

Galax City Council  
Minutes  
December 9, 2019

Galax City Council convened in regular session in City Council Chambers on December 9, 2019 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 Plichta, Councilman Greene, Councilman Haynes, Councilwoman Ritchie, and Councilwoman White. Councilman Larrowe was absent.

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

Mayor Mitchell welcomed Judge Jerry Mabe who gave the Oath of Office to Councilwoman Beth White.

Mayor Mitchell recognized the following Galax DSS employees with a plaque and a watch in honor of their retirements:

- Nona Richardson, 32 years, 4 months
- Leisa Phipps, 29 years, 5 months

Mayor Mitchell presented a proclamation to Doug Bassett, Vaughan-Bassett Furniture Company, recognizing the company's 100<sup>th</sup> anniversary.

Councilman Greene made the motion to approve the minutes of the regular meeting of November 12, 2019. Councilman Haynes seconded the motion, and it was unanimously approved by the following votes of "yea": Mayor Mitchell, Vice Mayor Plichta, Councilman Greene, Councilman Haynes, Councilwoman Ritchie, and Councilwoman White.

Mayor Mitchell announced this was the date advertised for a public hearing regarding zoning requests for the following three applications:

- 108 W. Center St. – B2 to B4
- 211 W. Webster St. – B2 to R5
- 1123 E. Stuart Drive – R2 to B2 (portion of the parcel)

Keith Barker, City Manager, informed Council of the details of each request. Mr. Barker noted that the Planning Commission met on Dec. 4, 2019 and recommended approval of the three requests.

- 108 W. Center St. - Mr. Hauslohner requested that the property be rezoned from B-2 General Business to B-4 Central Business. B-4 Central Business would permit single family residential as an approved use.
- 211 W. Webster St. - Ms. Crouse requested that her house be rezoned from B-2 General Business to R-5 Residential and Office District. The R-5 designation would permit single family homes as a use within the district.
- 1123 E. Stuart Drive - Access Home Health requested to rezone a portion of their parcel 20-24 that was zoned R-2 Residential to B-2 General Business so that they could increase the size of their parking lot. This was the parcel immediately behind their offices.

Mayor Mitchell opened the floor for public comment. No comments were made. He declared the meeting closed. Councilman Greene made the motion to approve the three zoning requests. 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 Haynes, Councilwoman Ritchie, and Councilwoman White.

Mayor Mitchell announced this was the date advertised as a public hearing concerning the possible loan and grant from USDA for radio equipment that would be utilized by the Galax Fire Department. Keith Barker explained that he was contacted by USDA reps and because of our declaration as an impacted area with Hurricane Michael in October 2018, we were eligible for a higher Community Facilities Grant from USDA, with a \$50,000 grant and matching \$41,000+/- loan. Mr. Barker spoke to David Hankley and Mike Ayers, and they had indicated the Galax Fire Department would like to apply for the grant/loan to replace a significant amount of radio equipment for personnel and trucks. He closed by saying the loan would be paid by the FD through other grant funds they receive on a yearly basis.

Mayor Mitchell opened the floor for public comment. No comments were made. He declared the meeting closed. Vice Mayor Plichta made the motion to approve the request and authorize the City Manager to complete all necessary documents in regards to the grant and loan. Councilwoman White seconded the motion and it was unanimously approved by the following votes of "yea": Mayor Mitchell, Vice Mayor Plichta, Councilman Greene, Councilman Haynes, Councilwoman Ritchie, and Councilwoman White.

Mayor Mitchell announced this was the date advertised as a public hearing which concerned proposed revisions to the Twin County 911 Commission regarding some organizational changes. Keith Barker further explained in a review of the NG-911 changes by our attorney, it was noted that there were references to the commission organization structure that were never completed and that also referenced state tax code sections that had changed. Mr. Barker said our attorney had prepared the revised ordinance for consideration by Galax, Carroll and Grayson; as well as the Joint Services Agreement. He stated the Commission had already approved the documents and forwarded them to the localities for proceeding with the necessary public hearings.

