

As Roanoke City Council Deadlocks Over Filling Vacancy, Judge Says 'It's a Shame'

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[Henri Gendreau](#), Feb 11, 2025

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Stone-faced Council members on Monday voted to ask that Roanoke City Circuit Court judges appoint someone to fill the remaining two years of Mayor Joe Cobb's Council seat.

James Swanson, chief judge of the circuit court, told The Rambler on Tuesday that he would work with his four colleagues to make a decision "sooner rather than later."

"It's a shame that Council has reached this impasse," Swanson said.

Council members [last week interviewed three finalists](#) — former councilwoman Trish White-Boyd, former city treasurer Evelyn Powers and Temple Emanuel rabbi Kathy Cohen. State law says Council has a Friday deadline to appoint someone to the position.

The appointment is the first major decision facing the newly elected Council, which is made up of three fresh faces.

"It's not my preference to send something like this to the court," said Cobb, whose November election as mayor created the vacancy. "I don't think there's a precedent for it."

Cobb, like other Council members interviewed for this story, declined to say whom he backed or how the vote was split — whether 3-3 among two candidates or 2-2-2 among three. Two members — Nick Hagen and Phazhon Nash — had said previously they would support the fourth-highest vote getter in November's municipal election, which was Powers.

[Political](#) and [policy](#) considerations were at play in the appointment. But Council's decision, or lack thereof, has sent shockwaves through the local political scene.

Former mayor Sherman Lea, [who publicly backed White-Boyd](#), called The Rambler Monday to express his frustration.

"It's a bad picture for the city," Lea, a Democrat, said. "The city is almost at a standstill right now. I'm disappointed in the people I voted for."

Instead of coalescing around a finalist, Council passed a resolution stating that "the remaining members of Council are unable to fill the Council vacancy within 45 days" and that "if a majority of the remaining members of the body or board cannot agree or do not act, the judges of the circuit court of the county or city may make the appointment."

The vote was 5-1, with Councilman Peter Volosin opposed. "This has never happened in our history before. I think we should have been able to come to a decision before the 45 days," Volosin said, declining to comment on his preferred pick.

The resolution directs City Attorney Tim Spencer to file a petition with the court, which Spencer said he would do on Wednesday, after the 45-day window has expired.

Councilwoman Vivian Sanchez-Jones declined to discuss the logjam, saying, "I think the resolution speaks for itself."

Hagen said Council members "had 11 great applicants. We recognize the importance of hearing everyone."

Hagen noted that judges are loath to get involved in political questions, but that he hoped the courts would make a decision as soon as possible.

Swanson said he would solicit input from the four other circuit court judges "as to their consensus, about what the situation is and who best would suit Council's purposes for satisfying this obligation."

State law provides no guidelines around how judges should go about making an appointment. It's possible the court could appoint someone other than the three finalists or 11 applicants, though Swanson said judges would be looking to those people as candidates.

"We would definitely consider the folks that Council has been considering," he said.

Swanson said he "personally" does not want to know how Council is split but acknowledged other judges "may be interested in that information," which could eventually become public.

"I'm really not going to get involved in the decision, you know, what each Council member thinks or should think about this process," Swanson said. "If they've made their decision they can't reach consensus, then it falls to us and we'll do what the law requires us to do."

Asked if he thought the courts could make a decision this month, Swanson said, "I would hope so."

Cobb told reporters Monday that this marks his fifth time on Council where a vacancy necessitated an appointment.

"Clearly it was difficult to make a decision among those three [finalists], which I think speaks to the caliber of the three and the struggle the Council had with that," he said. "We have a lot of difficult decisions coming on, and for me to see the investment that each of these Council members are making in each issue that we face is a testament to me of their strength and their ability to govern."

Cobb's predecessor disagreed.

"Leadership is what I thought was coming on Council, but I have to rethink that," Lea said. "That's bad. That's a bad Council. That's not Roanoke."