

Galax City Council
Minutes
September 8, 2014

Galax City Council convened in regular session in City Council Chambers on September 8, 2014 at 7:30 p.m.

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

Vice Mayor Greene prayed the opening prayer and led the Pledge of Allegiance.

Mayor Mitchell recognized the Galax Chamber of Commerce board members for their efforts in sponsoring the Smoke on the Mountain BBQ Competition recently held in Galax. The board members were given a plaque from Virginia Living magazine for being the "Best in Virginia 2014."

Councilwoman Crouse made the motion to approve the minutes of the regular meeting on August 11, 2014. Councilman Webb seconded the motion and it was unanimously approved by the following votes: Mayor Mitchell -yea, Vice-Mayor Greene -yea, Councilman Garner -yea, Councilman Webb -yea, Councilwoman Crouse -yea, Councilwoman Plichta -yea, and Councilman Lazo -yea.

This was the date and time advertised for a public hearing to receive comments on the conditional use permit application from the Galax City Public Schools. The request is to permit a school to be built on tax parcel 42-4, which is located off of Kipling Lane and portions of Kenbrook Drive. Mayor Mitchell opened the public hearing and heard from the following citizens:

Bill Sturgill, Galax Schools Superintendent, spoke first on the school request. Mr. Sturgill touched on a few points which had been mentioned at prior public hearings regarding the purchase and planning of the property in question. He reminded Council of a study in 2000 that was done on Galax Elementary said that a new school was needed. It was originally designed for 600 students in 1936 and has far outgrown its capacity. He said that more space is needed because of specialty classes such as computer labs, art, special education, music & offices. He said that OWPR, an expert engineering & architectural firm who does school construction & renovations, has given him an estimate of renovations on the current school. He said that the cost would be around \$10 M, but the lifespan of the renovation would only be around 20 years. He noted that in order to move forward with the school's future, securing a piece of land to build is the first step.

John Kapp asked Mr. Sturgill if OWPR would be the architect for the school project. Mr. Sturgill answered "no." He noted that the project would have to be bid out first. Mr. Kapp said that Galax didn't need a new school it needed industry and businesses instead. Other reasons that he opposed the school, is that the vacant school would be an "eye sore" to the community and to possible visitors, businesses or industry. He told Council that the debt from a study of new schools built in Virginia range from \$14 M - \$65 M. He said that he was afraid that we would

end up like Detroit's economy and blight. He said that the study done in 2000 on the school was outdated and shouldn't be used. Mr. Kapp said that he sent a letter to Council and the school board representing the Galax Historical Foundation's request to preserve the school and continue its use.

John Porter said that his thoughts of not wanting a school built on the property have not changed since the other meetings. He said that it's too much to spend on a school that may or may not be built. He said that the traffic would interfere with the residents of the area. Mr. Porter said that the population had not changed, and the school wouldn't make the area houses increase in value.

Debra Ferguson said that she is a new resident of Pine Cone Pointe. She said that she attended the last Planning Commission meeting and that the information from the teachers and people who were in favor of building the school were erroneous. She noted that Mr. Sturgill's facts were "flip-flopped." She said that Jody Ray had given true and factual information based on facts and not emotion.

Elizabeth Stringer, GEA President, spoke on the need for a new elementary school. She said that the school is 60 years old and that some parts are older. She said that this year there are 7 kindergarten classes and there are 57 new students. Also, Ms. Stringer noted that the school is in desperate need of space so that the teachers can continue to keep up the high standards such as being fully accredited and having the highest math scores in region 7. She said that the current school is a good neighbor to current residents and that nothing would change with the new school.

Alicia Warf, GES Librarian, told Council that it is the desire of the school to provide that best education possible and that is why a new school is needed. She said that the current school was falling apart. There are three floors which is a huge safety concern. She said that classes are being held in hallways & custodial closets. Ms. Warf said that it's not as simple as painting to correct the issues. She said that some floors are sagging. She noted that we could do better for the students. The motto that the teachers are now using is: "My best for our success."

Brian Stuart, GES Principal, told Council that he has worked for 18 years in the school system. He said that we are aware of all kinds of issues with the current school. The school staff works together as a team to address the issues. He said that there is also an overcrowding problem and that many streets are being used to access the school. Mr. Stuart said that they are three students away from having to hire another 3rd grade teacher.

Sara Hall said that she was not there to debate that a new school is needed. She said that she's not sure that the parcel chosen is the right place. She was raised on Rudy Street and feels the streets in this area are not safe for all of the traffic that would be created. Ms. Hall said that she has a daughter in GES now. She said that she is worried about the unsafe conditions and wants to know what action can be done now to correct some of the issues.

Treva Sparks told Council that the votes from the Planning Commission affiliated with the schools should count because she felt that they couldn't be objective. She also said that decisions that take this long to reach are usually the wrong decision.

Jody Ray reminded Council that he is opposed to the new school. He then told Council that he had done research on recent new schools built in Virginia. He told them about 5 that would be similar to the proposed school. These ranged in price from \$14 M - \$32 M, noting that the

average price would be \$30 M for a school for 1,000 students. Mr. Ray said that he had presented real numbers to be considered versus the costs of remodeling. His last statement was a quote from Abraham Lincoln, "You must walk with the privates to be a good general."

