

GALAX CITY COUNCIL
Minutes
January 25, 2010

Galax City Council convened in regular session in City Council Chambers on January 25, 2010 at 7:30 pm.

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

Councilman Lazo prayed the opening prayer and led the Pledge of Allegiance.

Councilman Webb motioned to approve the minutes of the regular meeting on January 11, 2010. Councilman Greene seconded the motion and it was unanimously approved by the following votes: Councilman Lazo-yea, Councilman Plichta-yea, Councilman Garner-yea, Mayor Mitchell, Vice Mayor Greene-yea, Councilman Davis-yea, and Councilman Webb-yea.

Included in the Council packet was a written request by Theresa Lazo, Chairman of the Chestnut Creek School of the Arts, that the buildings at 107 W. Oldtown Street be acquired by the School for use as a residence for class instructors or artists, and for rooms, offices, and storage. Keith Barker explained that this property was purchased by the City as part of the downtown project for a proposed visitor's center prior to the donation of the building on Grayson Street. DHCD, the funding agency for the Galax Downtown Project, has requested that we notify them of our intended use of the structure as their funding was used for tenant relocation. The use of the structure by Chestnut Creek School is satisfactory to DHCD and would not jeopardize the relocation funds we expended. Council can take action to transfer use and ownership of the property to the School. Council may also consider setting a minimum term of ownership of the property by the School and acceptance of the uses as described by the School's request. Mayor Mitchell recommended that the School keep the building for a minimum of 5 years and return to the City if it is determined it is not needed for their use. Councilman Webb recommended that this be brought back to Council next month for a vote. No action was taken on this matter at this time.

Russell Byrd of Comcast Cable presented Council with a draft copy of a franchise agreement between Comcast and the City of Galax. Mr. Byrd spoke to Council about new services being offered in the area. He stated that there are 1,817 customers in Galax. Mr. Byrd explained to Council that the current franchise agreement expired in 2006. He stated that Council may adopt an ordinance (Model Cable Franchise Ordinance) that reflects the state agreement or they may negotiate an agreement without the ordinance. Keith Barker informed Council that they are not asked to take action on this at this time but can bring it back for consideration in February. Councilman Greene voiced his concern about Comcast rate increases. Mr. Byrd stated that customers are notified 30 day prior to a rate increase. Councilman Lazo questioned the purpose of the franchise, the free service to the schools, and the money that comes back to the City. Mr.

Byrd explained that the agreement is required by the state. The local agreement can be changed within 2-5 years whereas the state agreement cannot be changed for 15 years. Comcast does offer free service to the local schools and at public facilities owned by the City, and also pays a franchise fee for right-of-ways on poles. Council took no action on this franchise agreement and will re-visit this topic at a later meeting.

Keith Barker informed Council that Ellen Holland, Executive Director of The Arts Council, has requested that a City Council member or City employee be appointed to serve on their Board of Directors. They are now in the process of identifying candidates to begin serving in July. It is a working board, so the appointee would need to have at least 4 hours per month to devote. Lauren Spivey Clark has expressed interest in this appointment if Council wishes to consider her for this request. Councilman Lazo motioned to appoint Lauren Clark to the Board of Directors. Councilman Webb seconded the motion and it was unanimously approved by the following votes: Councilman Lazo-yea, Councilman Plichta-yea, Councilman Garner-yea, Mayor Mitchell, Vice Mayor Greene-yea, Councilman Davis-yea, and Councilman Webb-yea

Rick Clark, Chief of the Galax Police Department presented information concerning the 2009 National Night-Out Event held in August 2009. Galax finished 1st in state and 11th in the nation for a community of our size. He noted that there were 65 volunteers this year, and without them the event would not have been a success. A few of the volunteers were present and were recognized by name.

At 8:15 p.m. Councilwoman Plichta excused herself from the meeting.

At 8:17 p.m., motion was made by Councilman Greene to enter into closed session under Virginia Code 2.2-3711 a(7) for the purpose of §2.2-3711 A.5 of the *Code of Virginia (Business and Industry)* and §2.2-3711 A.5.

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

Mayor

Clerk