

Galax City Council
Minutes
May 27, 2014

Galax City Council convened in regular session in City Council Chambers on May 27, 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, Councilwoman Plichta, and Councilman Lazo.

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

Councilwoman Crouse made the motion to approve the minutes of the regular meeting on May 12, 2014. Councilman Webb 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, Councilwoman Plichta – yea, and Councilman Lazo – yea.

Special recognition was given by Mayor Mitchell and City Council to the Galax Water Treatment Plant. Mayor Mitchell announced that the Office of Drinking Water, Virginia Department of Health presented the City of Galax Water Works with a 2013 Excellence in Waterworks Operations Gold Award. Mayor Mitchell said this award indicated that our water treatment plant met the Virginia Optimization Program goals for clarification and filtration during 2013. He noted that this is the second Gold Award our plant has won.

Twin County E-911 Dispatchers were recognized by Mayor Mitchell and City Council for an Outstanding Team Performance Award for 2013 at the 2014 APCO/NENA Spring Conference (May 14-16, 2014) in Virginia Beach. The Virginia Chapter of APCO recognizes the outstanding achievements of public safety telecommunicators within the Commonwealth of Virginia. Dawn Jones, Elizabeth Price and Tim Webb with Twin County E911/Galax PD attended the conference and accepted the award.

Mayor Mitchell announced the retirement of Dennis Fender from Public Works. He said that Mr. Fender came to work for Galax in July 1982 and noted that he has worked for Public Works, the former incinerator, and ran the recycling center for a number of years. Mayor Mitchell said that Mr. Fender will be completing his career with Galax with 31 years, 10 months of service.

City Attorney Jim Cornwell was asked to speak about the possible conflict of interest that was raised at the May 20, 2014 Planning Commission meeting. He spoke on the code section that was raised by an attorney for adjacent property owners, and in a review of that code section it is found it applies only to the Urban County Executive form of government so it is not applicable to this matter. He also reviewed the conflict of interest portion of the Code of Virginia and stated that as long as any Planning Commission member states their association with the schools, they have met the burden of disclosure in regards to the matter.

Mayor Mitchell then dismissed the Planning Commission members – including Councilwoman Crouse, to continue their deliberation in the Municipal Building Conference Room.

Mayor Mitchell opened the public hearing and asked each speaker to please be respectful of their time so each speaker had an opportunity to make their comments known to Council.

Attorney Kendall Clay represents various property owners around the site that would be affected by the location of the school. He stated lawyers can disagree on matters and while 15.2-852 of the Code of Virginia may not technically apply, the question was an indirect application of the statute. He felt that the question was should it be appropriate for members of Planning Commission to consider the matter that have an employee relationship with the school system. He also raised issue with Code of Virginia Section 15.2-2204 which requires notification of military institutions that are within 3000 feet of a proposed rezoning and if this was done.

Jody Ray stated he has appeared to speak on this matter five times now. He felt education occurs by the teachers and not the facility. He stated that he cannot understand why we are eliminating teacher positions but considering a new facility. He stated that one he cannot understand why we are considering moving grades 5-8 when that facility has been upgraded and remodeled and would be left empty. He stated that Mr. Barker indicated that the fields at the proposed school are not for high school sports; however Mr. Sturgill indicated that the school system needed additional practice fields. He spoke on the costs of the proposed school and questioned if the \$10 M estimate was valid based on costs of other schools in the region. He questioned portions of the comprehensive plan and how Safe Routes to Schools, declining student population, and increasing age of citizens justifies a new facility. He questioned City ordinances that he felt required plans prior to approval of the request.

Ralph Eagle stated he moved to the area 3 years ago and putting the school in this location would be in his back yard. He questioned the issue of safety as mentioned by the school and thought the SRT project would address this. He questioned the population increase and said the Census Bureau information does not support that. He felt we do not need the school.

Cindy Eagle said she had 4 stepchildren go through schools and now has 2 grandchildren in school. She felt she asked questions at the Planning Commission public hearing but did not receive answers. She also said no one from the schools contacted neighborhood residents about their opinion of a school on this lot.

Treva Sparks spoke and indicated she has spoken at each meeting. She loves her neighborhood and is concerned that 1000 cars daily would go by her house. She asked that the schools seek bids on working on a facility on their own site. She asked that the project not be approved.

The public hearing closed at 8:09 PM.

Mayor Mitchell opened the public hearing at 8:10 for discussion on the FY2015 City Budget. Mr. Barker explained that the proposed budget is balanced with no proposed increases in tax rates, fee or utility rates. The budget as advertised is:

- General Fund Budget (including DSS) - \$20,371,822
- Utility Fund Budget - \$ 2,661,490

Proposed tax rates represent no change in our current rates and remain at:

- Real Estate - \$0.69 per \$100 (no change)
- Personal Property - \$2.25 per \$100 (no change)
- Machinery & Tools - \$1.50 per \$100 (no change)

There being no comments, the public hearing closed at 8:11.

Susan Clark, Director of Galax Social Services, spoke about the current state budget impasse. As Ms. Clark explained, DSS funds are reimbursed on a monthly basis in arrears and the lack of a state budget may affect how we receive funds back from the state. Our DSS department has local programs and personnel that average approximately \$27,000 per week, so a delayed state budget

can impact both services that are provided and the personnel providing them. The department offers critical services, some of which are mandated by law, however a budget impasse can affect

how they are provided. Councilman Garner suggested that we continue to cover operational costs and revisit this late in June if necessary. He felt funding would become available but wanted us to operate through June 30 before we made a decision to make a change in services. Councilman Garner made the motion to provide services through Galax DSS for the month of June for the Galax Department of Social Services. The motion was seconded by Vice Mayor Greene and it was unanimously approved by the following votes: Mayor Mitchell – yea, Vice Mayor Greene – yea, Councilman Garner – yea, Councilman Webb – yea, Councilwoman Plichta – yea, and Councilman Lazo – yea. Councilwoman Crouse was absent attending a Planning Commission meeting downstairs.

