



MINERAL TOWN COUNCIL MEETING

December 9, 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

Michelle Covert

Bernice Kube

Olivia McCarthy

Rebecca McGehee

Others Present

Nicole Washington, Town Manager

Stephanie Dorman, Town Clerk

Robert Sproul, Esq., Town Attorney

One vacant seat

PLEDGE OF ALLEGIANCE

All in attendance stood for the Pledge of Allegiance.

ADOPTION OF AGENDA

Mayor Jarvis asked that the "Public Hearing" portion of the agenda be moved to be heard under the "Adoption of the Agenda."

Motion to amend agenda by Chapman and seconded by Kube.

Ronald Chapman - yes

Michelle Covert - yes
Bernice Kube - yes
Olivia McCarthy - yes
Rebecca McGehee - yes

Motion passed 6-0-0.

PUBLIC HEARING

1. Reappropriation of funds for the Special Election

Mayor Jarvis opened the public comment and the Town Manager advised that the cost of the election was roughly \$15,000.00.

Tracy Hempstead, asked how the registrar figured that amount. Mayor Jarvis explained potential costs such as salaries and machines.

A member of the audience asked where the money is coming from and the Town Manager explained that there is a general fund and the money will come from there. This process is just creating a line item in the budget since there was not one previously.

Vice Mayor Chapman simplified that this allows for the Town Manager to spend from the general budget.

Mayor Jarvis closed the public comment.

Council Member Covert motioned to approve \$15,000.00 for payment of the special election and was seconded by Chapman.

Ronald Chapman - yes
Michelle Covert - yes
Bernice Kube - yes
Olivia McCarthy - yes
Rebecca McGehee - yes

Motion passed 6-0-0.

2. Reappropriation of funds for the purchase of real estate

Mayor Jarvis opened the public comment.

Tracy Hempstead asked Council about the status of the lien and the bankruptcy on the property.

The Town Manager responded that nothing has changed with the property.

The Mayor responded that the trustee advised that the property was out of bankruptcy.

Mrs. Hempstead interrupted asking if a title search has been completed and the Mayor responded that he believes the real estate company will handle that.

Mrs. Hempstead continued to interject asking about the lien, to which the Mayor responded that the paperwork was never properly filed to apply the lien.

Debbie Moon, was surprised that the Town is using a realtor and not a transactional attorney. She is upset that the Town did not consider using her as their realtor. She believes there is a conflict of interest as there is a rumor that a personal realtor is being used. She continued by stating that she would have waived her fee and hopes to be considered in the future.

Council Member Kube wanted to advise everyone that she is not the agent handling this transaction.

Alan Newton, lives across the street from the property and would like to see Council take over the property. He believes that it is an eyesore and would like for it to be cleaned. He continued that he does not know what Council plans to do with the property but that it would make a very nice pee-wee ball field. The area already has running water so bathrooms could be put in as well as maybe extended parking.

JoAnna Von Arb, asked that funds for the restrooms be acquired through fundraising instead of adding more to taxes because water bills are already high.

Douglas Clemons, submitted a letter stating that the property has not been properly maintained and has been neglected. The property is not aesthetically pleasing and raised concerns about health and safety. He respectfully asked Council to consider purchasing the property and transform the space into something that enhances the beauty of the Town. He continued that he appreciates Council's dedication to civil service and their ongoing efforts to make Mineral a wonderful place to live.

The Mayor closed public comment.

Council Member McGehee commented that she believed the lien was valid. After a discussion, the Town Manager advised that since Council has already voted on the price, and the Town has moved forward with purchasing and nothing else can be done.

There was an outburst from the audience and the Mayor called for order.

Council Member McGehee mentioned that the property looks terrible and wanted to know what has been done with the money that was given to him in advance to clean up.

The Town Manager advised that there will be a title search. The Town did not have an attorney at the time, that is why they decided to use a realtor and a title company.

After a rush of comments, the Mayor guided the meeting back to the reappropriation of funds.

Council Member Kube motioned for the reappropriation of funds for the purchase of the property and was seconded by Chapman.

Ronald Chapman - yes
Michelle Covert - yes
Bernice Kube - yes
Olivia McCarthy - yes
Rebecca McGehee - abstain

Motion passed 5-0-1.

Council reverted back to vote on adoption of the amended agenda.

McCarthy motioned to approve the agenda and Chapman seconded under the condition that "Committee Assignments," be moved to next month's agenda. The Mayor agreed that it should be moved.

Ronald Chapman - yes
Michelle Covert - yes
Bernice Kube - yes
Olivia McCarthy - yes
Rebecca McGehee - yes

Motion passed 6-0-0.

PUBLIC COMMENT

Debbie Moon, started by stating that the Town looks great with the snowflakes, however, she wishes that they covered the Town in its entirety.

