

GALAX CITY COUNCIL
Minutes
August 11, 2008

The Galax City Council convened in regular session in Council Chambers on August 11, 2008, at 7:30pm. Mayor Mitchell called the meeting to order with all council members being present and they are as listed: Robert Lazo, Sharon Plichta, John Garner, C. M. Mitchell, Willie Greene, Derrick Davis and Bill Webb.

Mayor Mitchell recognized Jimmy Litz who recently retired from the Police Department with 31 years of service. He presented Sgt. Litz with a plaque and watch.

Mayor Mitchell read a resolution recognizing Matt Nelson and G Zachary as being the Virginia High School League Group A Boys Double Tennis State champions. Matt and G were both present to receive the recognition.

Councilman Greene motioned to approve the resolution as read. Councilman Davis seconded the motion and it was unanimously approved.

Ryan Barker, Drew Bobbitt and Kristin Osborne were also recognized with a resolution honoring them for representing the Virginia Future Business Leaders of America at the state level in the national FBLA competition in Atlanta. They were present for the recognition.

Councilman Greene motioned to adopt the resolution as presented. Councilman Davis offered a second to the motion and it was unanimously approved.

Director of Finance Shank introduced Judy Taylor-Gallimore as the recently hired Assistant Director of Finance.

Councilman Greene motioned to approve the minutes as written and to dispense with the reading of said minutes. Councilman Webb seconded the motion and it was unanimously approved.

This was the date and time duly advertised for a public hearing to receive public comments on an ordinance to establish a \$10.00 fee to be added to court costs for those cases convicted in Galax General District and J & D courts. These collected fees would be used for security, which can include personnel, equipment or building renovations.

Mayor Mitchell declared the public hearing open. City Manager Holland outlined the details of the proposed ordinance. No public comments were received and the hearing was declared closed.

A public hearing was advertised for this date to receive comments on a proposed ordinance to set a \$2.00 fee as part of the costs in each case that is tried and convicted in the civil, criminal or traffic courts in the Combined District Courts for the City of Galax.

The collected fees would be used for maintenance of the court facilities. The hearing was declared open. No comments were heard and the hearing was closed.

Councilman Garner motioned to accept the first reading of both proposed ordinances that pertain to fees for the court facilities. Councilman Webb seconded the motion and it was unanimously approved.

Councilman Greene motioned to adopt the ordinance that amends and/or revises *Sec 148-2*. Adoption of state law; limitation of penalties. This ordinance allows for the incorporation of state code changes by reference. Councilman Davis seconded the motion and it was unanimously approved.

Carl Taskes and Kurt Venerables from US Cellular were present at tonight's meeting to address the location and leases of two cell towers in the city. Following a power point presentation, Councilwoman Plichta motioned to approve the East location (near Gladeville School) and to negotiate the lease for said tower site. Councilman Lazo seconded the motion. The motion was unanimously approved.

Following a lengthy discussion, Councilman Garner motioned to proceed with the lease agreement for the West tower site (City View Street). Councilwoman Plichta seconded the motion. The following votes were tendered: **For:** Garner, Plichta, Greene and Davis;
Against: Webb, Lazo and Mitchell. The motion carried 4-3.

Leo Rutledge from VDOT was present at tonight's meeting to discuss two alternatives to the Glendale Road project. Following his presentation and discussion, Councilman Davis motioned to select Alternative 2. A discussion ensued. This Alternative would improve the existing intersection, add a right turn lane, eliminate the existing westbound slip ramp, add curb and guttering, and add a retaining wall and replace the existing traffic signal. Councilman Lazo seconded the motion and it was approved 6-0. Councilman Garner excused himself as he is a landowner in the area of the project.

Councilman Davis motioned to approve the removal of the restricted left turns indefinitely. Councilman Greene seconded the motion and it was unanimously approved.

