

GALAX CITY COUNCIL
Minutes
April 26, 2010

Galax City Council convened in regular session in City Council Chambers on April 26, 2010 at 7:30 pm.

At 7:40 p.m. 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 Garner motioned to approve the minutes of the regular meeting on April 12, 2010. Vice-Mayor Greene seconded the motion and it was unanimously approved by the following votes: Councilman Lazo-yea, Councilman Plichta-yea, Councilman Garner-yea, Mayor Mitchell-yea, Vice Mayor Greene-yea, and Councilman Davis-yea.

Mayor Mitchell asked that item number three under New Business be discussed after meeting in closed session.

A Public Hearing was held regarding the Galax City School Budget. This was the advertised date for the public hearing on the school budget. Mayor Mitchell opened the floor for comment. After no comment was received, Mayor Mitchell closed the public hearing. Council is not required to take action at this public hearing but will consider approving the budget at the May 10, 2010 council meeting.

Keith Barker briefed council regarding the 107 W. Oldtown Street property. At the March 22, 2010 meeting council was presented a draft agreement regarding the property and the Chestnut Creek School of the Arts. The document has been revised to reflect that subsequent to a five year period, the City can purchase the property back for any cost of improvements that CCSA has done to the property. The executive committee for CCSA has reviewed the document. If council is satisfied with the final document, he explained that council can take action to accept the document and he will forward it to CCSA for acceptance. Councilman Davis motioned to accept the agreement with the said terms. Vice-Mayor Greene seconded the motion and it was unanimously approved by the following votes: Councilman Lazo-yea, Councilman Plichta-yea, Councilman Garner-yea, Mayor Mitchell-yea, Vice Mayor Greene-yea, and Councilman Davis-yea.

Keith Barker briefed council regarding the Comcast Cable Franchise Agreement. At the January 25, 2010 council meeting, Russell Byrd presented council with a draft copy of a franchise agreement between Comcast and the City of Galax. After a teleconference with Mr. Byrd on April 20, two changes have been made to the agreement, and a discussion was held regarding the Community Channel. Comcast will install the necessary equipment so the community channel can be accessed from the Municipal Building by use of a Power Point program. He explained

that Council can take action to approve the agreement if they are satisfied with the changes. Councilman Webb questioned who monitors the rate increases if Comcast chooses to increase their rates? Keith Barker stated that the State Corporation Commission would monitor any rate increase. Councilman Garner voiced concern as to whether this agreement would stop other cable or video services from coming into the area. He specifically asked if it would limit the future of the Wired Road. Keith Barker said he would bring the questions to legal counsel and notify council of their response.

Keith Barker reminded council members that are running for re-election; they need to notify Brenda Stamey if they intend to participate in the Community Forum at Crossroads on April 28 at 7:00 PM.

Keith Barker presented information regarding the NLC Prescription Discount Card Program which is a prescription card program through the National League of Cities. The program provides negotiated prescription costs for individuals without insurance at most local pharmacies. Monthly reports on usage were provided to council their review. The program is of no cost to the City; however the City must be a member of NLC to participate. This carries a cost of approximately \$950. If Council wishes to participate, the application will be completed and we will work with NLC to get the cards available to our citizens as soon as possible. Mayor Mitchell asked if VML has a prescription drug program that is similar to this. Keith Barker stated they did not. Mr. Barker also explained that the City can piggy back off of the counties membership, or join under a separate membership. Councilman Garner motioned that the City participate in this program under its own membership. Vice-Mayor Greene seconded the motion and it was unanimously approved by the following votes: Councilman Lazo-yea, Councilman Plichta-yea, Councilman Garner-yea, Mayor Mitchell-yea, Vice Mayor Greene-yea, and Councilman Davis-yea.

Keith Barker presented information to council regarding the Galax Bicentennial Committee Funds. He stated he was recently contacted by Alan Caudell, attorney for the Lib Stanford Estate. Ms. Stanford was the sole keeper of a certificate of deposit for the bicentennial celebration in Galax. This cd has been automatically renewing for 20+ years. Mr. Caudell has expressed that he felt the intent of the funds were to benefit the City of Galax and he has accordingly turned this certificate of deposit over to us. Council was asked to consider a possible use of these funds which total approximately \$10,000. Councilman Webb moved to use the funds for the Veterans Memorial. Councilwoman Plichta seconded the motion. Councilman Garner questioned as to whether or not the money should be spent right away. He stated while it was a good idea to put the money toward the Veterans Memorial, it should be set aside and not transferred right away. Mayor Mitchell agreed that the Veterans Memorial is a good use of the money, and maybe it could be used as a future match to fund it. However, he also felt that there was no real rush to transfer the funds. Councilwoman Plichta stated that she would like to see all the money to go toward the Memorial. She stated that the money would not only help towards the beginning the project, but also keep it going as well. Vice-Mayor Greene noted that Ms. Stanford could be recognized and the money acknowledged as a gift from her. Mayor Mitchell then stated the possibility of the money being used toward maintenance of the Memorial as well. Councilman Lazo suggested that, in regards to the Veterans Memorial, when the money is donated that the city should make a splash about it. He said it should be advertised with the hopes that more

people will be made aware of it, possibly increases donations. Councilman Webb rescinded his previous motion until further discussion at the May 10, 2010 meeting, if Councilwoman Plichta agreed as well. Councilwoman Plichta agreed to resend the motion until further discussion.

Melanie Hemingway informed council that people do come into the library and ask about the Veterans Memorial and pick up paver forms.

At 8:15 p.m., motion was made by Councilwoman Plichta to enter into closed session under §2.2-3711 A.1 of the *Code of Virginia*.

At 8:30 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 Plichta-yea, Councilman Garner-yea, Mayor Mitchell-yea, Vice-Mayor Greene-yea, Councilman Davis-yea, and Councilman Webb-yea.

Item number three under New Business was discussed as follows:

Keith Barker stated that through discussions with our attorney, Sands Anderson, efforts to provide a more consistent cost to our legal services. An agreement with Sands Anderson was provided to council and showed a fixed fee amount for legal services during FY11. He stated that the fees can be revisited at the beginning of calendar year 2011 and the agreement yearly renegotiated based on the prior year usage. He asked council to consider taking action to approve the agreement as presented. Councilwoman Plichta moved to accept the agreement. Councilman Davis seconded the motion and it was unanimously approved by the following votes: Councilman Lazo-yea, Councilman Plichta-yea, Councilman Garner-yea, Mayor Mitchell-yea, Vice Mayor Greene-yea, and Councilman Davis-yea.

At 8:40 p.m. the meeting was adjourned.

Mayor

Clerk