Mayor Mitchell opened the floor for public comment. No comments were made. He declared the meeting closed. Councilman Greene made the motion to adopt the revised ordinance and joint services agreement. Councilman Haynes seconded the motion and it was unanimously approved by the following votes of "yea": Mayor Mitchell, Vice Mayor Plichta, Councilman Greene, Councilman Haynes, Councilwoman Ritchie, and Councilwoman White.

Keith Barker informed Council that the City had been speaking with a developer regarding a small parcel in the city that could be subdivided for residential construction. He explained that our current stormwater ordinance had followed the state stormwater code and set the requirement for a required stormwater plan when a parcel was divided into three or more lots. Mr. Barker had spoken to the local developer in regards to the difficulties of providing a stormwater plan for smaller developments and also reached out to DEQ regarding the requirements.

He explained after a review by DEQ, they were agreeable that our interpretation of the state and local codes could be amended to allow a subdivision to occur without a stormwater plan provided the total disturbed area over an entire project area did not equal or exceed 1 acre. Mr. Barker noted while it did not necessarily require a revision to our ordinance, staff recommended the change to remove any future confusion regarding this exemption. A copy of the revised language was given to Council for review, but the City attorney would review prior to a final change.

It was noted that while this would address the stormwater plan requirements for smaller subdivisions, a developer who would create 3 or more lots would still have to provide a subdivision request and plan(s) per the subdivision and zoning ordinance. Mr. Barker requested permission to present a final document for Council’s review at the January 13 meeting and set that date as a public hearing regarding revisions to Chapter 125 of the City Code. Councilman Greene made the motion to approve the request. Councilman Haynes seconded the motion and it was unanimously approved by the following votes of “yea”: Mayor Mitchell, Vice Mayor Plichta, Councilman Greene, Councilman Haynes, Councilwoman Ritchie, and Councilwoman White.

Keith Barker gave an update on the Monta Vista Cemetery. Mr. Barker explained that we had completed the transfer of Monta Vista Cemetery to the City. He said documents were signed on November 26 and the deed was recorded on December 2. He explained a transfer of the perpetual care fund was underway, as well as planning for paving and other projects. Mr. Barker noted with the pending receipt of the perpetual care fund, he asked Council to amend our FY2020 budget to recognize the funds received and to designate their spending category.

The following revenue line items were requested to be adjusted:

• 10.3.3110.0102 - Delinquent Real Estate Tax	\$12,241
• 10.3.3110.0117 - Penalty	\$ 1,230
• 10.3.3110.0111 - Interest	\$50,900
<b>Total Revenue Increase</b>	<b>\$ 64,371</b>

The following expenditure line items were requested to be adjusted:

• 10.4.4205.6007 - Repairs and Maintenance	\$ 40,000
• 10.4.4205.6009 - Vehicle and Powered Equip. Supplies	\$ 24,371
<b>Total Expenditure Increase</b>	<b>\$ 64,371</b>

Mr. Barker closed by saying this was a balanced budget amendment and did not require a public hearing as it was less than a 1% change to the budget. Vice Mayor Plichta made the motion to amend the budget. Councilwoman White seconded the motion and it was unanimously approved by the following votes of “yea”: Mayor Mitchell, Vice Mayor Plichta, Councilman Greene, Councilman Haynes, Councilwoman Ritchie, and Councilwoman White.

Mayor Mitchell informed Council of a resolution for consideration regarding support the support of 2<sup>nd</sup> Amendment rights of citizens. He explained legislation for the 2020 General Assembly session had been submitted that was of concern to individuals that were in support of our federally protected 2nd Amendment rights. The proposed resolution was reviewed by the City Attorney and would offer to support those 2<sup>nd</sup> Amendment rights, would call on the General Assembly to not consider any legislation in the 2020 General Assembly session that would infringe upon those rights, and states that “Galax City Council hereby declares its intent to oppose within the limits of its constitutionally-delegated powers and authority any infringement on the rights of law-abiding citizens to keep and bear arms, and to use such reasonable and legal means that the Galax City Council may hereafter approve to protect such rights”. Mayor Mitchell opened the floor for public comments from those who had made it known by signing a list which was presented to the Mayor, which included the following:

