

Galax City Council
Minutes
September 9, 2019

Galax City Council convened in regular session in City Council Chambers on September 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, Councilwoman White, and Councilman Larrowe.

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

Mayor Mitchell along with Council recognized and presented a plaque to retiring Tourism Director, Ray Kohl. Mr. Kohl was employed as Tourism Director from 4-12-2010 to 9-30-2019.

Councilwoman Plichta made the motion to approve the minutes of the regular meeting of August 12, 2019. Councilman Greene 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, Councilwoman White, and Councilman Larrowe.

Mayor Mitchell announced this was the date City Council set for a public hearing regarding amendments to the Golf Cart Ordinance. Keith Barker spoke on the proposed changes which included:

- Adding Meadow St. to the approved streets, from E. Grayson St. to Matthews Street.
- Provisions to allow golf cart usage at night if equipped with headlights, taillights, brake lights, turn signals, rearview and side mirrors, and reflective tape on the sides. No emergency response type lights are permitted.
- Decreasing the age limit for riders from 8 years of age to allow children between 3 and 7 years of age to ride provided the driver is 21 years old. If an additional child is riding then an additional rider 18 years of age must also be riding on the cart. This provision also requires that the golf cart is equipped with seat belts for each rider.
- Allows approval of alternate inspection sites rather than only DMV vehicle inspection sites.
- Golf carts can be used year-round dependent except during snow, sleet, or ice events.
- Sets the period a permit is approved to 12 months beginning April 1.
- The permit application will be presented and reviewed at the Municipal Building and the permit issued there.
- Golf cart approval decals must be located on the windshield in the same location as a DMV inspection sticker.
- A 7-day temporary permit may be issued to visitors for golf cart usage provided the golf cart owner signs an application agreeing to usage per the ordinance. It relieves the owner from the inspection process and fee.

Mr. Barker explained if Council approved the amendment to the City Code, it would go into effect upon passage unless an alternate date was selected. Mayor Mitchell noted that he was still concerned about speeding drivers and the safety of the golf cart occupants.

Mayor Mitchell opened the floor for public comments. With no public comments made, Mayor Mitchell declared the public hearing closed. Councilman Greene made the motion to approve the amendments to the Golf Cart Ordinance. 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, Councilwoman White, and Councilman Larrowe.

Mayor Mitchell announced this was the date set for a FY2020 Budget Amendment. Mayor Mitchell asked Judy Taylor-Gallimore, Director of Finance, to speak on the requested amendment. Ms. Taylor-Gallimore explained that as the total of the changes exceeded 1% of the General Fund Budget, a public hearing was required. She said the main items within the request included the Petco Foundation Grant, USDA Funding for police cars, SRO Funding, and funding for the Bottom Area Eastview Stormwater Project. Mayor Mitchell opened the floor for public comments. With no comments made, Mayor Mitchell declared the public hearing closed. Councilman Larrowe made the motion to approve the FY2020 Budget Amendment. 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, Councilwoman White, and Councilman Larrowe.

Keith Barker addressed Council regarding the Primary Paving Project Downtown. He explained as indicted at the last meeting, revisions to the regulations regarding resurfacing of streets with crosswalks now required all crosswalks to be brought up to the most current standards. In discussing our project with VDOT staff, we were able to determine that if we didn't mill and resurface the area of the street intersection then we could still proceed with the project and pave between intersections. After a brief discussion, Councilman Haynes made a motion to proceed with the Primary Paving Project Downtown. 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, Councilwoman White, and Councilman Larrowe.

