



MINERAL TOWN COUNCIL MEETING

October 15, 2024 at 6:30 PM

312 Mineral Avenue Mineral Virginia 23117

Phone: 540-894-5100 | townclerk@townofmineral.net

Members Present

Mayor Edwin Jarvis

Vice Mayor Ronald Chapman

Bernice Kube

Dave Hempstead

Michelle Covert

Others Present

Nicole Washington, Town Manager

Stephanie Dorman, Town Clerk

Two vacant seats

PLEDGE OF ALLEGIANCE

All in attendance stood for the Pledge of Allegiance.

ADOPTION OF AGENDA

Mayor Jarvis added "Council Reports" under "Reports."

Motion to adopt amended agenda made by Chapman and seconded by Kube.

Ronald Chapman - yes

Bernice Kube - yes

Dave Hempstead - yes

Michelle Covert - yes

Motion passed 4-0-0

PUBLIC COMMENT

Debbie Moon, stated that the choice for appointment tonight is clear, as well it was back in April, and that Council did not vote for the candidate with experience that citizens wanted. Ms. Moon continued that she is pleasantly surprised with the job Council Member Hempstead is doing, even if they do not see eye to eye. Council has a choice of three candidates tonight, two of which have resigned their seats; McCarthy for stress and not having time and Spedden for blaming a former attorney for missing the ballot deadline. Ms. Moon believes that JoAnna Von Arb gave a clear outline of why she wants to be on Council and her values and would be her choice of candidates. She stated that Council will split votes between the candidates as some are friends and others have been previously endorsed.

JoAnna Von Arb, would like to remind everyone why she wants to be on Council. She sees a need for someone like herself on Council and wants to make sure that everyone respects one another and are treated fairly, while looking out for the best interest of the Town.

Rebecca McGehee, voiced concerns regarding the election code stating it requires a resume and any other materials. She believes that the Council took it upon themselves to decide what is required even though they do not have an attorney. She questioned if the Council is breaking the law.

Ms. McGehee continued that she has spoken to the owner of Miller's Market regarding a statement that Council Member Hempstead made at a prior meeting about the breaking of ground for gas pumps. She shared the owner's frustration with the statement as they say it is untrue.

Ms. McGehee's final comment is that she would like to know why the public hearing ad was in the Richmond Times Dispatch and not in the Central Virginian. She does not believe that as many citizens read the Richmond Times Dispatch and that the ad was vague because there was no information on which land was being purchased.

Barbara Wood, would like to have the contact information for Ron Morgan.

APPROVAL OF MINUTES

1) 6.18.2024 Minutes

Motion to approve minutes made by Chapman and seconded by Covert.

Ronald Chapman - yes
Bernice Kube - yes
Dave Hempstead - yes
Michelle Covert - yes

Motion passed 4-0-0

2) 7.2.2024 Minutes

Motion to approve minutes made by Chapman and seconded by Kube.

Ronald Chapman - yes
Bernice Kube - yes
Dave Hempstead - yes
Michelle Covert - yes

Motion passed 4-0-0

ACCOUNTS PAID

The Town Manager explained the new formatting and that going forward they would be sorted in month order.

A member of the audience asked if there could be an actual vs. budget provided. The Town Manager advised she would like to do that as well and it is in process with the software company.

Motion to accept the accounts paid made by Chapman and seconded by Kube.

Ronald Chapman - yes
Bernice Kube - yes
Dave Hempstead - yes
Michelle Covert - yes

Motion passed 4-0-0

REPORTS

Council Reports

Vice Mayor Chapman presented, and read, Resolution 2024-010: Resolution for Censure of Council Member David Hempstead.

After reading the proposed resolution, Council Member Hempstead called for a Point of Order. It was discussed between Council Members and the Mayor whether this was an appropriate time to call for a Point of Order.

The Mayor found that Council Member Hempstead was out of order and advised that if he continued, he would be asked to leave the premises. After continuing to speak, the Mayor asked that a deputy escort Council Member Hempstead from the premises.

Council Member Hempstead continued by stating he has a right to speak under Robert's Rule of Order and under the Virginia State Constitution. Before leaving, he handed out the FOIA code section to the Council and stated he will be speaking with the State Attorney General.

Vice Mayor Chapman apologized to the public and explained the reasoning for the Censure was due to emails received over the weekend, from Hempstead's personal email, berating Town staff. In these emails, Hempstead wanted staff to submit documentation proving credentials to a single member of Council. The Vice Mayor continued by stating that a single member does not have that authority, nor should any Council Member feel that is a necessary action. Council Members discussed, individually, the Censure over the weekend as Hempstead's behavior was inappropriate.