Assistant City Manager Keith Barker discussed an amendment to the Water and Sewer Use ordinance. He is recommending that *dwelling* and *sleeping unit* be defined as it affects billing fees for water and sewer usage. Councilman Garner motioned to set a public hearing to consider changes to the Water and Sewer Use ordinance for a called meeting on August 25. The motion was seconded and unanimously approved.

Councilman Garner motioned to have a called meeting for City Council on August 25 at 7:30pm to hold a public hearing on amendments to the Water and Sewer Use ordinance. Councilman Davis offered a second to the motion and it was unanimously approved.

Chris Shackelford from Chestnut Creek School of the Arts gave an overview of the school's development and progress.

Mr. Barker presented plans for building a permanent stage in Felts Park near the grandstand area. He advised that he would like permission to apply for an ARC grant to help fund the project. Following a discussion, Councilman Davis motioned to proceed with the funding application. Councilman Greene seconded the motion. Councilpersons voting for the project were: Garner, Plichta, Mitchell, Greene, Davis and Webb. Councilman Lazo voted nay. The motion carried 6-1.

Councilman Greene stated that he would like to see the restrooms in the park/picnic area updated. He was advised that the update is listed in the Capital Improvement Plan.

City Manager Holland presented a resolution to seek grant funds of \$25,000 through the Virginia Department of Health Office of Drinking Water Planning Grant Program. These monies would be used to provide engineering services for extending the water line from Country Club Lane to Glen Ridge. The extension would also increase water pressure in this area. Councilman Greene motioned to approve the resolution as presented. Councilman Davis seconded the motion and it was unanimously approved.

Following discussion of a proposed resolution that endorses the City's accepting a \$25,836.00 decrease in state funding for certain categorical funding and apply the decreases to the appropriate agencies. Councilman Webb motioned to approve the resolution as presented and Councilman Greene seconded the motion. Councilmen Lazo, Mitchell, Greene, Davis and Webb voted to approve the motion. Councilpersons Plichta and Garner opposed the motion. The approval carried by a 5-2 majority.

On a motion by Councilwoman Plichta and a second by Councilman Greene, Todd Cannaday was unanimously reappointed to serve another term on the Parks and Recreation Board; and, Doris Spangler was unanimously appointed to a first term on said Board. Both terms will expire in June 2011.

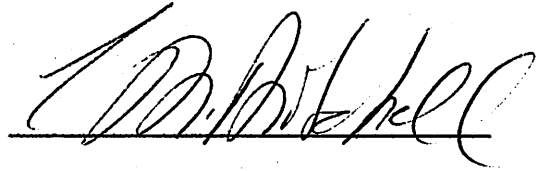
City Manager Holland discussed revising the City Charter stating that some sections of it are outdated. It was decided that the discussion will continue at the August 25 called meeting.

Andrew Blackburn from Deerhaven Estates expressed his concerns with roadside trash and also suggested forming a volunteer fire and police unit. No action was taken.

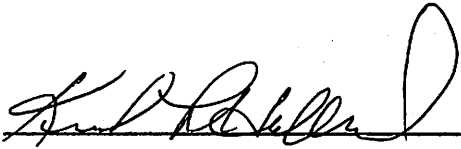
At 10:10pm, Councilman Garner motioned to go into Closed Session as authorized in the Code of Virginia Sections 2.2-37111 A.3 Real Property and 2.2-3711 A.5 Business and Industry Development. The motion was seconded and unanimously approved.

At 10:40 p.m., a motion to enter back into open session was made by Councilman Garner, seconded by Councilman Webb and approved unanimously. All members confirmed that only those items cited in the motion for closed session were discussed.

No further action was taken. At 10:40 p.m., a motion for adjournment was made by Vice-Mayor Greene and unanimously approved.

A handwritten signature in cursive script, appearing to read "M. B. Hill", written over a horizontal line.

Mayor

A handwritten signature in cursive script, appearing to read "K. P. Hill", written over a horizontal line.

Clerk