

Galax City Council
Minutes
August 13, 2018

Galax City Council convened in regular session in City Council Chambers on August 13, 2018 at 4:00 p.m.

At 4:00 p.m. Mayor Mitchell called the meeting to order with the following Council persons present and they are as listed: Mayor Mitchell, Vice Mayor Plichta, Councilman Greene, Councilman Davis, and Councilman Haynes. Councilman Helmick was absent.

Mayor Mitchell accepted a motion made by Vice Mayor Plichta at 4:00 p.m. to enter into closed session under the following Codes of Virginia:

- **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 Greene seconded the motion and it was approved by the following votes of “yea”: Mayor Mitchell, Vice Mayor Plichta, Councilman Greene, Councilman Davis, Councilman Haynes, and Councilwoman Ritchie.

At 5:10 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 Plichta, Councilman Greene, Councilman Davis, and Councilman Haynes. Councilwoman Ritchie had to leave during the meeting.

ADJOURNMENT at 5:10 p.m.

Galax City Council convened in regular session in City Council Chambers on August 13, 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, Councilwoman Plichta, Councilman Davis, and Councilman Haynes. Councilwoman Ritchie and Councilman Helmick were absent.

Mayor Mitchell prayed the opening prayer and led the Pledge of Allegiance.

In special action, Mayor Mitchell recognized the following:

- Pam Russell, Retirement from the Galax Public Library, August 1, 2003 to June 30, 2018 (14 yrs., 11 months)
- Officer Tyler Garcia – Oath - Galax Police Department.

- Galax Boys Soccer Team
 - 2018 VHSL Group 1A Boys Soccer State Champions
 - Troy Barkley – 2018 VHSL State Coach of the Year
 - Ricardo Osuna, Uriel Lopez and Dario Lopez - Group 1A Boys First Team All-State Soccer Team
 - Ricardo Osuna - Single A Player of the Year

Vice Mayor Plichta made the motion to approve the minutes of the regular meeting on July 9, 2018. Councilman Greene seconded the motion, and it was unanimously approved by the following votes of “yea”: Mayor Mitchell, Vice Mayor Plichta, Councilman Greene, Councilman Davis, and Councilman Haynes.

Mayor Mitchell announced that earlier on this date Councilman Helmick had resigned. Keith Barker asked Jim Cornwell, City Attorney, who was present, for clarification of the process for filling the vacancy. Mr. Cornwell said that according to the statute, Council was to petition the Circuit Court within 15 days of the vacancy to order a special election. Mr. Cornwell stated if the vacancy occurred sooner than 90 days from the general election in November, which it had, the special election would go over to the next general election. Since there’s no general election in May, he said we would need to ask the court to order a special election in November of next year. He explained in the meantime, Council would have 45 days to appoint someone to fill Helmick’s spot until the special election was held and the winner certified. The winner of the election would serve the remainder of Helmick’s term which would expire June 30, 2020. Mr. Cornwell asked Council to authorize filing a petition with the Circuit Court for a special election to be held in November of next year. Councilman Greene made the motion to approve the request to file the petition. Vice Mayor Plichta seconded the motion and it was unanimously approved by the following votes of “yea”: Mayor Mitchell, Vice Mayor Plichta, Councilman Greene, Councilman Davis, and Councilman Haynes. Mayor Mitchell said Mr. Helmick’s service on Council was certainly appreciated and he was sorry to lose a good council member.

Mayor Mitchell informed Council that Councilman Greene had agreed to be reappointed to the Crossroads Board. This item was held over from the July meeting. The appointment would be a four-year term, limited to two terms. Councilman Davis made the motion to appoint Councilman Greene to the Crossroads Board. Councilman Haynes seconded the motion and it was unanimously approved by the following votes of “yea”: Mayor Mitchell, Vice Mayor Plichta, Councilman Greene, Councilman Davis, and Councilman Haynes.

Mayor Mitchell announced this was the date set for the public hearing regarding a mural request from the Galax Public Arts Committee. Council heard the initial idea at the July meeting, but as a mural it was required to be considered by the Planning Commission first. Daniel Riegel, Zoning Administrator spoke briefly and explained that the Planning Commission met on August 9 and made the recommendation to approve the request.

He said Council may accept the recommendation of the Planning Commission, may deny the request, or may take no action in which case the Planning Commission recommendation would be approved. With no public comments made, Mayor Mitchell closed the public hearing. Councilman Greene made the motion to approve the mural request. Vice Mayor Plichta seconded the motion and it was unanimously approved by the following votes of “yea”: Mayor Mitchell, Vice Mayor Plichta, Councilman Greene, Councilman Davis, and Councilman Haynes.