Keith Barker informed Council that we were progressing on the Cranberry Road Project and were currently in the right-of-way phase. He explained a portion of this project involved the negotiation and purchase of right-of-way at 103 Cranberry Road owned by Gladeville Methodist Church, 104 Cranberry Road owned by Cranberry Office Park LLC, and 106 Cranberry Road owned by and Cranberry Office Park II LLC. He said we were working with the church to complete their ROW negotiations and felt we have met all of their requests but were waiting on a meeting with the attorney and trustees to finalize the agreement. For 104 and 106 Cranberry Road, the counter offer from the owner's attorney was more than we could meet under the FHWA and VDOT regulations and we were required to have an appraisal of the property and a secondary review of that appraisal before we could make a "fair and reasonable offer". In order for the project to move forward we must submit documentation to VDOT that the ROW's were in place by early December. If necessary, the final step to allow the project to move forward, but to allow the continuation of negotiations, would be to proceed with eminent domain of the affected property within the required ROW. Per state code, the notice to the owners must be served 30 days prior to the required date of filing the paperwork with the courts. Mr. Barker closed by requesting approval of a resolution prepared by our attorney that would authorize eminent domain of the affected portion of the properties, but it would permit continued negotiations with the owners. The failure to secure the necessary ROW will delay the project and cause the removal of funding by VDOT. Councilwoman White made motion to approve the adoption of the resolution to approve eminent domain. Councilwoman Ritchie seconded the motion and it was approved by the following votes of "yea": Mayor Mitchell, Vice Mayor Plichta, Councilman Greene, Councilwoman Ritchie, and Councilwoman White. Councilman Haynes and Councilman Larrowe abstained from voting due to a conflict of interest in regards to securing the necessary right of ways.

Chris Pollins, Chestnut Creek School of the Arts Director, informed Council of the Fall into Art Event and street a closure request. She explained the street would be set up as a street fair with over 30 artists setting up to do demonstrations and sell art. The closure would occur on Grayson St. from Main St. to Jefferson St. This area would be closed on September 21 from 9:00 AM to

6:00 PM. Coordination for the closure would be with Tourism, the PD, and Public Works. Councilman Larrowe made the motion to approve the request. Councilman Greene 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, Councilwoman White, and Councilman Larrowe.

Keith Barker informed Council that a new agency credit card was needed for Galax DSS due to the pending retirement of a DSS staff member. He explained that the current policy does not list Galax DSS as an approved agency for a card. Mr. Barker asked Council to amend the Employee Handbook, Appendix H to include the Galax Department of Social Services Director to the list of approved employees with credit cards. After a brief discussion, Councilman Larrowe made the motion to approve the DSS request and to authorize the City Manager & Director of Finance to approve any future departmental requests for credit cards. 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, Councilwoman White, and Councilman Larrowe.

Keith Barker informed Council as part of the City's application process for the revenue sharing grant application for the stormwater project on Calhoun St. and S. Main St, the project must be listed in a capital improvement plan (CIP) for road projects. A proposed CIP regarding possible VDOT funded projects was given to Council. Mr. Barker said that it would not restrict us to only these projects but would call out the next anticipated stormwater projects for a 5-year period. He said with possible funding and construction, these projects would complete the Drainage Basin A projects listed in the Stormwater PER Study performed by Lane Group. Councilman Larrowe made the motion to approve the CIP for stormwater projects as it they were related to VDOT funding. Councilwoman 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, Councilwoman White, and Councilman Larrowe.

Keith Barker informed Council that VDOT staff had contacted the City and offered design assistance on the next round of Smart Scale projects that would be submitted in 2020. He explained this was the same funding that provided for the Cranberry Road Project and the E. Stuart Sidewalk Phase II funding. Mr. Barker said we could resubmit the E. Stuart Drive Phase I project again if Council agreed, but he wanted to see if there were any other projects Council might want to consider. The projects would have to be along a Corridor of Statewide Significance (CoSS) which was typically only Rt. 58; promote economic development; involve transportation related issues such as safety, congestion, etc.; and a host of other criteria. Mr. Barker mentioned a possible project could be the upgrade of the entrance to the Galax East site that would require a crossover area, deceleration lane and possible acceleration lane. He also explained while we did not need a specific project tonight, the planning portion that VDOT provided could take months to complete and they would typically only work on a single project for a community. After a brief discussion, which included Brenda Marrah - Grants Administrator, there was a consensus among Council to hold the discussion of possible projects over to the next meeting.

