

GALAX CITY COUNCIL
Minutes
July 11, 2011

Galax City Council convened in regular session in City Council Chambers on July 11, 2011 at 7:30 pm.

At 7:30 p.m. Mayor Mitchell called the meeting to order with the following council persons present and they are as listed: Councilman Garner, Vice-Mayor Greene, Councilwoman Crouse and Councilman Webb. Councilman Lazo and Councilwoman Plichta were absent.

Mayor Mitchell prayed the opening prayer and led the Pledge of Allegiance.

Mayor Mitchell gave the Oath of Honor to Officer Drew Bobbitt and Officer Trevor Jefferson. Both are recent graduates of the New River Justice Training Academy.

Councilman Webb motioned to approve the minutes of the regular meeting on June 13, 2011. Vice-Mayor Greene seconded the motion and it was unanimously approved by the following votes: Councilman Garner-yea, Mayor Mitchell-yea, Vice Mayor Greene-yea, Councilwoman Crouse-yea, and Councilman Webb – yea.

Keith Barker, City Manager asked City Council to appropriate the City of Galax FY2012 Budget that was approved at the June 13, 2011 Meeting. Vice-Mayor Greene motioned to appropriate the General Fund Revenue and Expenditures in the amount of \$ 13,387,259. Councilwoman Crouse seconded the motion and it was unanimously approved by the following votes: Councilman Garner-yea, Mayor Mitchell-yea, Vice Mayor Greene-yea, Councilwoman Crouse-yea, and Councilman Webb – yea. Councilwoman Crouse motioned to appropriate the Utility Fund Revenue and Expenditures in the amount of \$ 2,834,400. Vice-Mayor Greene seconded the motion and it was unanimously approved by the following votes: Councilman Garner-yea, Mayor Mitchell-yea, Vice Mayor Greene-yea, Councilwoman Crouse-yea, and Councilman Webb – yea.

This date was advertised as the public hearing to consider amendments to Section 46-4 of the City Code as it relates to the animal control ordinance. The new section would make it a Class 3 misdemeanor to confine an animal to a car without supplemental ventilation if the outside temperature exceeds 80 degrees. The proposed ordinance gives the animal control officer a temperature guideline and conditions for when a confinement issues can be addressed. It also reduces the penalty for confinement from a Class 1 misdemeanor (12 months jail, \$2500 fine) to a Class 3 misdemeanor (\$500 fine only). At 7:40 pm Mayor Mitchell opened the public hearing, and hearing no comment, he declared the public hearing closed. Councilman Garner motioned to approve the revisions to the City Code as recommended. Councilman Webb seconded the motion and it was unanimously approved by the following votes: Councilman Garner-yea, Mayor Mitchell-yea, Vice Mayor Greene-yea, Councilwoman Crouse-yea, and Councilman Webb – yea. It was recommended that the Gazette do an article to point out the amended ordinance.

Keith Barker informed council that the GDA has asked that they approve rain dates for the Cruisin' & Groovin' events. The original request was to close the streets on July 29 and August 26. The amended request is to allow the event to roll over to the following Friday if the weather forecast shows a 50% or greater chance of rain. This would establish a rain date of August 5 and September 2. Councilman Garner stated that from a management standpoint it would not work. Mayor Mitchell

agreed. Councilman Webb recommended that no action be taken at this time. No action was taken by council.

Keith Barker updated council on the solid waste hauling applications. He stated that to date applications from Waste Industries, Waste Management and Grayson County had been submitted to be approved as haulers for commercial dumpster service in the city. He asked that City Council approve Waste Industries, Waste Management, and Grayson County as approved haulers for August 1, 2011 to July 31, 2012. Councilman Webb motioned to approve the three haulers as requested. Councilman Garner seconded the motion and it was unanimously approved by the following votes: Councilman Garner-yea, Mayor Mitchell-yea, Vice Mayor Greene-yea, Councilwoman Crouse-yea, and Councilman Webb – yea.

Keith Barker updated council on the Galax Fire Department is obtaining its own non-profit status. Due to recent IRS changes in the definition of “non-profit”, an organization applying for non-profit status must show a listing of assets in its original application. As all facilities and equipment are owned by the City of Galax, this agreement shows that the department works with our equipment and answers the issue of how does a non-profit entity (the fire department) operate with no real assets. This is not a transfer or change of ownership of equipment or facilities, as all are currently listed as assets of the City. The Galax Fire Department has approved the agreement as presented. City Council is as asked to approve the agreement. Councilwoman Crouse motioned to approve the agreement. Councilman Webb seconded the motion and it was unanimously approved by the following votes: Councilman Garner-yea, Mayor Mitchell-yea, Vice Mayor Greene-yea, Councilwoman Crouse-yea, and Councilman Webb – yea.