City Manager, Keith Barker, gave Council an update on the City's new online utility billing and payment service. Mr. Barker said the tentative "go-live" date was September 18. The current plan would be to allow customers to:

- View and pay utility bills anytime through an online portal, by phone, or by text.
- Elect a paperless option to receive bills via email.
- Schedule payments for a specific future date.
- Receive e-mail reminders about their bill.
- Make one-time payments on-line or register to view the account.

Mr. Barker further explained that notifications of the new service were currently being planned which may include an insert in the next bill, a newspaper release, takeaway cards and/or flyers at City buildings such as the library, recreation department, etc., social media, website advertisement, etc.

Keith Barker made a request to appoint Ms. Tammy Smith, DSS Director, to the Galax Bottom Area Management Team. He said with the retirement of Ms. Susan Clark, Council must consider a new appointment to the team. Vice Mayor Plichta made that motion to appoint Ms. Smith. Councilman Davis seconded the motion and it was unanimously approved by the following votes of "yea": Mayor Mitchell, Vice Mayor Plichta, Councilman Greene, Councilman Davis, and Councilman Haynes.

Keith Barker informed Council of a request from Ms. Tammy Smith, DSS Director, to appoint Ms. Laura Taylor to the Community Policy & Management Team (CPMT). Ms. Taylor, from Family Preservation Services, represented the private provider seat that was one of the agencies called out as part of the CPMT Board.

Councilman Davis made the motion to appoint Laura Taylor to the CPMT Board. Councilman Greene seconded the motion and it was unanimously approved by the following votes of "yea": Mayor Mitchell, Vice Mayor Plichta, Councilman Greene, Councilman Davis, and Councilman Haynes.

Keith Barker informed Council of a request from Ms. Tammy Smith, DSS Director, to reappoint the following individuals to the Department of Social Services Advisory Board:

- Mayor Mitchell, City Council Representative
- Dr. Art Pemberton, medical field representative
- Ms. Regina Snow, children services representative

The appointments would run from September 1, 2018 through August 31, 2022 (4-year term). All members had been involved with the advisory board and had asked to be considered for re-appointment.

Councilman Davis made the motion to reappoint Mayor Mitchell, Dr. Pemberton, and Regina Snow to the DSS Advisory Board. Councilman Greene seconded the motion and it was unanimously approved by the following votes of "yea": Mayor Mitchell, Vice Mayor Plichta, Councilman Greene, Councilman Davis, and Councilman Haynes.

Keith Barker informed Council we had received requests from our current approved solid waste haulers to renew their FY2019 contracts.

All had submitted the required applications, proof of insurance, had trucks inspected, etc. He said there were no changes in the current approved rates of the providers. Mr. Barker said the other issue that was discussed with the providers was if they were willing to honor their rates for a 3-year period. The current ordinance would require submittal of an application and rate sheet each year. He said rates tended to stay the same from year to year. The request to Council was to consider modification of the application period to 36 months and any rate changes within that period must be submitted and approved by Council. All companies said they were willing to participate in the 36-month permit if approved by Council. This would require an ordinance change in order to implement it. Vice Mayor Plichta made the motion to approve Waste Industries, Waste Management, Grayson County, and JDM Enterprises as waste haulers for FY2019. The item of amending the solid waste hauler ordinance to make an issued permit valid for 3 years was held over for a future meeting.

Keith Barker informed Council of a request from the Town of Marion to approve a resolution concerning temporary detention orders. Chief Rick Clark explained state laws were changed a few years ago concerning TDO's and timely transportation to a treatment facility. This was a legislative change but carried no additional funding from the state. Chief Clark said currently the GPD may pick up a citizen with a temporary detention order and transport them to an approved facility for treatment, however the facility may be on the eastern shore or other areas of the state even though beds were available in SWVa. He said when this occurs, 2 officers would be committed to the transport due to time in the car and for the safety of the officer and patient, typically an overtime event for staff and officers not currently on shift. He closed by saying the resolution was a request for the state legislature to make changes to the laws or provide adequate funding for this unfunded mandate. Councilman Haynes made the motion to approve the adoption of the resolution concerning temporary detention orders. Councilman Davis seconded the motion and it was unanimously approved by the following votes of "yea": Mayor Mitchell, Vice Mayor Plichta, Councilman Greene, Councilman Davis, and Councilman Haynes.