The Mayor asked a clarifying question regarding how the Council spoke and the Vice Mayor advised they each spoke individually and did not meet.

The Mayor stated that Council only needs three people for a quorum, so the meeting would continue.

Motion to approve Resolution 2024-010: Resolution for Censure of Council Member David Hempstead made by Chapman and seconded by Covert.

Ronald Chapman - yes

Bernice Kube - yes

Michelle Covert - yes

Motion passed 3-0-0

Council Member Hempstead was no longer in his post.

Utility Reports

Council Member Covert stated that Louisa County wanted to be included in the planning of water. The water service line inventory is currently happening. Contractors were at Council Member Covert's house and she stated they did a wonderful job and she has not heard any complaints.

The Town has placed an order for a manhole cover.

Council Member Covert praised the Town Manager for getting the leakage down to about 35%. The citizens are participating and reporting leaks.

The Town Manager stated that the contractors have finished their inventory and have sent it to VDH. She will be meeting with them next week to discuss the findings and will have a report at the November meeting.

The Town Manager met with Louisa County administration and will be working on a 5/10/15 year plan of development happening in the Town. She will continue to have strategic planning meetings with the administration.

Council Member Covert wanted to acknowledge the special effort by the Town Manager to get the Town GIS for a year.

Town Manager Report

Staff are working on live streaming the meetings.

The Town Manager would like to introduce a "Business Spotlight" section to the agenda. This would be a time for businesses to come speak about what it's like being a business here in Town or maybe someone who would like to be in business here.

The Town will start assessing fees for FOIA requests as allowed under the state statute.

Kendra Ellis has been promoted to DMV Manager. The Town Manager and DMV Manager are in the process of reviewing applications for a DMV Clerk.

The Town Manager would like Council to consider possibly giving a holiday bonus to staff.

The Town Manager would like to close half day for New Years Eve. Council members and the Town Manager discussed the Holiday schedule.

Motion for the Town Hall and DMV Select be closed on January 31, 2024 by Chapman and seconded by Kube.

Ronald Chapman - yes

Bernice Kube - yes

Michelle Covert - yes

Motion passed 3-0-0

The Town has received two resumes for the Town Attorney position.

There is a leak at the Exxon station. The leak is not believed to be on the Town side, but the Town may have an old meter box that could potentially be installed.

The Town has a new IT consulting firm that will be transferring the Town to Microsoft 365.

The Town Manager has heard back from the auditors. Staff are searching through boxes of records for documents that the auditors are requesting. Once this audit is completed, FY23 will begin. The Town Manager clarified this will not be immediate as the firm has other businesses they contract with.

Going into the next fiscal year, the Town Manager would like Council to consider the idea of increasing certain fees. The Town Manager will prepare a fair market value prices for consideration.

A Town owned building had its roof repaired. There was a major leak in the roof after the Town received a large amount of rain. The building is currently being occupied by an educational non-profit, so the repairs were necessary. There was money in the budget for this repair and the Town is waiting to receive the final invoice.

The Hometown parade will be on October 24, 2024 at 5:30.

The Town will host a tree lighting ceremony on December 13, 2024. There will be ornaments for kids to decorate as well as refreshments. There was a suggestion from the audience to reach out to one of the local churches for carolers. The Town Manager is working with Dominion about possibly wrapping garland on the poles.

The Town will also be sending out flyers about a holiday decoration contest. The winner will receive a trophy and a plaque will be put in the Town Hall building as this will hopefully become a yearly tradition.

A PUD plat review has been received and is being reviewed by the Town Manager.

DMV Report

The DMV report can be found in the accompanying agenda packet for this meeting.

Treasurer's Report

There was not a Treasurer's report this month.

OLD BUSINESS

Approval of Bylaws and Civility Pledge

Vice Mayor Chapman relayed that Council Member Covert suggested the bylaws be in effect for 90 days to see if they are working for the Council or if they would need to be amended. The Bylaws would be reviewed at the January meeting.

Motion to approve the revised version of the Bylaws for 90 days from Chapman and seconded by Kube.

Ronald Chapman - yes

Bernice Kube - yes

Michelle Covert - yes

Motion passed 3-0-0

Vice Mayor Chapman read the Civility Pledge.

Motion to accept the revised Civility Pledge to by Covert and seconded by Chapman.

Ronald Chapman - yes

Bernice Kube - yes

Michelle Covert - yes

Motion passed 3-0-0

Scheduling of Town Hall Meeting

A Town Hall Meeting has been scheduled for Tuesday, January 21, 2025 at 6:30 PM.

Council hopes to hold these meetings quarterly.

