



CITY OF GALAX

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CITY COUNCIL AGENDA
MONDAY, DECEMBER 11, 2023
GALAX MUNICIPAL BUILDING
6:00 P.M.

- CALL TO ORDER Mayor Greene
- PRAYER AND PLEDGE OF ALLEGIANCE Councilman Henke
- SPECIAL RECOGNITION Mayor Greene
- APPROVAL OF MINUTES City Council
 - Regular Meeting of November 13, 2023 (Attachment #1)
- PUBLIC HEARING(S)
 1. Public Hearing to Consider Amendments to the Stormwater Utility Fee Ordinance
POSTPONED TO 1/8/2024
- OLD BUSINESS
 2. Update from the Code Compliance Committee (Attachment #2) Mike Larrowe
 3. Update on Small Area Plan Progress and Request to Hold a
Joint Public Hearing (Attachment #3) Gavin Blevins
- NEW BUSINESS
 4. Discussion on Illegal Gaming Machines (Attachment #4) Chief Cooper
 5. Discussion on Potential Use of Blue Line Solutions (Attachment #5) Chief Cooper
 6. Request to Adopt Updated Emergency Operations Plan (Attachment #6) Captain James Cox
 7. Creation of and Proposed Appointments to the
Local Building Board of Appeals Thomas Hager
- CITIZEN COMMENTS (Limited to 3 minutes per speaker or 5 minutes per group)
- COMMUNICATIONS FROM CITY MANAGER, MAYOR, CITY COUNCIL, AND COUNCIL COMMITTEES
- CLOSED SESSION - **Request for Closed Meeting in Accordance with 2.2-3711**
 - (A)(5) Prospective or expansion of business or industry where no previous public announcement has

been made

- (A)(1) Personnel Discussion of appointments to City Boards, Commissions, etc.
 1. Mount Rogers Community Services Board Appointment
 2. Candidates to fill Vacancy on Galax City Council
- (A)(3) Discussion of the acquisition of real property or the disposition of real property
 1. Water Utilities
 2. Rex Theater Lease

➤ ACTION FROM CLOSED SESSION, IF ANY

➤ ADJOURN

SYNOPSIS

CALL TO ORDER

PRAYER AND PLEDGE OF ALLEGIANCE – *Councilman Henke*

SPECIAL RECOGNITION – *Mayor Greene*

APPROVAL OF MINUTES (Attachment #1)

- Regular Meeting of November 13, 2023

PUBLIC HEARING(S)

1. **Public Hearing to Consider Amendments to the Stormwater Utility Fee Ordinance** – Due to an issue with advertisement of hearing notice, this Public Hearing has been postponed until January 8, 2024.

OLD BUSINESS

2. **Update from the Code Compliance Committee (Attachment #2) - Mike Larrowe** – On November 15, 2023, the Code Compliance Committee met for the first time. In attendance were citizen representatives, two Council members, and various City Staff. The Committee discussed a wide variety of issues, complaints, and potential solutions regarding enforcement of the City’s nuisance regulations. All parties were listened to and Code Enforcement Officer Joey Davis ended the meeting with a detailed action plan to handle complaints as they come in as well as being proactive in a zone pattern throughout the City. Attached are the minutes of the meeting and Councilman Larrowe will provide further details during the meeting.
 - *City Council is asked to hear an update on the latest Code Compliance Committee discussion.*
3. **Update on Small Area Plan Progress and Request to Hold a Joint Public Hearing (Attachment #3) - Gavin Blevins** – The Planning Commission and Staff have been working through the review process of the Creekside Small Area Plan and how it fits into and potentially alters the trajectory of the City. The general feeling now is that the Creekside Small Area Plan is a catalyst for the City to implement various concepts of urban planning and traditional neighborhood design into the Comprehensive Plan, including at a minimum the provisions for an urban development area(s). These concepts support the Creekside Small Area Plan and lay a foundation for more inclusionary, form-based zoning practices which would allow the City to replicate – in essence – the proposed development on a much smaller scale throughout applicable sectors of the city. The Planning Commission is exploring the vision and implications of various changes to our land use regulations carefully, given the time available, and are thinking about what these changes can do to create a more resilient city overall, considering how current and proposed initiatives may interplay with the goals of the City. The “town hall” held on

12/05/2023 received a dishearteningly low turn-out, but we did have a more in-depth discussion on the thoughts above, specifically, which was productive. Staff will explore ways to collect additional public feedback and increase public participation for the next public meeting. The next public “forum” will be held specifically regarding the Creekside Small Area Plan and will be facilitated by Anne Darby of Summit Design. Council will be asked to schedule a joint public hearing with the Planning Commission at the Council’s next regular meeting on January 8th to hear further public comment on the proposed Small Area Plan.

