

Galax City Council
Minutes
February 12, 2018

Galax City Council convened in regular session in City Council Chambers on February 12, 2018 at 7:30 pm.

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, Councilwoman Crouse, Councilwoman Plichta, Councilman Davis, and Councilman Helmick.

Vice Mayor Greene prayed the opening prayer and led the Pledge of Allegiance.

Councilwoman Crouse made the motion to approve the minutes of the regular meeting on January 22, 2017. Vice Mayor Greene seconded the motion, and it was unanimously approved by the following votes: Mayor Mitchell, Vice Mayor Greene, Councilman Garner, Councilwoman Crouse, Councilwoman Plichta, Councilman Davis, and Councilman Helmick.

Mayor Mitchell announced this was the date advertised for the public hearing regarding possible Cell Tower Ordinance updates located in Chapter 160-160.1 of the City Code. Mayor Mitchell opened the floor for public comments. Daniel Riegel, GIS Coordinator/Zoning Administrator was present and addressed Council with the specifics of the Planning Commission meeting who heard the revisions at a public hearing on February 8, 2018. Mr. Riegel explained the intent was to address definitions, require conditional use permits in any approved zones, allow co-location by the City of our affiliates, address screening, etc. The Planning Commission made the recommendation to approve the changes as presented. Keith Barker noted the ordinance was for new towers and should not conflict with the proposed state legislation which would appear to apply to new poles that were 50' or less. After a brief discussion among Council and Mr. Riegel, there were no additional public comments. Mayor Mitchell declared the public hearing closed. Vice Mayor Greene made the motion to approve the revisions to the ordinance. Councilman Davis seconded the motion and it was unanimously approved by the following votes: Mayor Mitchell, Vice Mayor Greene, Councilman Garner, Councilwoman Crouse, Councilwoman Plichta, Councilman Davis, and Councilman Helmick.

Mayor Mitchell requested that Ms. Beth Dixon, new Executive Director of the Twin County Regional Chamber of Commerce speak before the Davenport interim financing presentation. There was a consensus among Council. Ms. Dixon introduced herself and provided information about her experiences and accomplishments as a previous chamber director in another locality. Ms. Dixon also informed Council of the future goals planned for the Chamber. Council thanked Ms. Dixon for attending and remarked the City was fortunate to have Ms. Dixon as the new Chamber Director.

Mayor Mitchell welcomed Kyle Laux from Davenport Financial. Mr. Laux was present to give an interim financing presentation on the bond financing bids for the Galax Elementary School Project that was received and to make a recommendation. An appreciated version of the presentation as well as a full document was given to Council. Mr. Laux explained that bids were solicited based on all funds being provided at closing or on a draw basis based on need. Mr. Laux stated while all were competitive, the general view from staff and Davenport was that the drawing down funds as needed approach was less costly on interest costs. Council was asked to review and consider the Davenport recommendations. A selection of the financing proposal would be approved through the bond public hearing to follow Mr. Davenport's presentation.

Mayor Mitchell announced this was the date advertised for a public hearing to approve the Bond Ordinance for the interim financing for the Galax Elementary School Project. Mayor Mitchell opened the floor for public comments. Keith Barker explained the Bond Ordinance was needed to close the interim financing and submit the loan package to USDA for review and approval. Mr. Barker informed Council that also included in the Bond Ordinance was the USDA Loan Resolution form 1942-47 that must be approved. Mayor Mitchell asked for further public comments. There were none. Mayor Mitchell declared the public hearing closed. Councilwoman Crouse made the motion to approve the Bond Ordinance and the USDA Loan Resolution as presented. Vice Mayor Greene seconded the motion and it was approved by the following votes: Mayor Mitchell, Vice Mayor Greene, Councilwoman Crouse, and Councilwoman Plichta. Councilman Garner, Councilman Davis, and Councilman Helmick abstained due to business conflicts of interest.

Mayor Mitchell informed Council that the following documents needed to be adopted in order to proceed with the USDA loan process. They included a Resolution of Governing Bodies and a Code of Conduct. Mayor Mitchell explained the Resolution of Governing Bodies stated that the City would abide the covenants contained in the agreements and documents required by USDA. It also named two individuals to sign USDA documents concerning the loan. The Code of Conduct statement was an agreement that no employee, officer or agent of the City would participate in the award or administration of the contract if there was a conflict of interest. Councilwoman Plichta made the motion to adopt the Resolution of Governing Bodies and the Code of Conduct, also naming C.M. Mitchell and Keith Barker to be signers on loan documents as required by USDA. Vice Mayor Greene seconded the motion and it was unanimously approved by the following votes: Mayor Mitchell, Vice Mayor Greene, Councilman Garner, Councilwoman Crouse, Councilwoman Plichta, Councilman Davis, and Councilman Helmick.