Selection of Council Candidate

Bob Spedden, started by stating he resigned because he was advised to do so in order to be considered for the appointment for the current vacancy. Mr. Spedden stated he does not have a resume due to the confidential nature of his work in the Air Force and he owned his own business following. He believes he has an opportunity to prove himself on Council.

The Mayor thanked him for his service and concurred that Mr. Spedden had to resign to be considered for the current opening.

Olivia McCarthy, began with the reason she originally ran for Council in 2022. Prior to being elected, she actively participated in Council meetings, had involvement in community organizations, and became a vendor at the farmer's market. She wanted to see the Town make a procedural change to how it is supposed to be done, compared to just proceeding the way things have previously been done. She stated that she has brought an unique perspective, the ability to thoughtfully consider the issue, and contribute to conversations in a meaningful way.

Continuing, Ms. McCarthy believes the Town is split into two sub-categories: Town operations and infrastructure for growth.

She would like to see the Town operate through the Virginia State Code, while receiving solid legal advice, and ensuring that the Town Code is up to date. Transparency is an issue that has been brought up through her tenure on Council and would like to continue working towards that goal. She also hopes to ensure that Council is receiving community engagement since Mineral is a small town.

Touching on infrastructure, she mentioned how the Town has had opportunities for growth, but the Town needs to make sure it has the infrastructure to support it. The water and sewer are not at a level that could support a large level of development. She would like to see the Town grow but in a way that does not handicap current residents.

She believes that during her time on the Council she has demonstrated her dedication while working alongside both Council and residents.

She provided background on why her seat is vacant, stating that she had an incredibly emotionally taxing day as a social worker. A Town meeting had been called but she was working on a matter that she could not step away from as it was ensuring the health, safety, and well being of a child. After realizing she missed the meeting, she felt guilty and was emotionally overwhelmed, which ultimately led to her putting in her resignation. She stated this was done in a moment of haste and high emotionality, which she regretted. She attempted to revoke her resignation, but it was determined that she could not do that. She does feel confident that she has the time and energy to dedicate to the vacant seat.

She was unable to be at the prior meeting to speak with Council as she has a prior engagement that she was unable to move on short notice. She pointed out that this is the first time this Council has called a special meeting to review applicants.

She finished by stating that she thinks it is insulting for people to insinuate that the Council is voting based on friendships rather than what is in the best interest for the Town. The Town has strived to operate with decorum. She encourages Council to vote for who they believe would best serve the needs of the Town and its citizens.

JoAnna Von Arb, has been following the Town meetings and has become frustrated with the Council and how it has been conducting itself. She has seen a positive change over the past nine months and wishes to be a part of the continued change by bringing respect, integrity, trustworthiness, and transparency. While she does not know everything about the position, she is here to learn and represent the Town.

The Mayor asked Council to provide a name of the candidate of their individual choosing and comments.

Council Member Kube selected Olivia McCarthy.

Vice Mayor Chapman selected Olivia McCarthy.

Council Member Covert selected JoAnna Von Arb. Council Member Covert regrets how the situation played out with Olivia. While it appears that McCarthy will be reinstated, Covert wanted to encourage Von Arb to join Council when she can, stating she would make a wonderful addition.

Vice Mayor Chapman stated that he and Von Arb had a long conversation and he agrees with her completely and encouraged her to erect signs to vote for her as a write in. He advised the reason

McCarthy received his vote is because she was previously elected and wished to finish her term. He believes all candidates would have made a great addition to the Council.

Motion to nominate Olivia McCarthy back to Council made by Chapman and seconded by Covert.

Ronald Chapman - yes
Bernice Kube - yes
Michelle Covert - yes

Motion passed 3-0-0.

The Mayor clarified a point that McCarthy made, stating that due to a change in the law, Council had to have a special meeting to present the public with candidate documents.

Resolution to solidify previous votes for mitigation on Mineral development

The Town Manager read aloud Resolution 2024-009.

Motion to approve the resolution made by Chapman and seconded Covert.

Before this went to vote, Vice Mayor Chapman stated that this proves that the Town of Mineral did not illegally give away an alley way but granting the developer access.

Ronald Chapman - yes
Bernice Kube - yes
Michelle Covert - yes

Motion passed 3-0-0.

Mineral Planning Commission Vacancy

The Mayor invited the Mineral Planning Commission Chairman, Ed Kube, to speak about the vacancy.

Chairman Kube advised that at the September meeting he was made aware that a Commissioner was resigning for personal reasons and the MPC reluctantly accepted the resignation. He is asking the Council to advertise the vacancy, asking for it to be posted on the website.

Motion by consensus to post the vacancy notice.

