

GALAX CITY COUNCIL

Minutes

June 13, 2011

Galax City Council convened in regular session in City Council Chambers on May 23, 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 Lazo, Councilwoman Plichta, Councilman Garner, Vice-Mayor Greene, Councilwoman Crouse and Councilman Webb.

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

Councilman Webb motioned to approve the minutes of the regular meeting on May 23, 2011. Councilwoman Crouse seconded the motion and it was unanimously approved by the following votes: Councilman Lazo-yea, Councilwoman Plichta-yea, Councilman Garner-yea, Mayor Mitchell-yea, Vice Mayor Greene-yea, Councilwoman Crouse-yea, and Councilman Webb – yea.

Mayor Mitchell presented employees of the water plant with The Office of Drinking Water, Virginia Department of Health 2010 Excellence in Waterworks Operations Silver Award. This award indicates our water treatment plant met the Virginia Optimization Program goals for clarification and filtration during 2010.

Mayor Mitchell presented retiring police officer Larry Doby with a plaque and watch recognizing his 20 years of service with the Galax Police Department.

Council set this date as the public hearing for the FY 2011 budget amendment. Judy Taylor-Gallimore, Director of Finance explained that the main purpose of this amendment was to address comments by the auditors from previous years to correct budget shortfalls and over runs prior to the year end. The budget amendment will not increase the overall budget with the exception of the additional revenues and expenditures for the Dept. of Social Services. Overall, the amendment is a balanced change with revenue and expenditure revisions equaling each other. She asked council to take action to approve the amended budget at this time. Mayor Mitchell opened the public hearing for comment. After no comments were heard, he closed the public hearing. Councilwoman Plichta motioned to accept the FY 2011 budget amendment as presented. Councilman Webb seconded the motion and it was unanimously approved by the following votes: Councilman Lazo-yea, Councilwoman Plichta-yea, Councilman Garner-yea, Mayor Mitchell-yea, Vice Mayor Greene-yea, Councilwoman Crouse-yea, and Councilman Webb – yea.

The Galax Fire Department requested that their property located on the corner of Lafayette St and Grayson St (Tax Parcel 54-187,188 – 312 W. Grayson Street) be rezoned from R-2 Medium Density Residential to B-2 General Business to allow additional parking of fire department related equipment and trailers. The Planning Commission met on June 8 to review this request and has recommended that City Council approve the rezoning from R-2 Medium Density Residential to B-2 General Business. A public hearing was scheduled for this date. Mayor Mitchell opened the public hearing for comment. After hearing no comments he closed the public hearing. Councilman Webb motioned to approve the request to rezone the property as presented. Councilman Lazo seconded the motion and it was unanimously approved by the following votes: Councilman Lazo-yea,

Councilwoman Plichta-yea, Councilman Garner-yea, Mayor Mitchell-yea, Vice Mayor Greene-yea, Councilwoman Crouse-yea, and Councilman Webb - yea.

City Council was asked to approve the City of Galax FY2012 Budget as presented at the May 23, 2011 Meeting. The budget will be appropriated at the July meeting. The FY2012 Budget amounts are: General Fund Revenue and Expenditures - \$13,387,259, Utility Fund Revenue and Expenditures - \$2,834,400. Councilman Garner motioned to approve the General Fund Revenue and Expenditures. Vice Mayor Greene seconded the motion and it was unanimously approved by the following votes: Councilman Lazo-yea, Councilwoman Plichta-yea, Councilman Garner-yea, Mayor Mitchell-yea, Vice Mayor Greene-yea, Councilwoman Crouse-yea, and Councilman Webb - yea. Vice-Mayor Greene motioned to approve the Utility Fund Revenue and Expenditures. Councilman Lazo seconded the motion and it was unanimously approved by the following votes: Councilman Lazo-yea, Councilwoman Plichta-yea, Councilman Garner-yea, Mayor Mitchell-yea, Vice Mayor Greene-yea, Councilwoman Crouse-yea, and Councilman Webb - yea.

