

Galax City Council
Minutes
April 9, 2018

Galax City Council convened in regular session in City Council Chambers on April 9, 2018 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, Councilwoman Crouse, Councilwoman Plichta, and Councilman Helmick. Councilman Davis was absent.

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

Mayor Mitchell recognized the following Galax High School student athletes:

- Joshua Spurlin - 2017-18 VHSL Group 1A All-State Wrestling Champion, 132 lb. Division (3x All State Winner)
- Essence Brown - 2017-18 VHSL Class 1 All-State Girls Basketball Team

Councilwoman Crouse made the motion to approve the minutes of the regular meeting on March 26, 2018. 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, and Councilman Helmick.

The consensus among Council was to move the closed session regarding Galax School Board appointments to the end of the meeting.

Mayor Mitchell announced this was the date for a public hearing to receive public comments regarding providing lease space on the GHS light tower to US Cellular. Keith Barker explained the lease had been reviewed by our attorney and our requested changes to the lease were honored by US Cellular. The lease rate was set at \$300 per month for five years. With Council's agreement, Mr. Barker asked that US Cellular to forward those payments directly to the Galax City Schools since they were the ones who maintained and insured them. Vice Mayor Greene made the motion to approve the request regarding the lease of the GHS light tower to US Cellular and appoint the City Manager to execute the lease. Councilman Garner seconded the motion and it was unanimously approved by the following votes: Mayor Mitchell, Vice Mayor Greene, Councilman Garner, Councilwoman Crouse, Councilwoman Plichta, and Councilman Helmick.

Keith Barker asked Council to consider approving the draft Cemetery Policy which was presented. He explained it had been reviewed by the City Attorney. Councilwoman Crouse made the motion to approve the Cemetery Policy. Councilman Garner seconded the motion and it was unanimously approved by the following votes: Mayor Mitchell, Vice Mayor Greene, Councilman Garner, Councilwoman Crouse, Councilwoman Plichta, and Councilman Helmick.

Keith Barker gave an update on a request from the heirs of the Caldwell-Givens Cemetery. This item was held over by Council for consideration at tonight's meeting. The request consists of the City to take over the mowing maintenance of this family cemetery. The family informed Keith Barker that there would only be one more family member buried at this cemetery. Information was provided to Council and the heirs concerning estimated costs for transfer of the property, which the family has agreed to cover. Mr. Barker explained the estimate to mow this cemetery was approximately \$1000 per year. Mr. Barker noted if Council agreed to this request, we would

work with the family to proceed with the property transfer. Councilwoman Plichta made the motion to approve the Caldwell-Givens Cemetery request. 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, and Councilman Helmick.

Keith Barker gave an update on the School Budget. He explained that typically Council would be approving the advertisement for the school budget at this meeting, however with delays in adoption of the state budget, the advertisement could not take place. He said once a state budget was approved and our schools could adopt their budget, we would set dates for the public hearings.

Mayor Mitchell welcomed Ms. Sarah Beamer, Director of Finance for Mount Rogers Community Services Board. Ms. Beamer gave an overview of their programs.

Mayor Mitchell introduced Campbell Law Firm - Attorney Jeff Campbell (Delegate Campbell) to discuss a potential opioid epidemic claim on behalf of Galax City. Del. Campbell discussed a possible targeted lawsuit on behalf of a number of Virginia localities against opioid manufacturers. He explained while not guaranteed, the intent would be to see "Damages that Galax City may seek to recover could include, for example: (1) reimbursement for Medicaid and other medical costs for care and treatment of overdose, addiction, and over-prescription; (2) additional costs of law enforcement, first responders, prosecutions, jails, and facilities attributable to the opioid crisis; (3) City-borne medical costs associated with babies born addicted to opioids; and (4) costs of social services and child care and protection services associated with opioid-addicted parents." Also addressing Council regarding the possible litigation was Thomas Cartmell with Wagstaff & Cartmell, lawyers from Kansas City who serve in leadership roles in major & multi-district litigations. Mr. Cartmell discussed in depth the City's role in support in pursuing this action. He stated there were 25 attorney's with this firm that were teaming up with local attorneys regarding this matter. He said 450 counties and cities have filed lawsuits and there was no cost to the City to participate. Mayor Mitchell thanked Del. Campbell and Mr. Cartmell for their presentation. This item was held over to discuss at a future meeting.