PUBLIC HEARING

The Town Council has asked that the Town Manager speak with Mr. Morgan about the purchase of his property. Mr. Morgan is asking for \$75,000, with \$10,000 up-front for trash removal. The remaining balance is to be made to his mother's foundation account.

Public Hearing Comments

Debbie Moon, speculated that the property was the Old School building as the interested property was not listed in the ad. She asks for more transparency in the future. She stated that another resident had been asking the Town to do something about the potentially hazardous and dangerous rubble. She believes that acquiring the property is part of the Town's long term comprehensive plan and is also a high dollar long term goal. While she thinks it's of value to the Town to own the property, she does not see how the Town is in a position to spend any money, citing the budget and water increase. She asked if the Town has applied for any grants or received any quotes for the cost of removal of the rubble or hazardous materials. She suggested that Council weigh in the needs of the citizens and if the Town does buy the property, that it be named after Chris Guerre.

Blair Nipper, left before giving her comment.

JoAnna Von Arb, passed on her chance to speak.

Becky McGehee, wanted to know why the public was not told which property was looking at being purchased.

The Mayor stated that the public was not told as the Town was in negotiations for the property and did not want someone to undercut the Town.

Ms. McGehee believes the property is a money pit and that the Town should focus on fixing the water infrastructure and that the Council is spending recklessly. She believes that the Town should dig a well.

Nancy Thomas, stated she sent a letter back in the spring that she has several concerns about the property, one being that it is an eye sore. While the property has debris piles on it, she believes that land is hard to come by. This lot in particular adjoins to the ballpark area. She understands the stress of finances, but that it does not need to be developed immediately and could potentially

sit for years. If purchased, the Town would have control over what is being built there. She asked Council to please consider purchasing the property.

Barbara Wood, did not want to give a comment. She just needs contact information for Mr. Morgan.

Doswell Pierce, sent in a letter, asking why the property was not identified and where the funds for the property were coming from. He believes there are other areas of the Town that need attention. He asked that Council reconsider the purchase.

Public Comment was closed at 8:14 PM.

Council Member Covert asked to share with the public where the Town is getting the money.

The Town Manager advised that money was taken out of CD's and placed into an interest savings account. This would be an opportunity for the Town to use a portion of that money to fund the purchase.

The Mayor continued that the state funds an LGIP, where certain municipalities can put money into and receive interest, so the Town did move the money to that account. He does not know the amount of funds in the account. The EPA offers funds for the possible removal of toxins. He believes that the Town could have healthy land there after it has been cleaned. The reason such grants have not been pursued is because Council has to approve the purchase of the land first, but he believes that the land can be remediated.

A member of the audience asked about the past due money that Mr. Morgan owes the Town.

The Mayor stated the Town would never see that money.

The audience suggests taking that money off of the purchase price.

The Town Manager advised that the market value of the land is more than the purchase price.

Council member Kube stated that during her five term tenure, she has been consistently asked by citizens when the Town is going to do something about that property.

Nancy Thomas stated that every member of her church has asked her about that property and that something needs to happen to it with it.

Rebecca McGehee asked if there is a purpose for the land.

Council member Covert stated that the Town does not have a current purpose.

Ed Kube, on behalf of the Mineral Planning Commission, stated that Council voted to adopt the Comprehensive Plan and while the property is an eye sore now it would be of benefit for the Town to have. The Town would have control of what would be built there. It would be a violation of the Comprehensive Plan to let the property get away.

The Mayor stated that the ball field may not always remain a ball field and this purchase gives the Town the opportunity to to develop something else on that property. He believes if the Town does not purchase that property then somebody else will and then the Town will have less control over what could be built there.

Motion to authorize the Town Manager to purchase the old school property made by Covert and seconded by Kube.

Ronald Chapman - yes

Bernice Kube - yes

Michelle Covert - yes

Motion passed 3-0-0.

EXECUTIVE SESSION

The Town Council will convene in closed session to consider the acquisition of real property for a public purpose in accordance with Va. Code § 2.2-3711(A)(1) to consider a personnel matter involving the consideration of legal council.

Motion to go into closed session by Chapman and seconded by Kube.

Ronald Chapman - yes

Bernice Kube - yes

Michelle Covert - yes

Motion passed 3-0-0.

Council went into closed session at 8:38 PM.

At the request of Council, Olivia McCarthy attended the closed session.

BACK IN SESSION

Chapman, Kube, and Covert voted to certify the closed session and to go back into session at 9:03 PM.

ADJOURN

Motion to adjourn made by Chapman and seconded by Kube.

Ronald Chapman - yes

Bernice Kube - yes

Michelle Covert - yes

Motion passed 3-0-0.