- Harold Nelson
- Jesse Walker
- Helen Kyle
- Wayne Spalding
- Justin Edwards

Each speaker was allowed 3 minutes each to voice their thoughts and opinions on the topic. Mayor Mitchell thanked everyone who spoke. Councilman Haynes made the motion to approve the 2<sup>nd</sup> Amendment Resolution of Support. Councilwoman White seconded the motion and it was unanimously approved by the following votes of “yea”: Mayor Mitchell, Vice Mayor Plichta, Councilman Greene, Councilman Haynes, Councilwoman Ritchie, and Councilwoman White.

GPD Captain James Cox, the City’s Emergency Operations Coordinator, was present to request approval of the updated EOP that was given to Council for review. He explained that this was the template EOP provided by the state and adopted approximately 4 years ago. He said new contact information had been changed but the document remains essentially the same as previously adopted. Vice Mayor Plichta made the motion to adopt the 2019 EOP. Councilman Haynes seconded the motion and it was unanimously approved by the following votes of “yea”: Mayor Mitchell, Vice Mayor Plichta, Councilman Greene, Councilman Haynes, Councilwoman Ritchie, and Councilwoman White.

Keith Barker informed Council that Edwin Ward, City Engineer had been working on our current Sewer Use Ordinance. He explained that earlier in the year the City received notification from the Dept of Environmental Quality that revisions to the City’s Industrial Pretreatment Program were necessary to be in compliance with State Water Control Board regulations. The required changes to the Industrial Pretreatment Program involved development of revisions to the City Code Chapter 153 – Water and Sewers more commonly referred to as the Sewer Use Ordinance. Mr. Barker went on to further explain the current Sewer Use Ordinance language was as adopted in 1992. These revisions under consideration were necessary to include new provisions associated with changes to the Virginia Pollution Discharge Elimination System regulation 9VAC25 previously adopted by Virginia. Several of the revisions were mandatory and precisely worded, while other revisions were optional. Some of the optional revisions were included voluntarily because of the added flexibility for City staff to reduce the burden of technical and administrative requirements in certain areas of the Industrial Pretreatment Program.

Mr. Barker noted the Dept of Environmental Quality approved of the City’s proposed revisions on November 18, 2019. He said a public hearing needed to be scheduled with the adoption of the revised Sewer Use Ordinance. Since this was an ordinance change, a public hearing was required. Councilman Greene made the motion to approve the request for a public hearing on January 13, 2020. Councilwoman Ritchie seconded the motion and it was unanimously approved by the following votes of “yea”: Mayor Mitchell, Vice Mayor Plichta, Councilman Greene, Councilman Haynes, Councilwoman Ritchie, and Councilwoman White.

Councilwoman White spoke briefly on our local foster care needs for the upcoming 2020 year.

Mayor Mitchell announced that the City’s Mission Statement document, Vision 2020, had been created and completed by City Council and was ready for adoption by City Council. Vice Mayor Plichta made the motion to adopt the Vision 2020 document. Councilman Haynes seconded the motion and it was unanimously approved by the following votes of “yea”: Mayor Mitchell, Vice Mayor Plichta, Councilman Greene, Councilman Haynes, Councilwoman Ritchie, and Councilwoman White.

Keith Barker gave a detailed City Manager report which included all of the current projects and initiatives that were currently under way with the City or with regional boards that he serves on.

With no public comments, Mayor Mitchell accepted a motion made by Councilman Haynes at 8:45 p.m. to enter into closed session under the following Code 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.

**Prospective Business or Expansion of an existing Business or Industry - § 2.2-3711 A.5 of the Code of Virginia** - Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

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

At 9:21 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 Haynes, Councilwoman Ritchie, and Councilwoman White.

ADJOURNMENT at 9:21 p.m.



Mayor



Clerk