Keith Barker informed Council of a request for a parking ordinance revision. Mr. Barker explained the City had recently begun the enforcement of the revised parking regulations downtown and had been questioned about who had the authority to issue citations. He said historically we had used Police Department administrative staff, in addition to officers, in the enforcement of this ordinance. He further explained that our ordinance permitted a police officer to write a citation, however the state code was vague and our attorney believed that administrative staff were also permitted. He said currently our administrative staff were noting violations but an officer reviewed and issued the actual citation. In order to clarify the issue and allow us to proceed with enforcement as we had in the past by using Police Department administrative staff, Council was asked to set a public hearing for April 23 to amend the ordinance permitting a police officer, or other appointee of the Police Chief, to issue such citations. Councilman Helmick made the motion to set April 23 for the public hearing for a parking ordinance revision. Councilman Garner seconded the motion and it was unanimously approved by the following votes: Mayor Mitchell, Vice Mayor Greene, Councilman Garner, Councilwoman Crouse, Councilwoman Plichta, and Councilman Helmick.

Keith Barker informed Council of a request for approval to offer asphalt millings for sale to the public on Saturday May 5 from 8:00 AM to 12:00PM. He said the millings were the by-product of removing the top surface of asphalt when we repave roads. The intent would be to decrease our current asphalt millings pile in preparation for the upcoming paving projects which would replenish the material we had.

Millings would be offered as-is (not screened) and would be loaded by our staff and equipment at the rate of \$10 per scoop for the loader bucket, \$5 for the backhoe front bucket. The materials would be loaded on the customer's trailer, pickup, or commercial vehicle but the customer would be responsible for making sure their equipment wasn't overloaded and was roadworthy. We would collect payment (cash or check only) at the site and would provide a receipt through a receipt book. He said if there were sufficient interest, we would consider offering the millings the following weekend on May 12 at the same time. Councilman Garner made the motion to approve the sale of asphalt millings to the public. Councilwoman Plichta seconded the motion and it was unanimously approved by the following votes: Mayor Mitchell, Vice Mayor Greene, Councilman Garner, Councilwoman Crouse, Councilwoman Plichta, and Councilman Helmick.

Keith Barker informed Council as part of the Bottom Area Project, the City must have a fair housing activity each year. He asked that Council to adopt a resolution which recognized April as Fair Housing Month. Councilman Helmick made the motion to adopt the resolution. Councilwoman Plichta seconded the motion and it was unanimously approved by the following votes: Mayor Mitchell, Vice Mayor Greene, Councilman Garner, Councilwoman Crouse, Councilwoman Plichta, and Councilman Helmick.

After no further public comments, Mayor Mitchell accepted a motion made by Councilwoman Crouse at 8:50 p.m. to enter into closed session under the following Code of Virginia:

- **School Board Appointments - Personnel Matter § 2.2-3711 A.1 of the Code of Virginia**
Candidates for employment; the assignment, appointment, promotion, performance, demotion, discipline, salaries, compensation, or resignation of employees.

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

At 9:30 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, and Councilman Helmick.

Mayor Mitchell announced City Council had been asked to appoint individuals to the Galax School Board for three open seats; one unexpired term through June 2019, and two seats for three-year terms from July 1, 2018 through June 30, 2021. The votes were as follows for the applicants:

Ray Kohl	3 year - 6 (Mitchell, Greene, Garner, Crouse, Plichta, Helmick) 1 year - 0
Gray Parks	3 year - 1 (Mitchell) 1 year - 2 (Plichta, Crouse)
Ethan Jones	3 year - 1 (Helmick) 1 year - 0
Melissa Peddy	3 year - 0 1 year - 4 (Mitchell, Greene, Garner, Helmick)
Leah Joy Henck	3 year - 4 (Crouse, Greene, Garner, Plichta) 1 year - 0

Mayor Mitchell declared the following appointments based on the votes by Council:

- Ray Kohl was re-appointed to a three year term.
- Leah Joy Henck was appointed to a three year term.
- Melissa Peddy was appointed to serve the remainder of the unexpired term.

Council thanked the newly appointed School Board members and said their service was appreciated.

ADJOURNMENT at 9:36 p.m.



Mayor



Clerk