

Galax City Council
Minutes
March 24, 2014

Galax City Council convened in regular session in City Council Chambers on March 24, 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, and Councilman Lazo. Councilwoman Plichta was absent.

Councilwoman Webb prayed the opening prayer and led the Pledge of Allegiance.

Councilman Webb made the motion to approve the minutes of the regular meeting on March 10, 2014. Councilwoman Crouse 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, 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 people:

Bill Sturgill, Galax Schools Superintendent, spoke on the school request. He wanted to address questions that had been brought regarding funding for the purchase and planning of the property. In October 2000, Galax City Council approved a capital fund account where excess schools funds can be deposited for use on capital needs such as vehicles, facilities, repairs, maintenance, etc. This fund would be used to purchase the property in question. There are no funds in the FY2014 or proposed FY2015 budget for planning and the schools see this as a long range project. When the schools began looking for land, the search criteria was for approximately 40 acres in the city. The actual planning of a building is further down the road and would involve city council and the school board in order to determine funding availability. The schools cannot do planning however until land is acquired and zoning is approved. The intent is to replace an elementary school built in 1936 and the 1968 addition. Studies the schools have had done show that efforts to renovate the existing school is not the best use of available funds.

Brandy Ray presented council with a handout and asked that the request not be approved. She stated that with 1100 students in the facility and based on 40% commuters, there would be 440 cars through the area each morning and afternoon. She said with the school there would be increased trash and litter. She lives at 120 Pine Cone Point and would overlook the property. She went through her handout and called out specific pictures to council. She asked that council place themselves in the homeowner's shoes and not approve the request. She said with the school would come 24 hours of light, traffic and noise.

Ruth Lyons spoke and indicated she opposed the request at the planning commission meeting. She asked if students would walk to school from Fries Road or the church parking lot. Mr. Sturgill indicated that students walking is a parent decision. Ms. Lyons said that when her mother lived on Front Street it was a constant issue with trash and noise and problems with students. Ms. Lyons asked if buses would enter from Kenbrook. Mr. Sturgill said the site plan is very preliminary and not final and the request to the architect was for a site plan to show a facility could fit on the property. Ms. Lyons indicated that as she asked people questions about the project, she could not get satisfactory responses. She asked council to please not put a much needed project in a residential area.

Treva Sparks spoke and indicated she had opposed the project at the planning commission meeting. She lives next to the site and presented a petition against the project to the planning commission. She has lived in the neighborhood since 1978 and chose this area because it is residential R-1 zoning. She stated she felt buses and increased traffic would be the result of the project. She also felt safety would be jeopardized and asked council to please not approve the request.

John Porter spoke and asked what a conditional use permit was and if it was recorded in the deed. Mr. Barker explained the conditional use permit process. Mr. Porter stated that traffic shouldn't be increased and needs to be addressed before a permit is approved. He stated nothing should be put in that hurts property values. Mr. Porter asked how much the property was contracted for, however that was explained as confidential information by Mayor Mitchell. Mr. Porter asked if the decision would be public, Mr. Barker explained it would be in the minutes of the meeting.

Jody Ray spoke and stated that the city should not be in a hurry to make a bad decision. He stated that the purchase of property for \$300,000 should be handled carefully as tax payer's dollars. He said any new school would require a tax increase on the citizens of Galax and the project has not been thought through. He said 25% of students' parents are not tax payers since they are county residents. He stated student population is declining and not growing as indicated. He stated that this is laying the foundation for a new school but that it will not create any jobs for the City.

Mayor Mitchell asked if anyone from the audience had any additional information to bring forth.

There being no further business the public hearing adjourned.

At 8:15 p.m. Mayor Mitchell announced that the planning commission members would be dismissed in order to continue a public hearing downstairs in the conference room. This meeting was a continuance of the public hearing originally heard by the planning commission on March 18, 2014. The public hearing is for a conditional use permit made by Galax City Public Schools. Several citizens joined the meeting to hear comments made by the planning commission.

Councilwoman Crouse, being a member of the planning commission, left to attend the public hearing with the other members. Her absence from Council as she attended the Planning was noted.

Mr. Barker told Council that as discussed at the 3/10/14 City Council meeting, that he and Judy Taylor-Gallimore, Finance Director, have spoken to Bruce Stockburger, the attorney with Gentry Locke that handled the CCSA historic tax credits. He said that we are prepared to file tax returns for the non-profit Galax Futures, one of the agents of the tax credits, however he noted that the question has arisen as to if there is a need to maintain this entity. Mr. Barker said that he was unsure of the reasoning for creation of Galax Futures, and that most localities now use their IDA's as the entity that holds property and works on loans and economic develop projects. Mr. Barker said that he has had our attorney also review the thoughts eliminating the Galax Futures organization and transferring all assets to the IDA and there are no issues that we are aware of at this point in our review. He explained that the recommendation at this time is to proceed with dissolution of the Galax Futures Inc. and transfer of assets to the Galax IDA. He said that the IDA would also have to agree to take on these assets. Councilman Lazo made the motion for the dissolution of Galax Futures and transfer of assets to the Galax IDA. Vice Mayor Greene 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, and Councilman Lazo -yea.