Keith Barker explained to Council that a copy of the Virginia Retirement System (VRS) Employer Contribution Rates for Cities Resolution and letter explaining the rates for VRS for the next biennium were sent to Council prior to the meeting. He noted that The Employer Contribution Rates for Cities Resolution must be adopted to verify we are accepting the recommended rate of 11.52% as certified by the VRS Board of Trustees (our budget is based on the 11.52% VRS rate). Councilwoman Plichta made the motion to approve the Employer Contribution Rates for Cities Resolution as presented. Councilman Garner 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 Plichta – yea, and Councilman Lazo – yea.

City Council was asked to consider setting the Galax School budget public hearing for June 9, 2014. Mr. Barker stated that Mr. Sturgill will be present at the June meeting to explain the schools budget. He also noted that Council will be asked at that meeting to consider adoption and appropriation of the budget so the schools can proceed with employee contracts for teachers. Vice Mayor Greene made the motion to set the date of June 9, 2014 at 7:30 p.m. as the public hearing for the Galax School FY2015 Budget. Councilman Webb 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 Plichta – yea, and Councilman Lazo – yea.

Keith Barker explained to Council that regarding the VRS/VACo Loan, we were proceeding with solicitation of loans for the capital projects included in the FY2015 budget. Mr. Barker added that these included an addition to the Galax Police Department, completion of the Veterans memorial, redevelopment of the former Galax Health Department, and development of a possible downtown venue. Council was asked to set June 9, 2014 as the public hearing for the loan package. Councilwoman Plichta made the motion to set June 9, 2014 at 7:30 p.m. as the public hearing for the VML/VACO loan. Councilman Garner 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 Plichta – yea, and Councilman Lazo – yea.

*Note: Since the 5-27-14 meeting, a deadline was missed for advertising the public hearing for the VRS/VACO loan. A called meeting of Council has been advertised and is set for June 16, 2014 at 12:00 p.m.

Keith Barker told Council that we were proceeding with review of the Stormwater Ordinance as presented in earlier meetings. Mr. Barker noted that our attorney is reviewing the final draft for compliance with the regulations from DEQ. Council was asked that the date of June 9, 2014 as the public hearing for adoption of the ordinance. Councilman Webb 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 Plichta – yea, and Councilman Lazo – yea.

Keith Barker explained to Council that as discussed at the May 12, 2014 Council meeting, we have been working on a regional Enterprise Zone application for Galax, Carroll and Grayson that would encompass joint areas between the three localities and also include Wildwood, which is considered favorable in our marketing of the site. Mr. Barker said that he met with representatives from MRPDC, Ken McFadyen and Gary Larrowe discussing maps and possible joint zones. He told Council that a map was given to each of them in their packet which represented the proposed Enterprise Zone in Galax, which would include new areas along E. Stuart Drive and the area surrounding Albany Furniture. He also noted that the joint area with Carroll is on the easternmost portion of E. Stuart Drive. Mr. Barker said that the joint area with Grayson included the former Hampton property, which would require us to amend our current Enterprise Zone if the regional application is approved. He said that the existing Enterprise Zone areas current serving Galax would remain until our application expires in 2017 - at which time we could consider amending our Enterprise Zones to include the existing areas; however our total Enterprise Zone area cannot exceed 1 square mile and three (3) separate areas in the City. Council was asked that June 9, 2014 be set as the public hearing date to review the application and maps for approval. Councilwoman Plichta made the motion to set the date of June 9, 2014 at 7:30 p.m. for the public hearing for the Regional Enterprise Zone request. Councilman Lazo 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 Plichta – yea, and Councilman Lazo – yea.

After the Planning Commission members re-entered the meeting, Mayor Mitchell asked Ron Catron to come forward to inform Council of their recommendation. Mr. Catron stated the the Planning Commission unanimously agreed that they are not prepared to give a decision one way or another. He said that they cannot approve or disapprove the conditional use permit.

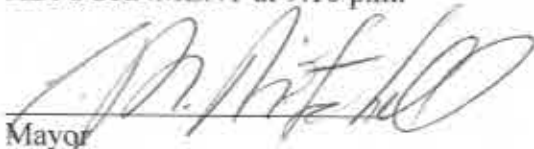
Mayor Mitchell thanked the Planning Commission and asked Council for a chance to take a step back. Mr. Cornwell - City Attorney, told Council that if we take time off to decide, that we need to leave on the agenda as an action for later. Mayor Mitchell then suggested that Council meet with the school board in the near future to discuss the matter.

Councilman Garner said that we needed to resolve the matter sooner than later. He noted that everyone deserves a response. He said that it needed to be resolved by putting a time limit on it.

Mayor Mitchell said that the law allows one year, but doesn't mean that it will take a year to decide.

Councilman Webb made the motion for the City Council to make plans to meet with the School Board to get more information. 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, Councilwoman Plichta – yea, and Councilman Lazo – yea.

ADJOURNMENT at 9:10 p.m.



Mayor



Clerk