ms. Mallek said that everyone got back to her and Ms. McCulley that the general business standard that exists for all businesses in the County was the appropriate one, rather than finding a lower standard for this one sector.

Mr. Rooker stated that he is in favor of a decibel standard, and whether the general standard is the appropriate one is something he thought the Commission would develop after a public hearing. He noted that this is in the rural area, not an industry in the growth area, and the activity often takes place at night.

Mr. Wayne Cilimberg, Director of Planning, said that he conveyed the Board's previous discussions to the Commission last night. The Chairman invited comment from the public, and then the Commission had a long discussion that resulted in a four to three vote to go to public hearing rather than hold another work session. He said that their vote would be to move the noise requirements of an audibility standard from the Zoning Ordinance to the general noise provisions of the County Ordinance. Mr. Cilimberg stated that it would be subject to the same provisions but under the general noise standards, which is a criminal standard. He further stated they did not choose to go the decibel route.

Mr. Boyd said he was surprised at the criminal offense move.

Mr. Davis explained that there are currently two provisions for regulating noise: one in the Zoning Ordinance for land-use type noises and, under the criminal code, criminal penalties for nuisance violations of the noise ordinance, which are not normally part of land use. Mr. Davis said that it seems the Commission does not want to deal with the winery issue as a land-use issue, but instead deal with it as a nuisance issue. He said he is not sure he would agree that it not be considered under the Zoning Ordinance. He would hope that the Commission would hold a public hearing and bring a zoning text amendment on the Board rather than recommending the adoption of an ordinance that is not under their purview.

Mr. Dorrier said that the criminal issue would be beyond a reasonable doubt, and a nuisance ordinance would be disturbing the peace.

Mr. Rooker said that it is not under their purview as a criminal matter.

Mr. Davis said he thinks the Board made it clear they wanted this to come forward as a zoning text amendment to deal with the land use issue of noise produced by wineries.

Mr. Cilimberg stated that the Commission's vote would be to move it to the County Code.

Mr. Davis noted that the Board does not have to follow the Commission's recommendation.

Mr. Rooker said that the best course would be to have something move forward that the Board can vote on.

Ms. Mallek asked how the issues the Board raised throughout the process can get into this action.

Mr. Davis said that the Board may need to have an additional public hearing in order to get the desired action, and it would not necessarily have to go back to the Commission.

Mr. Cilimberg stated that he would work with Ms. Amelia McCulley and Mr. Greg Kamptner to get it to the Commission and Board in March. He also pointed out that there were three Commissioners who were not at all in agreement with the approach. The four who decided to have the amendment go forward in this manner felt that there needed to be a better way to address the issues that arose from noise rather than having a Zoning Inspector go out when there is not one available most of the time to deal with the matter, and they felt the police instead would be better at responding.

Mr. Boyd said that he can sometimes hear music from his neighbor's summer party, and asked if he could call the police on him.

Mr. Davis explained that under the existing ordinance, amplified music that can be heard from your property is in violation of the County Code, but agricultural activities are exempt and thus wineries are not covered by County Code. He stated it is clear in the State Code that the operation of a winery is to be treated as an agricultural activity.

Mr. Rooker commented that criminal law is a blunt tool, but the situation to be avoided is to have constant noise, although you do not want to shut somebody down who once a year has a party.

Mr. Thomas said that he had visited Keswick Vineyard and was about 80 feet from the property line, and just talking was 55 decibels, but the music was not audible.

Ms. Mallek stated that the decibel standard provides some level at least to test for, and nobody wants to have enforcement action during their event.

Mr. Davis said that for enforcement purposes under the Zoning Ordinance, the County has maintained the decibel level as the enforcement mechanism for that reason.

Mr. Snow commented that it would otherwise be completely arbitrary.

Ms. Mallek said she does not want the ordinance to be a weapon that one person uses against another person.

Mr. Cilimberg said the Commissioners did discuss a lower decibel level than in the current ordinance which was 60 decibels until 10:00 p.m. and 55 decibels after 10:00 p.m. for rural area land use. For the four Commissioners who voted for this approach the discussion centered around there being a property owner next to a winery who, if he had a band with amplified music, the winery could complain about hearing the noise but the same property owner could not complain about hearing the noise from the winery having amplified music. The Commissioners saw an inequity which is why the majority decided with the route they went.

Ms. Mallek said if everybody is on the same standard whether homeowner noise or winery noise, why would they not be the same.

Mr. Cilimberg said outdoor amplified noise for a winery is different from outdoor amplified music for a property owner.

Mr. Boyd asked why not make a general standard.

Mr. Davis said under the general police ordinance a property owner who has amplified music is in violation if it can be heard on an adjoining property. Under land use regulation of noise of a winery, they are exempt from the ordinance, and under the proposal they would be subject to a decibel level restriction. Under the current regulations they are subject to the same standard, but it is a different enforcement (Zoning enforced rather than Police enforced).

Mr. Boyd asked if the ordinance could be changed to have the decibel level applied in all cases in the rural areas.

Mr. Davis said this relates to two different ordinances. In the Zoning Ordinance, it can be done for land use type violations. Under police powers ordinance, the Board could also adopt a decibel level rather than the audible level. The Board went through that discussion last year and staff gave reasons why it did not feel that was the best approach. Mr. Davis said that part of the problem with all noise enforcement cases, and what generated the previous discussion, was a Supreme Court case which said that you could no longer have a reasonable person standard. There must be some type of objective standard and there is two different approaches – one being decibel and the other being audible.

Mr. Boyd reiterated his previous question as to why it cannot apply to all rural areas properties which would level the playing field.

Mr. Davis said it creates an enforcement issue of whether the Board wants zoning officials enforcing loud party music. You would want the police to deal with that rather than zoning inspectors.

Mr. Rooker said it seems likely that the enforcement should be the police.

Mr. Davis commented that there is a delay in police response time. They would be required to have the equipment and training which is expensive. Staff does not feel that there have been a large number of violations that would justify the approach. From the police perspective, the approach that has been taken has been very successful in terms of dealing with noise issues. This is one particular land use issue that is causing a problem because there is an ongoing level of discussion between two neighbors. He does not want the Board to necessarily overreact to the issue because he does not think it requires revamping the County's entire noise enforcement system. He thinks that there has been a reasonable suggestion supported by three Planning Commission members that would get this to a decibel standard that could be handled by Zoning officials appropriately. He also thinks that the County would be best served by getting that before the Board.

Mr. Cilimberg said the first available date for this to be heard by the Commission is March 1<sup>st</sup>.

Mr. Davis said if the Board wants this expedited to be heard by the Board, the first available date would be March 9<sup>th</sup>. He added that the Board's advertisement would have to take place prior to the Commission's public hearing. If that is the Board's desire, the Board needs to direct that it happen. He added that if the Commission fails to make a recommendation, the Board's public hearing would have to be delayed.

Mr. Snow **moved** to advertise ZTA-2009-0003, Farm Wineries, for public hearing on March 9, 2011. Mr. Dorrier **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Dorrier, Ms. Mallek, Mr. Rooker, Mr. Snow, Mr. Thomas and Mr. Boyd.  
NAYS: None.

---

Agenda Item No. 6. Adjourn to February 25, 2011, 10:00 a.m., Room 241.

At 10:41 a.m., Ms. Mallek **moved** to adjourn to February 25, 2011, 10:00 a.m., Room 241. Mr. Boyd **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Dorrier, Ms. Mallek, Mr. Rooker, Mr. Snow, Mr. Thomas and Mr. Boyd.  
NAYS: None.

---

Chairman

Approved by Board
Date: 05/04/2011
Initials: EWJ