Keith Barker told Council that the Mount Rogers Planning District Commission has notified the City that Vice-Mayor Willie Greene's term on the commission, representing Galax City Council, will expire on June 30, 2014. MRPDC stated in their letter that Mr. Greene may be reappointed if the Council so desires. Councilman Garner made the motion to re-appoint Vice-Mayor Greene to the MRPDC. Councilman Webb seconded the motion and it was unanimously approved by the following votes: Mayor Mitchell -yea, Councilman Garner -yea, Councilman Webb -yea, and Councilman Lazo -yea. Vice-Mayor Greene -abstained.

Keith Barker explained to Council that Mr. Sturgill has requested a delay in presenting the Galax School budget. While the budget was scheduled to be reviewed at the March 24th Council meeting, the lack of a state budget does not permit the budget to be presented by the April 1 deadline. Once a state budget is finalized, the schools will be able to complete their budget. By consensus Council agreed to carry over the Galax School budget until a later meeting.

Keith Barker reminded Council that they have been invited to attend the Twin County Regional Airport dedication ceremony of the new terminal building. He noted that the event will be on March 27, 2014 at 2:00 p.m.

Mr. Barker informed Council that the first budget work session will be held April 7, 2014 at 6:00 p.m. in the conference room at the Municipal Building.

When the planning commission returned at 9:10 p.m., Mayor Mitchell declared the public hearing closed.

Mr. Ron Catron came and spoke on behalf of the planning commission. He stated that the commission was deadlocked in their vote at 3-3 to deny the request and that they cannot make a recommendation. Reasons given for the deadlock were the lack of a specific site plan that addressed location and access; a lack of specificity for the project has led them to a consensus that additional information would be needed to recommend approval. He stated that the

commission members understand the reluctance of the schools to invest in a large plan before purchase of the property is secured.

Vice-Mayor Greene expressed concerns on trying to make a decision at this time and additional items need to be answered.

Mr. Webb stated that he would want to see plans before considering approval.

Mr. Sturgill stated that he cannot recommend to his board that plans be fully developed unless an approval is first received. The costs to develop the site plan could be \$100,000 to \$150,000 and he cannot recommend that to the school board.

Mr. Garner spoke and said a site plan doesn't change the minds of residents, they will still be opposed to the project. He stated we needed the school and it has been an item that was discussed over 14 years ago by the school board. He stated that the county resident students help our schools and allow additional state funding to be received. He felt putting the project off hurts the schools and our community. He said this project is 5 or more years from now. He felt the schools require an investment from the community and the age of the existing school is a factor. He agrees the roads are narrow. He stated that the vision of our schools is what we need to address.

Mr. Garner made the motion to approve the conditional use permit.

Vice-Mayor Greene said this was the second time council has discussed the project and he supports it but there are questions to be asked.

Mr. Catron stated that the planning commission has only seen the project in the last 30 days also.

Mr. Garner stated that the project has been discussed since 2000 by the school board.

Dr. Lazo suggested that Council slow down and think about the project. He likes the idea that the schools are in one location and not spread out as the county schools are. He asked if the schools could build a multi-story building instead. He told the adjoining property owners that while he understood their concerns to protect their viewshed, they should consider buying adjoining property. He felt the decision did not have to be made tonight.

Mayor Mitchell said that Council has historically always made wise decisions and that they needed time to make the decision.

Dr. Lazo stated that we are a forward thinking school and that he wondered if the contract can be carried forward to give council time to consider the request. He is in favor of a new school but hopefully in the same location where adjoining property owners would not be disturbed.

Mayor Mitchell asked if there was a second to Mr. Garner's motion. With no second, the motion died.

Ms. Crouse expressed concern on projects around the schools and how those are affected. She also understands the state sets requirements for loans on schools.

Dr. Lazo made the motion to deny the conditional use permit. Mr. Barker explained that if the permit is denied, the request cannot be considered for 6 months per the zoning regulations. With the denial, the option to purchase the contract fails and the application must be resubmitted.

Vice-Mayor Greene did not want to vote against the permit but wanted additional information before making a decision.

Ms. Crouse asked if the school can be moved on the proposed site to be less invasive on the neighbors. Mr. Sturgill stated that he was unsure and the site plan was preliminary in nature and not formal plans are done.

Mr. Webb stated that there are lots of options and he understands the timelines and contract.

Mr. Catron stated that the site plan costs should be small to answer the planning commission requests.

Dr. Lazo withdrew his motion to deny the request.

Dr. Lazo made the motion to table the request for a future City Council meeting and give the schools time to look at the existing site. Margo Crouse seconded the motion. With no further discussion, the motion passed with the following votes: Mitchell – Aye, Greene – Aye, Lazo – Aye, Webb – Aye, Crouse – Aye, and Garner – Nay. The motion passed 5-1.

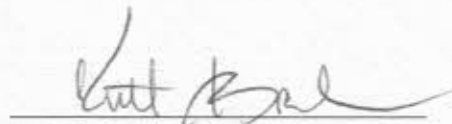
Mayor Mitchell asked if anyone from the audience had any additional information to bring forth.

There being no further business, Mayor Mitchell declared the public hearing closed.

ADJOURNMENT at 9:50 p.m.



Mayor



Clerk