Council held the public hearing on May 23, 2011 for the proposed revisions to Article II, Chapter 66 of the City Code, commercial dumpster service. This revision would allow the City to issue a request for proposals whereby private commercial waste haulers will be permitted and licensed to provide commercial dumpster service to our businesses and industries. Each company that submits a request will be required to submit a proof of insurance, have their vehicle inspected by our staff and submit their fee schedule for review by City Council. Council was asked to approve the ordinance at this time so staff can begin putting together the RFP. Staff will also notify all commercial customers by mail of the proposed changes. It is anticipated that the change will take 3 to 4 months to implement. Councilwoman Plichta motioned to approve the proposed revisions. Vice-Mayor Greene seconded the motion and it was unanimously approved by the following votes: Councilman Lazo-yea, Councilwoman Plichta-yea, Councilman Garner-yea, Mayor Mitchell-yea, Vice Mayor Greene-yea, Councilwoman Crouse-yea, and Councilman Webb - yea.

Jim Wooddell, Director of Waddell Nursing and Rehab Center has requested to block off a small section of Painter Street, in front of the nursing center to celebrate Nurses and CNA Week on Thursday June 23rd. They are planning to have a street block party for the residents and staff. Jim Wooddell, Director of Waddell Nursing, has stated they will maintain openings for Dr. Littrell's Office and the two houses on the upper end of Painter Street. Councilman Garner motioned to approve the street closure. Vice-Mayor Greene seconded the motion and it was unanimously approved by the following votes: Councilman Lazo-yea, Councilwoman Plichta-yea, Councilman Garner-yea, Mayor Mitchell-yea, Vice Mayor Greene-yea, Councilwoman Crouse-yea, and Councilman Webb - yea.

Grants Administrator Brenda Marrah requested Council's approval to file a joint grant application for the City and the Twin County Humane Society to the Global Alliance for Rabies Control for 250 doses of animal rabies vaccine for use on feral felines, shelter/homeless animals, and low cost/free community animal rabies vaccine clinics in honor of World Rabies Day 2011. Dr. Clark Fincher, the supervisory veterinarian for the shelter, has agreed to administer the vaccines for \$5 per shot (the cost is due to the required administrative expenses and vaccine documentation.) If the dates on the vaccine permit, it would be possible to offer \$5 vaccines: for adopted shelter animals for 6 months; to Humane Society for 6 months; and a one day community vaccination clinic at the animal shelter for the Saturday nearest to World Rabies Day (which would be Sept. 24 or Oct. 1). Councilwoman Plichta motioned to approve the grant application submittal. Councilwoman Crouse seconded the motion and it was unanimously approved by the following votes: Councilman Lazo-

yea, Councilwoman Plichta-yea, Councilman Garner-yea, Mayor Mitchell-yea, Vice Mayor Greene-yea, Councilwoman Crouse-yea, and Councilman Webb – yea.

Keith Barker and Edwin Ward, City Engineer have been considering the possible impact of a mandatory water connection ordinance for the City. Keith Barker explained that at this point, the fee structure supports the overall water/sewer operations based on the production and usage. There have been inquiries in the past from some larger users about reverting to wells, which if completed would increase the incremental costs and possibly drive the need for a water rate increase. The city has opportunities for larger users to look at reductions of water charges through separate sewer metering, metering of high water use equipment only, irrigation metering, etc. Many localities have such an ordinance in order to justify the cost of operations and maintenance on overall water/sewer systems. The intent would not be to require current well users to hook up to the City water system, but to require that current customers remain part of the system and that new customers would also connect to the system provide water is available to the location. Councilman Webb recommended that Mr. Barker and Mr. Ward explore this more. Councilman Garner asked that this be tabled until a future meeting. Councilman Lazo agreed with the idea and to look into it further.

Council was asked to review an example ordinance from Salem, VA that provides certain criteria for restricting when owners leave their pets in vehicles. Keith Barker explained that the city's animal control officer currently must charge someone with cruelty to animals, a Class 1 Misdemeanor under City Code Section 46-6, if an animal is left in a vehicle and appears to be suffering from distress. A recent article in the newspaper warning citizens about the possible danger has increased in calls for such cases. The purpose of the ordinance would be to provide additional avenues based on outside air temperature for addressing this issue and lay out the responsibility for costs when such an animal is rescued from a vehicle. If Council considers such an ordinance, staff will continue to work with the City Attorney to verify this is an appropriate remedy to the issue. If our attorney advises to proceed, a public hearing will be set for an upcoming council meeting to consider adopting such an ordinance. Councilman Garner motioned to revise the current ordinance from criminal to civil charges. Councilwoman Crouse seconded the motion and it was unanimously approved by the following votes: Councilman Lazo-yea, Councilwoman Plichta-yea, Councilman Garner-yea, Mayor Mitchell-yea, Vice Mayor Greene-yea, Councilwoman Crouse-yea, and Councilman Webb – yea.