- *City Council is asked to receive this update and provide any feedback to Staff. Further, Council will be asked to schedule the aforementioned joint public hearing with the Planning Commission on January 8, 2024.*

NEW BUSINESS

4. **Discussion on Illegal Gaming Machines (Attachment #4)** – *Chief Cooper* – Chief Cooper will review with Council the evolving state stance on “electronic games of skill”. In 2020, the Virginia General Assembly gave an exemption to these machines being unlawful to mitigate the business impacts of COVID-19 and the exemption was to sunset on June 30, 2021. These machines were primarily limited to gas stations and truck stops. Machines were regulated by the Virginia Alcoholic Beverage Control Authority and each machine was taxed at \$1,200 per month. Every machine outside of this registration system became an illegal gambling machine per the Code on June 30, 2020 while those that were properly registered were allowed to operate under the legislatively-created one year exemption. The General Assembly did not act to allow any "Skill Game" to continue to operate as of July 1, 2021. Thus, every machine which had been operating under license with the ABC Board became an "illegal gambling device" on July 1, 2021. Since that time, the legality of these machines has been debated in the Courts. On October 13, 2023 a ban on these games in Virginia went back into effect after the state Supreme Court vacated the injunction that allowed thousands of the betting machines to remain in gas stations, bars, and convenience stores. Chief Cooper will describe to Council the Department’s current efforts to eradicate these illegal gambling machines from the City.
 - *City Council is asked to receive this update and provide any feedback to Staff.*

5. **Discussion on Potential Use of Blue Line Solutions (Attachment #5)** – *Chief Cooper* – Chief Cooper and a representative from Blue Line Solutions will discuss the product with Council to determine if the City should invest in the program. Blue Line Solutions is a law enforcement owned and operated photo speed program with a vision and mission based solely on the reduction in speed, crashes and injuries in school and work zones. Blue Line Solutions has noted partnerships in seven states and with twelve localities in the Commonwealth of Virginia with over a 90% reduction rate.
 - *City Council is asked to receive this information and determine if it would be an appropriate use of City resources to join Blue Line Solutions.*

6. **Request to Adopt Updated Emergency Operations Plan (Attachment #6)** – *Captain James Cox* – Captain Cox will present an updated Emergency Operations Plan for Council’s consideration. The Code of Virginia, § 44-146.19 requires that every four years, each local and interjurisdictional agency shall conduct a comprehensive review and revision of its emergency

operations plan to ensure that the plan remains current, and the revised plan shall be formally adopted by the locality's governing body. The plan is considered an all-hazards framework, adaptable to any situation with a broad overview of responsibilities which may not apply to all incidents. Each department is expected to have policies and procedures for the completion of tasks they may entail during an emergency or specific incident. Captain Cox has reviewed the City's plan and updated information within it to reflect changes in personnel and resources. His office has also included sections VIII and IX to the Basic Plan section regarding diversity, equity, and inclusion as well as access and functional needs of the citizens we serve. A master copy of the plan is kept at the Emergency Operations Center (Galax Police Department) and is routinely updated to reflect changes in personnel and contact information. In addition to the Emergency Operations plan, Council will also need to formally adopt the National Incident Management System, in which the City commits to use the system for unifying and coordinating all emergency responders' efforts during incidents.

➤ ***City Council will be asked to approve the updated Emergency Operations Plan and to adopt the National Incident Management System through Resolution.***

7. **Creation of and Proposed Appointments to the Local Building Board of Appeals - Thomas Hager** – Mr. Hager will discuss with Council the required appointment of a Board of Appeals to hear cases involving questions of building code and building code interpretation within the City. In accordance with § 36-105 of the Code of Virginia, there shall be established within each local building department a Local Board of Building Code Appeals (LBBCA). Whenever a county or a municipality does not have such a LBBCA, the local governing body shall enter into an agreement with the local governing body of another county or municipality or with some other agency, or a state agency approved by DHCD for such appeals resulting therefrom. For years, Galax has utilized other sources for the LBBCA. Staff has determined that it would be beneficial to activate our own LBBCA. The locality is responsible for maintaining a duly constituted LBBCA prepared to hear appeals within the time limits established by state Code. Additionally, the Code dictates the number and type of persons to be appointed to this Board. The LBBCA shall consist of at least five members appointed by the locality for a specific term of office. Alternate members may be appointed to serve in the absence of any regular members and as such, shall have the full power and authority of the regular members. Regular and alternate members may be reappointed. In order to provide continuity, the terms of the members may be of different length so that less than half will expire in any 1-year period. Members of the LBBCA shall be selected by the locality on the basis of their ability to render fair and competent decisions regarding application of the USBC and shall, to the extent possible, represent different occupational or professional fields relating to the construction industry. At least one member should be an experienced builder; at least one member should be an RDP, and at least one member should be an experienced property manager. Employees or officials of the locality shall not serve as members of the LBBCA. To meet the requirements of the Code, Staff has solicited interested persons to serve on the new Galax LBBCA. These recommendations are: GW Hill (contractor); Jamie Keatley (Realtor/property manager); John Adams (contractor); Chris May (certified building official); Keith Barker (architect); and Yancy Powers (alternate). It is, of course, Council's decision as to whom to appoint to such a committee. Staff has provided a slate of candidates that will fulfill the State requirements and have agreed to serve should they be called upon.

➤ ***City Council will be asked to create the Galax LBBCA and appoint members to seats upon***

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➤ COMMUNICATIONS FROM CITY MANAGER, MAYOR, CITY COUNCIL, AND COUNCIL COMMITTEES

- Under Communications from City Council, Councilman Larrowe will be speaking on Workforce Development and has asked that a document be attached (Attachment #7) to the Council packet.