Keith Barker informed Council of an update on a recent request made by US Cellular. Mr. Barker said he'd had follow-up conversations with US Cellular concerning the request to co-locate on a light pole at Galax High School and secure a 10'x10' ground space for equipment. He explained that all requests for contract modifications or consideration concerning other towers in the City have been denied by US Cellular attorneys. Mr. Barker said he had spoken with Mr. Sturgill concerning the request.

He said the only considerations that would be requested was that US Cellular provide a statement and/or documentation concerning how they would assess the current tower structurally and its ability to handle the additional equipment. The other would be to coordinate with the schools concerning which tower would be used, where ground space was located, and how utilities would be provided to the ground equipment. Councilman Garner made the motion to approve the request by US Cellular. Councilwoman Crouse seconded the motion and it was unanimously approved by the following votes: Mayor Mitchell, Vice Mayor Greene, Councilman Garner, Councilwoman Crouse, Councilwoman Plichta, Councilman Davis, and Councilman Helmick.

Mayor Mitchell welcomed Mr. Bill Sturgill, Galax Schools Superintendent who was present to seek an amendment to the Galax Schools FY2018 budget. Mr. Sturgill explained the schools were asked to bring a budget amendment back to Council at a later date in order to recognize the turf field fund transfer, the revised debt service, and any Galax Elementary School work to date. The budget as presented recognized those items in the revenue and expenditure categories. Other increases/decreases are based on actual state and federal funding. A copy of the budget was given to Council. Mr. Barker explained that final budget amendment for both the schools and the City may be required depending on when the actual school project would be bid and construction would begin. Councilman Davis made the motion to approve the Galax Schools FY2018 Budget Amendment. Vice Mayor Greene seconded the motion and it was unanimously approved by the following votes: Mayor Mitchell, Vice Mayor Greene, Councilman Garner, Councilwoman Crouse, Councilwoman Plichta, Councilman Davis, and Councilman Helmick.

Keith Barker informed Council of a request from Ms. Hattie Felts Wilson and Ms. Anne Herndon, decedents of family members buried in the Caldwell-Givens Cemetery. Mr. Barker explained the request was that the City give consideration to taking over maintenance at the family cemetery. He said this cemetery was located off of Elm Street and has 28 graves. Mr. Barker said he visited the cemetery with Charlie Joyce, Public Works Director, to view the condition and upkeep. The cemetery had been maintained as the requesters had indicated. The requestor were contacted to find out if there were any perpetual maintenance funds in place, however per they explained there was less than \$100 in the account. They had been paying for the maintenance out of their own funds. Mr. Barker explained the issue about taking over a family cemetery was that there were 6 other family cemeteries in the City, and there were also numerous church cemeteries. He felt to take on the maintenance effort would set a precedent where the City would have to give due consideration to maintaining other family cemeteries in the future. Mr. Barker closed by saying as this item did involve expenditure of unbudgeted funds, Council policy was to hold these items over for a future meeting. Councilman Garner said he felt the City should consider the request, however there were concerns regarding costs, liability, and ownership. Mr. Barker said he would follow up on these costs and contact the City attorney regarding liability and ownership. There was a consensus to bring the matter up at a later meeting.

Keith Barker informed Council of a pricing update request by Waste Industries. He explained that Waste Industries had requested to amend their pricing on a compactor service they had been providing from \$175 per month to \$276.28 per month. He said the new compactors were 8yd compactors. The \$175 rentals were for older equipment. The new equipment was much more expensive to purchase and the new price structure had taken that into account. Councilman Garner made the motion to approve the price amendment. Councilman Davis seconded the motion and it was unanimously approved by the following votes: Mayor Mitchell, Vice Mayor Greene, Councilman Garner, Councilwoman Crouse, Councilwoman Plichta, Councilman Davis, and Councilman Helmick.

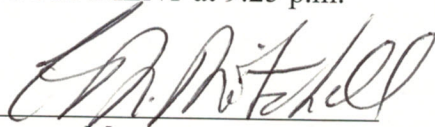
With no further public comments, Mayor Mitchell accepted a motion made by Councilwoman Plichta at 9:05 p.m. to enter into closed session under the following Code of Virginia:

- **Closed Session Per § 2.2-3711.A.7 of the Code of Virginia - Consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation.**

Councilman Helmick seconded the motion and it was unanimously approved by the following votes: Mayor Mitchell, Vice Mayor Greene, Councilman Garner, Councilwoman Crouse, Councilwoman Plichta, Councilman Davis, and Councilman Helmick.

At 9:25 p.m. Council reconvened in open session. Mayor Mitchell certified that no items other than those allowed under the cited Virginia code section were discussed and no action was taken, with the following affirmation: Mayor Mitchell, Vice Mayor Greene, Councilman Garner, Councilwoman Crouse, Councilwoman Plichta, Councilman Davis, and Councilman Helmick.

ADJOURNMENT at 9:25 p.m.



Mayor



Clerk