Council was provided with the line of duty act (LODA) opt out resolution that is required to participate in the VML Insurance System rather than the state VRS system. Keith Barker explained that there is no way to accurately look at the long term implications for such a change except to consider our current relationships and experiences. The city has been a participating member of VML Insurance for a number of years now and has a good experience with their service and fees. The fee structure they are proposing is slightly less than the state costs through VRS. This is essentially an insurance pool program and per VRS, the majority of their clients are moving to them as the provider. VRS and VACO also have the opportunity to either deny coverage or charge customers with a high experience rate a larger premium. VRS may become the option of last resort for communities that have had claims. At this time, he recommended that Council adopt the VRS LODA Opt-Out Resolution. Councilman Garner motioned to approve the opt-out resolution as presented. Vice-Mayor Greene seconded the motion and it was unanimously approved by the following votes: Councilman Lazo-yea, Councilwoman Plichta-yea, Councilman Garner-yea, Mayor Mitchell-yea, Vice Mayor Greene-yea, Councilwoman Crouse-yea, and Councilman Webb – yea.

Keith Barker informed council that the Arts Council has requested permission to construct a small stage in the wooded area behind the library. This would be located in the small amphitheater area and basically be a small concrete platform where performances could be staged. The Arts Council would pay for materials and City staff would provide the labor. The stage would be approximately 12' x 20'. Both the Library Board and the Museum Board were notified of the request and have offered their approval and support. The intent of the Arts Council is to also provide a small sign or brass plaque set into the concrete stage and dedicate the stage as "*The Carroll Waddell, Galax Theater Guild Stage*" to commemorate the merger of the Galax Theater Guild and Arts Council. Councilman Lazo motioned to approve the construction of the structure as requested and to also dedicate the stage as noted. Councilwoman Plichta seconded the motion and it was unanimously approved by the following votes: Councilman Lazo-yea, Councilwoman Plichta-yea, Councilman Garner-yea, Mayor Mitchell-yea, Vice Mayor Greene-yea, Councilwoman Crouse-yea, and Councilman Webb - yea.

David Hankley with the Galax Volunteer Fire Department (GVFD) informed council that the GVFD has purchased a house and property located at 1140 Glendale Road that connects to the Training Ground. The current entrance into the training grounds is inadequate because of the inability to get the larger fire trucks turned into the driveway. In addition, trucks built over the past few years have extended front bumpers which house hose lays, rescue equipment, etc. Because of these extended front bumpers, the trucks dig in or plow into the pavement and cause damage to the vehicle. In spite of being careful this has happened to two of our trucks and to other department trucks as well. Staff and GFD personnel met with VDOT reps to see what would be required to remedy the situation, however due to extensive grading and encroachment on adjoining properties; this was not felt to be a viable solution. This new property will give more than adequate access off of Glendale and will join at the top of the property with the current training ground property. Chief Hankley has been in touch with the VDOT representative and they will be providing the approved plans for the entrance. The GVFD will take care of razing the house and sheds from the property as well. The department would be much appreciative of assistance in the planning, developing, and construction of the road into the property. This is not an urgent project however he wanted to get the planning started. No action was required from Council at this time.

The Chestnut Creek School of the Arts is requesting permission to close Grayson Street from Main to Jefferson on September 24 for a block party type event. The actual event is from 1-5 PM but the request is to close the street from 8:00 AM to 6:00 PM. Events such as music jams, participatory art projects, face painting, sidewalk art, etc will be provided. Councilman Lazo motioned to approve the request. Vice-Mayor Greene seconded the motion and it was unanimously approved by the following votes: Councilman Lazo-yea, Councilwoman Plichta-yea, Councilman Garner-yea, Mayor Mitchell-yea, Vice Mayor Greene-yea, Councilwoman Crouse-yea, and Councilman Webb - yea.

Keith Barker notified council that Doris Spangler, Todd Cannaday, and Jeff Moser currently serve as members on the Recreation Board. Their terms expire on June 30, 2011. Todd Cannaday is ending his 2nd term and therefore cannot be reappointed. Doris Spangler and Jeff Moser have requested that they be considered for reappointment for a new term from July 1, 2011 to June 30, 2013. Sue Griffith has submitted a letter of consideration for appointment. Councilman Webb motioned to reappoint Doris Spangler and Jeff Moser and appoint Sue Griffith to the board.