Michelle Zipprich introduced herself to Council as a 4th grade teacher at GES. She explained that the teachers and staff are entrusted with the safety of our children as well as their education. One of her concerns was the temperature of the classrooms in the warmer months. She said even on a cooler day outside, it's still 75°- 80° in a classroom. She said that other issues included: a radiator was broken and had fallen off of the wall, windows that will no longer open, and a "sagging" floor. She stated that students are better students in a better environment, their need was dire for a new school. She ended her comments by saying that our leaders has decided that the land being proposed is the best location considering there aren't a lot of locations to choose from.

Kendall Clay told Council that he was the attorney for several residents in the area of the proposed school. He said that it was easy to get caught up in the emotions of a situation like this one, but the starting point would be to approach it in a logical manner, then decide what the real needs & approach would be. His suggestion was that an appropriate analysis of GES to see what the needs were and to see if there would be sufficient space for expansion. He was also concerned with which alternatives would be best for our community. Mr. Clay ended his comments saying that there is a temptation to say "I don't want this in my backyard," but he said that the traffic issue was a legitimate concern.

Ruth Lyon started her comments off by stating that she felt that it was best to keep the schools close together. Ms. Lyon gave maps to Council showing what property that the City owns around GES. She added that two of the properties were currently for sale. Her suggestion was to renovate, expand, and possibly build a new school on the current 10 acres.

Heather Hanks, a first year music teacher at GES, told Council that she has moved her classroom two times since school started in August, and said that she may have to move again in the near future. She stated that the student growth has impacted the arts, also that the Arts keep kids engaged. This was particularly important for students that are struggling and look forward to participating in this program. She noted that using a movable cart to teach from was a bit stressful. She said that the kids deserved better, a safe school with more space.

Mayor Mitchell commended everyone for being so thoughtful with their comments and asked if anyone from the audience had any additional comments to bring forth. There being no further business, the public hearing closed.

Vice Mayor Greene stated that everyone agreed that we need a new school. He noted that historically, GES started as a K-7 grade school, but in 2000 it was changed to grades K- 4. He said that the rest were moved to the middle school. Also, he noted that the changes were made 15 years ago to address these issues, and the growth is still continuing which needs to be addressed. Vice Mayor Greene added that other places were discussed but were not as affordable as the current location. He said these details were discussed in executive session, which was private information. Mr. Greene asked Mr. Sturgill if the proffer regarding boundaries around the school would work. Mr. Sturgill said that a 400 ft. boundary wouldn't but a 100 ft. would work well.

Mayor Mitchell reminded Council that the Planning Commission recommended that the conditional use permit be approved with proffers of 400 ft. boundary line with restrictions of no field lighting.

Councilwoman Crouse added a comment about the roads into school. She said that it would be beneficial if the roads & traffic could be directed to Kenbrook Drive instead of the residential neighborhoods.

Councilwoman Plichta asked Mr. Sturgill how he felt about athletic field lights. Mr. Sturgill commented that there were no initial plans for field lights, only plans of utilizing the space. He noted that obviously there will be lights in the parking lot.

Councilman Lazo commented that the buffers of 200 – 400 ft. seemed to be too restrictive, he asked Mr. Sturgill if a 100 ft. buffer would work for a school, Mr. Sturgill said yes.

Councilwoman Plichta asked Mr. Sturgill how the wetlands would affect the site. Mr. Sturgill said that they would work around it and it shouldn't interfere with the plan.

Vice Mayor Greene commended the Planning Commission and the School Board members for doing a great job.

Mayor Mitchell asked Council for a motion regarding the conditional use permit. Councilman Webb made a motion to approve the issuance of the conditional use permit to the Galax City Public Schools for the parcel identified as parcel #42-4 and located off of Kipling Lane, Moore Lane, and John Street for the construction of a new school on that parcel and to determine that the issuance of this conditional use permit complies with the City of Galax Comprehensive Plan, is in compliant with Section 160-165(E) of the City Code, is warranted by the public necessity, general welfare and good zoning practice, and is in the best interest of the City of Galax and the residents thereof, subject to the following conditions:

- That a buffer be established between the school structure and the property line for parcel #42-2. The structure in this instance is the school building.
- That no athletic field lighting be installed.
- That a budget committee must be developed that includes school board members, city council members, and appropriate staff from the school system and city. This would provide some guidance on the financial impact to the city and its citizens.
- That a design committee must be developed that includes 1-2 council members, a City staff member, an adjoining property owner, and others deemed necessary by the school system.
- The schools must perform a traffic impact analysis as recommended by VDOT. This would provide a professional opinion on how to address traffic in the area.
- All erosion and sediment control regulations must be abided by.
- All stormwater regulations must be abided by.