Keith Barker informed Council of a required resolution of support from Council for the E. Stuart Drive Phase I and Phase II Sidewalk Projects that the City had submitted to VDOT Smartscale Program. He explained the project was broken into 2 phases of approximately 5000 l.f. of sidewalk each, with associated crosswalks and pedestrian crossings. The Phase I project would be from Taylorwood Road to the eastern city limits. Phase II would be from Country Club Lane to Taylorwood Road. The City was requesting for all funding to be from VDOT for engineering and construction. The projects were estimated at \$1,624,000 for Phase I and \$1,745,000 for Phase II. Both projects had an estimated design date beginning in 2023 and construction completed in 2028. Vice Mayor Plichta made the motion to approve the support resolution for the E. Stuart Drive Sidewalk Projects. Councilman Greene seconded the motion and it was unanimously approved by the following votes of "yea": Mayor Mitchell, Vice Mayor Plichta, Councilman Greene, Councilman Davis, and Councilman Haynes.

Keith Barker informed Council that the City had received a letter from Mr. Chris Tuck, Chairman of the Montgomery County Board of Supervisors, seeking interest in a regional trail initiative that would connect various current trails from Galax to Roanoke. The initial request was simply to offer support for the project and be part of the committee that would discuss how something like this may move forward.

Mr. Barker said there was no request for funding at this time and it was anticipated that any needed upgrades to trails would be provided by the locality where that portion of the trail existed or would be created. He said that he had responded that Galax would be interested in continuing discussions on the proposal and would keep Council informed as this moves forward.

Keith Barker informed Council that when the current FY2019 budget was being developed, he did not include funding for the New River Highlands Resource Conservation and Development organization. He said that he received their letter, but it came in after the date we asked for all requests to be submitted and he neglected to include it in your budget considerations. He said the City had typically funded them at \$1000 per year but as they were not one of our core functions, the amount he would have presented to Council was \$750 for funding in FY2019. He said NRHRCD provided no direct services in Galax, and their goal was to promote the management of natural resources for the enhancement of the quality of life and the environment. The request presented was to see if Council would like for funds to be moved within the budget in order to provide funding to NRHRCD. The consensus was to hold the issue over until a future meeting.

Mayor Mitchell informed Council that Councilman Haynes had proposed the idea of a Council planning session where short and long-range planning items can be discussed. He also proposed for Council to create and adopt a mission statement. Councilman Haynes had given an example of a mission statement that he received at the VML training he had recently attended. The consensus was for Keith Barker to work with Councilman Haynes to begin researching the proposed ideas and to contact possible budget friendly facilitators and locations.

Mayor Mitchell informed Council there was a discussion regarding the possibility of changing the general election from May to November. Councilman Haynes inquired about the costs. Keith Barker replied the figures could be obtained from Stacey Reavis, Registrar, but in the past when we had checked, it would cost around \$2,000. Councilman Davis stated there were lots of positives holding the elections in May. Councilman Greene said he had heard good information at a VML conference regarding why the May elections were good for local voting. He also commented that he was opposed to the November change. Vice Mayor Plichta said there were fewer voters who came out at the May elections but they were good voters. She noted that she had spoken with someone from a locality who had changed to November elections and was unhappy with the change. Mayor Mitchell suggested discussing the matter further at a planning session. Keith Barker noted that if the elections were to be changed, an ordinance and charter change would be required.

Mayor Mitchell opened the floor for public comments. Mr. J.C. Roudebush briefly made a comment regarding the possibility of changing the elections to November. He said he felt the elections should be left in May.

Councilman Greene thanked the visitors who had attended the meeting.

Councilman Davis informed Council that he may be moving to Carroll County in the last quarter of 2018.

Councilman Greene thanked the visitors for attending the meeting.

With no further public comments, Mayor Mitchell accepted a motion made by Councilman Greene at 8:25 p.m. to enter into closed session under the following Codes of Virginia:

- **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.
- **Real Property - § 2.2-3711 A.3 of the Code of Virginia** - Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.
- **Legal Matters - § 2.2-3711 A.7 of the Code of Virginia** - Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body.

Councilman Davis seconded the motion and it was approved by the following votes of “yea”: Mayor Mitchell, Vice Mayor Plichta, Councilman Greene, Councilman Davis, and Councilman Haynes.

At 8:50 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 Plichta, Councilman Greene, Councilman Davis, and Councilman Haynes.

Councilman Haynes made the motion to appoint Kaufman & Canoles, Attorneys at Law to represent the City of Galax in the opioid lawsuit case. Councilman Greene seconded the motion and it was unanimously approved by the following votes of “yea”: Mayor Mitchell, Vice Mayor Plichta, Councilman Greene, Councilman Davis, and Councilman Haynes.

ADJOURNMENT at 9:00 p.m.



Vice Mayor



Clerk