Keith Barker notified council that Irene Turner currently serves on the Library Board. Her term is set to expire on June 30, 2011. She has requested that she be considered for reappointment for a

new term from July 1, 2011 to June 30, 2015. No other letters were received. Councilwoman Crouse motioned to reappoint Irene Turner to the Library Board. Councilman Webb seconded the motion and it was unanimously approved by the following votes: Councilman Lazo-yea, Councilwoman Plichta-yea, Councilman Garner-yea, Mayor Mitchell-yea, Vice Mayor Greene-yea, Councilwoman Crouse-yea, and Councilman Webb – yea.

Keith Barker informed council that Bill Davis, Bobby Kirby, and Nelson Montgomery currently serve as members on the IDA and their terms expire on June 30, 2011. Bobby Kirby has requested that he be considered for reappointment for a new term from July 1, 2011 to June 30, 2015. Bill Davis and Nelson Montgomery have both expressed that they do not wish to serve another term. No letters of consideration were received. With Council's permission an additional ad will be placed for the open seats. Councilman Lazo motioned to reappoint Bobby Kirby to the IDA. Councilman Webb seconded the motion and it was unanimously approved by the following votes: Councilman Lazo-yea, Councilwoman Plichta-yea, Councilman Garner-yea, Mayor Mitchell-yea, Vice Mayor Greene-yea, Councilwoman Crouse-yea, and Councilman Webb – yea.

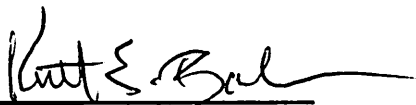
Keith Barker informed council that due to a bylaw and nepotism policy change, Vice Mayor Greene can no longer serve on the Rooftop Board of Directors. Council may appoint one of its own to sit on the board as the Council representative, or Director of Finance Judy Taylor-Gallimore has agreed to serve on the board. Councilwoman Plichta motioned to appoint Judy Taylor-Gallimore to the Rooftop Board of Directors. Vice-Mayor Greene seconded the motion and it was unanimously approved by the following votes: Councilman Lazo-yea, Councilwoman Plichta-yea, Councilman Garner-yea, Mayor Mitchell-yea, Vice Mayor Greene-yea, Councilwoman Crouse-yea, and Councilman Webb – yea.

Keith Barker informed council that Mr. Mike Coomes, one of the two Galax representatives on the Twin County Airport Commission, is resigning his seat due to a change in employment. City Council was asked to appoint another representative to the airport commission. Terms are a standing appointment with no expiration at this point unless council wishes to set a term length. Councilman Garner motioned that Vice Mayor Willie Greene be appointed to the commission. Councilwoman Crouse seconded the motion and it was unanimously approved by the following votes: Councilman Lazo-yea, Councilwoman Plichta-yea, Councilman Garner-yea, Mayor Mitchell-yea, Vice Mayor Greene-yea, Councilwoman Crouse-yea, and Councilman Webb – yea.

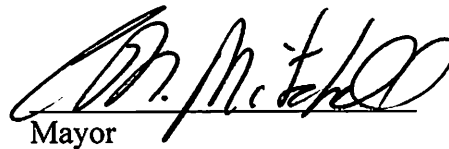
Keith Barker updated and notified City Council that the planning commission has had two planning meetings on the comprehensive plan update. A SWOT Analysis has been complete, in addition to a survey for citizens and draft information developed. There will be two public meetings on July 21 from 10:00 AM to 7:00 PM at Crossroads and on July 23 from 10:00 AM to 7:00 PM at the Galax Recreation Center. A press release will be provided to the Gazette for publication. These are open house type events and staff members from Mount Rogers PDC will be available to answer question, assist with the survey, etc. Council will be provided with a survey and may wish to stop by to view the maps, statistical information, census data, etc. and offer your thoughts on the comprehensive plan update.

At 8:45 p.m., a motion was made by Councilman Lazo 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. 9:15pm 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 Lazo-yea, Councilman Plichta-yea, Councilman Garner-yea, Mayor Mitchell-yea, Vice-Mayor Greene-yea, Councilwoman Crouse-yea, and Councilman Webb-yea.



Clerk


Mayor