Councilman Garner seconded the motion. Councilman Garner asked if the motion should include a 100' buffer requirement. Councilman Lazo stated that he felt the design committee should set the buffer size, taking into consideration vegetation and neighbors nearby. Councilman Webb amended his original motion to state that a buffer shall be established by the design committee from the property lines to the school building. Councilman Garner amended his second and with no further questions, it was unanimously approved by the following votes: Mayor Mitchell – yea, Vice Mayor Greene – yea, Councilman Garner – yea, Councilman Webb – yea, Councilwoman Crouse – yea, Councilwoman Plichta – yea, and Councilman Lazo – yea.

Keith Barker informed Council about the Stormwater Management Facility Maintenance Agreement Resolution. Mr. Barker said that as part of the Stormwater Program we recently adopted, a mandated requirement was that each property owner installing a stormwater facility or

device shall provide a maintenance agreement that must be recorded with the property. This agreement would give the authority for the City to inspect these devices on a routine basis as determined by the ordinance, and sets conditions for repairs when deficiencies are found. He said the ordinance would allow exceptions to this agreement requirement for stormwater management facilities treating stormwater runoff from an individual residential lot "at the discretion of the Administrator". Mr. Barker said that in lieu of bringing each agreement to Council for review, Council was asked to adopt the attached resolution which would authorize the City Manager to sign the agreements. Councilwoman Crouse made the motion to adopt the Stormwater Management Facility Maintenance Agreement Resolution as presented. Councilman Webb seconded the motion and it was unanimously approved by the following votes: Mayor Mitchell – yea, Vice Mayor Greene – yea, Councilman Garner – yea, Councilman Webb – yea, Councilwoman Crouse – yea, Councilwoman Plichta – yea, and Councilman Lazo – yea.

Keith Barker said that City Council had been asked to consider approval of a program amendment for the Bottom Area Project. He noted that the intent was to allow program income funds from this grant and the previous North Central Grant to be used to create home ownership opportunities. Mr. Barker said that all funds would be held be as a first lien on the property and repaid back to the fund. He also noted that the amendment was approved by the Bottom Area Project Team at their last meeting. Councilwoman Plichta made the motion to approve the amendment to the North Central and Bottom Area Program Income Funds. Councilman Garner seconded the motion and it was unanimously approved by the following votes: Mayor Mitchell – yea, Vice Mayor Greene – yea, Councilman Garner – yea, Councilman Webb – yea, Councilwoman Crouse – yea, Councilwoman Plichta – yea, and Councilman Lazo – yea.

Mr. Barker gave Council an update on the Bottom Project stating that we have completed or are working on our 10th house at this time and have completed work on four commercial sites. Work has included two new houses, and rehabilitation of eight other living units. Four more are in the inspection and write-up phase. He also updated Council about the delay in our work on the stormwater system due to a conflict with a Centurylink ductbank. He noted that while we were aware of the area where the lines crossed, the duct bank is much lower than shown in information provided by Centurylink, and was actually installed by damaging the top of the existing stormwater pipe. He said to date, efforts to work with Centurylink have not been successful and their original position has been for the City to replace 500' of their line in conflict, which would raise our project costs an additional \$200,000 or more based on comments from the regional Centurylink engineer. Mr. Barker informed Council to relocate the storm line to avoid the contract was still a change order with a cost of \$80,000 - \$90,000. He explained that working through VDOT representatives, we have discovered that since this was a VDOT funded project, Centurylink would be responsible for moving their utility as required to accommodate our work. He noted that we have made requests for copies of the original franchise agreement to verify our position and per Centurylink, no franchise agreement can be found. Mr. Barker told Council that at the time of this agenda, Centurylink had indicated they are not willing to move the ductbank as requested. He said we have responded to their letter and have asked that they comply with Section 2.2 of the VDOT Utility Relocation Policies & Procedures Manual.

Mayor Mitchell told Council that BRCEDA has been working through McCallum Sweeney Consulting (MSC) to have our Wildwood property "certified" through their industrial site certification process. He said that while there were still some deliverables from BRCEDA, this was a major achievement for Wildwood and would put our property in a class of certified properties that major site consultants would have access to. Mayor Mitchell explained that AEP was the funding source for this initiative which again spoke to the viability of this property with their investment in this process. He told Council that a presentation would be made to City Council and the Carroll/Grayson Board of Supervisors on September 17 at Crossroads at 7:00 PM.

CLOSED SESSION

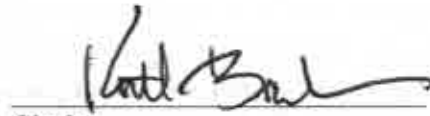
At 9:30 p.m., a motion was made by Councilwoman Plichta to enter into closed session under Code of Virginia Section§ 2.2-3711.A - **Prospective Business** - Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community. Councilman Garner seconded the motion and it was unanimously approved by the following votes: Mayor Mitchell – yea, Vice Mayor Greene – yea, Councilman Garner – yea, Councilman Webb – yea, Councilwoman Crouse – yea, Councilwoman Plichta – yea, and Councilman Lazo – yea.

At 9:45 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: Mayor Mitchell – yea, Vice Mayor Greene – yea, Councilman Garner – yea, Councilman Webb – yea, Councilwoman Crouse – yea, Councilwoman Plichta – yea, and Councilman Lazo – yea.

ADJOURNMENT at 9:45 p.m.



Mayor



Clerk