Chief Rick Clark from the Galax Police Department requested a street closure for the National Night Out Event on August 2, 2012. He explained that the event has grown each year in support from the community and finished 8th nationally in 2011 for localities our size. This year he requested to close Main Street from Washington Street (Farmers Market) to Oldtown Street and Grayson Street from Rex Lane to Jefferson St. City Council was also asked to adopt a resolution in support of National Night Out. Vice-Mayor Greene motioned to approve the street closure as requested and adopt the resolution. Councilman Webb seconded the motion and it was unanimously approved by the following votes: Councilman Garner-yea, Mayor Mitchell-yea, Vice Mayor Greene-yea, Councilwoman Crouse-yea, and Councilman Webb – yea.

James Williams, Smart Beginnings Twin Counties Project Coordinator gave an overview of Smart Beginnings and upcoming events.

Keith Barker informed council that the Virginia Office of EMS is requiring localities to adopt a resolution recognizing their local EMS provider in order to assure line of duty coverage for employees. The GGEMS Board is asking City Council and the Grayson Board of Supervisors to adopt the attached resolution recognizing GGEMS as an integral part of the official safety program for the City of Galax. City Council was asked to adopt the resolution. Councilman Garner motioned to adopt the resolution as written. Councilman Webb seconded the motion and it was unanimously approved by the following votes: Councilman Garner-yea, Mayor Mitchell-yea, Vice Mayor Greene-yea, Councilwoman Crouse-yea, and Councilman Webb – yea.

Keith Barker informed council that as a result of the 1999-2002 drought period, the State Water Control Board authorized the development of local and regional water supply planning regulations. In 2005 the State of Virginia approved these regulations requiring all localities to develop and adopt


a water supply plan focused on demand management and drought response. The region localities and MRPDC staff agreed to participate in the development of a regional plan as the most cost effective way of complying with the regulations. While the plan is nearing completion, MRPDC is asking that the city adopt the drought ordinance at this time. Mr. Barker has met with City Engineer Edwin Ward and at this time they cannot recommend acceptance of the plan or ordinance. Their concern is that while the plan is a regional consideration, specifics in regards to when a locality must declare a drought watch, drought warning and drought emergency are too restrictive and could place an undue burden on residences, businesses and industries in Galax. Because of the significant flow volume of Chestnut Creek as the city's water source vs. the daily withdrawal amount, they feel they have more latitude in when the city may need to have the trigger points that would require the different drought stages. They are working with MRPDC to amend the drought response plan section and ordinance in regards to Galax and hope to have a draft plan and ordinance for council's review at the August meeting, with a possible public hearing and adoption of the ordinance in September. No action was required of council.

Brenda Marrah asked council to approve a resolution for a grant submittal regarding the Tower Road Water Project, Glendale Road Pressure Reducing Valve Water Project, and Wastewater Treatment Facility Preliminary Treatment Equipment. She explained that the intent is to apply for MRPDC grant funding to assist in the construction of the above referenced projects. Currently funding is in the FY2012 budget for the Tower Road Pressure Reducing Valve Water Project and the Glendale Road Pressure Reducing Valve. The Wastewater Treatment Facility Preliminary Treatment Equipment project is being matched with remaining funds from the Grant/Shaw Street Sewer Project. Grant funding would provide up to 50% match and allow all three projects to be constructed this fiscal year. Vice-Mayor Greene motioned to approve the resolution. Councilman Webb seconded the motion and it was unanimously approved by the following votes: Councilman Garner-yea, Mayor Mitchell-yea, Vice Mayor Greene-yea, Councilwoman Crouse-yea, and Councilman Webb – yea.

Councilman Garner's term as the District III representative for Galax expired June 30. Mr. Garner agreed to serve again if appointed by City Council. The term is for one year and expires June 30, 2012. Mr. Guy of District III also asked that City Council appoint an alternate representative from either City Council or our staff. Vice-Mayor Greene motioned to reappoint Councilman Garner. Councilman Webb seconded the motion and it was unanimously approved by the following votes: Councilman Garner-yea, Mayor Mitchell-yea, Vice Mayor Greene-yea, Councilwoman Crouse-yea, and Councilman Webb – yea. Vice-Mayor Greene motioned that Councilman Webb be named as the alternate representative. Councilwoman Crouse seconded the motion and it was unanimously approved by the following votes: Councilman Garner-yea, Mayor Mitchell-yea, Vice Mayor Greene-yea, Councilwoman Crouse-yea, and Councilman Webb – yea

At 8:20 p.m., a motion was made by Vice-Mayor Greene to enter into closed session under **Business and Industry Development, §2.2-3711 A.5 of the Code of Virginia** - Prospective or expansion of business or industry where no previous public announcement has been made. Councilwoman Crouse seconded the motion.

At p.m. 8:50 p.m. Council reconvened in open session. Mayor Mitchell certified that no items other than those allowed under the cited Virginia Code section were discussed and no action taken, with the following affirmation: Councilman Garner-yea, Mayor Mitchell-yea, Vice-Mayor Greene-yea, Councilwoman Crouse-yea, and Councilman Webb-yea.


Clerk


Mayor