Prior to Keith Barker presenting the next agenda item to Council regarding a Vaughan Furniture request and proposal, Councilman Larrowe read aloud the following statement "the matter to be discussed involves a company in which I am a stockholder, however, my interest is less than the \$5,000 threshold under the Virginia State and Local Government Conflict of Interests Act, and the stockholders number more than three other individuals. In accordance with Sections 2.2-3112 and 2.2-3115 of the Code of Virginia, I declare that I am able to discuss, consider and vote in this matter fairly, objectively, and in the public interest." Keith Barker informed Council that we had received a proposal from the Vaughan Furniture Board in the form of a planning document which laid out a plan for the City to partner with a newly formed group of owners for development of the T. G. Vaughan Plant. He explained this was a follow-up to the Virginia Tech study on the property

that gave a high-level overview of how the property could be redeveloped into combination uses including retail/restaurant/residential/recreation. He said if Council considered proceeding with such a partnership as presented, the request included in this planning document, that the City would provide funding for a full-time manager for the project and to assume future costs in regards to utilities, taxes, maintenance, and insurance for a period of time while the plan for the facility is developed. He stated that while there was some offsetting rent that would cover a portion of the costs, Council should understand that this would be a long-term financial commitment but may possibly have a large positive impact to the City and region over time. While no formal agreement had been presented and no Council action taken, Mr. Barker said that Council may wish to appoint a sub-committee to proceed to discussions with the Vaughan Furniture Board or the group of investors regarding the proposal, what items may be negotiable, what may be a City responsibility, etc. It was noted that any agreements should be reviewed by the City Attorney before consideration of a vote by Council. After a discussion, there was a consensus to form the sub-committee to proceed with the discussion of the proposal from Vaughan Furniture. Mayor Mitchell, Councilman Haynes, and Councilman Larrowe volunteered to serve on the sub-committee. Councilman Green made the motion to approve the sub-committee appointments and move forward with discussions. 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, Councilwoman White, and Councilman Larrowe.

Keith Barker announced that Mr. Tom Kyle had approached the City and asked if we would be willing to accept a donation of a portion of property that adjoins the police and fire training grounds off of Glendale Road. He said the property was a portion of parcel 12-1 and represented approximately 1.7 acres. The tax loss to the City would be approximately \$160 but the property does create a larger buffer between the training grounds and adjoining residences. Mr. Barker said if Council wished to consider and accept the donation, he would ask Council that he be authorized as the City Manager, to complete any required deed transfers. Vice Mayor Plichta made the motion to accept the donation of property from Mr. Kyle. 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, Councilwoman White, and Councilman Larrowe. The motion and second were then amended to reflect the addition of the City Manager to be authorized to do any necessary paperwork including deed transfers. It was then unanimously approved by the following votes of "yea": Mayor Mitchell, Vice Mayor Plichta, Councilman Greene, Councilman Haynes, Councilwoman Ritchie, Councilwoman White, and Councilman Larrowe.

Keith Barker reminded Council of the work session scheduled for September 23 & 24 and also the VML Conference October 6-8 in Roanoke VA.

Keith Barker gave the City Manager's Report which included:

- Bottom Area Project, Eastview Phase
- VDOT Projects
- Galax Elementary School Renovations
- Galax Wastewater Treatment Plant & Pump Station Upgrades
- Stormwater Projects
- T.G. Vaughan Furniture Plant Study, VT Economic Development Dept.
- Chestnut Creek & US Army Corps of Engineers Study
- MRPDC Assistance
- Animal Shelter

Council Comments:

- Councilman Haynes commented that he was looking forward to the Council work sessions which were coming up.


With no public comments, Mayor Mitchell accepted a motion made by Vice Mayor Plichta at 9:10 p.m. to enter into closed session under the following Code of Virginia:

- **Candidates of Employment - § 2.2-3711 A.1 of the Code of Virginia** Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body.
- **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.
- **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; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party.

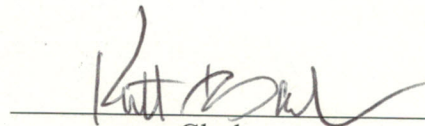
Councilwoman White seconded the motion and it was approved by the following votes of "yea": Mayor Mitchell, Vice Mayor Plichta, Councilman Greene, Councilman Haynes, Councilwoman Ritchie, Councilwoman White, and Councilman Larowe.

At 9:49 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, Councilwoman White, and Councilman Larowe.

ADJOURNMENT at 9:49 p.m.



Mayor



Clerk