Sparky Lisle, passed as he did not have a comment.

JoAnna Von Arb, felt like people need to do due diligence during the hiring process and that if a position is filled that the remaining candidates should be advised that they were not chosen. She applied for the DMV opening and stated she did not receive any type of acknowledgement that the job had been filled. She believes that as a veteran she should have gotten priority as this is a government job and should have at least been awarded an interview. She asked that a standard of practice be adapted for this process.

David Hempstead, believes that as a council member he works for the citizens and not the Council. He was sworn in for a Council seat of which he was elected to in November. He stated that the only way to remove a council member is through a recall process and any other attempt of removal is illegal. He does not believe there was anything valid or legal about the trial to remove him and will not be voluntarily resigning from his seat. He thinks that the Council has repeatedly abused and misused FOIA. He claimed to have emailed the FOIA Advisory Council asking if anyone in the Town has a FOIA certificate and asserted that nobody in the Town has the certificate. He professed that he is the only person to hold a certification. He plans to free the Town residents from the “tyrannical” Council. He urged Council to stop having closed door meetings and if they do not wish to comply with the law then they need to step down. He concluded with expectations that he will be back on the Town’s website the following business day.

Nancy Thomas, asked if Council was supposed to discuss personnel matters in closed session. The Mayor gave examples of when Council can go into closed session and the process.

Hempstead asked to make one final comment, stating that closed session only works for personnel and not for Council members.

Hank Staudinger, the Town’s Maintenance Superintendent, clarified that the snowflakes do not go the length of the Town because there was not enough and that Dominion Power would have to do electrical work to the poles. He and the Town Manager have worked on a solution for next year. He discussed the water and sewer at the old school property, stating the Town did their due diligence to get the bathrooms at the park working.

Mayor Jarvis added that he and Council took a FOIA training in February of this year. The training was provided by the FOIA Advisory Council.

APPROVAL OF MINUTES

8.12.2024 Minutes

Council Member Kube asked for Walton park to be amended to Whitlock park.

Council Member Kube asked that section for garage door quotes be amended as she did not ask for barn doors.

Motion to accept minutes as amended by Chapman and seconded Covert.

Ronald Chapman - yes

Michelle Covert - yes

Bernice Kube - yes

Olivia McCarthy - abstain

Rebecca McGehee - abstain

Motion passed 4-0-2.

8.15.2024 Minutes

Motion to accept minutes as presented by Covert and seconded by Chapman.

Ronald Chapman - yes

Michelle Covert - yes

Bernice Kube - yes

Olivia McCarthy - abstain

Rebecca McGehee - yes

Motion passed 5-0-1.

ACCOUNTS PAID

Council member Covert asked for balances on the account and the Town Manager advised she will have them for the January meeting.

OLD BUSINESS

FOIA Policies

FOIA Policy regarding requests

A red line and clean version of the policy was submitted to Council.

Vice Mayor Chapman asked the FOIA Officer if she supported the policy and if it was maintainable, she affirmed.

Motion to accept FOIA Policy regarding requests made by Chapman and seconded by Kube.

Ronald Chapman - yes

Michelle Covert - yes

Bernice Kube - yes

Olivia McCarthy - yes

Rebecca McGehee - yes

Motion passed 6-0-0.

These policies will be posted on the Town of Mineral's website.

FOIA Policy regarding open meetings

A red line and clean version of the policy was submitted to Council.

Council member Covert mentioned having in the policy that a person can waive their protections provided under FOIA and have their matter discussed in an open forum. Vice Mayor Chapman stated this could potentially be added to Council's bylaws.

Motion to approve FOIA Policy regarding open meeting policies made by Chapman and seconded by McCarthy.

Ronald Chapman - yes

Michelle Covert - yes

Bernice Kube - yes

Olivia McCarthy - yes

Rebecca McGehee - yes

Motion passed 6-0-0.

Motion to appoint FOIA Officer

Chapman would like to ceremonially appoint a FOIA Officer.

Motion to appoint Town Clerk as FOIA Officer by Kube.

Town Clerk advised that Louisa appoints the Town Manager or their appointee as the FOIA Officer.

McCarthy respects the thought but thinks that it may be undercutting the Town Manager and the authority she has.

Motion is rescinded.

NEW BUSINESS

Committee Assignment

Continued January's agenda.

Employee Appreciation

DMV Select and Town Hall will close from 12-1 on December 20, 2024 for holiday celebration lunch.

The Town Manager supplied Council with a hand out of salaries budgeted v. spent. She explained that money has been saved as people have left and those positions have not been filled. She expressed that staff have taken on extra responsibilities and she would like to give each a holiday bonus.

Motion to allow the Town Manager to give holiday bonuses in a combined amount of \$5,000.00 made by Chapman and seconded by Covert.

Ronald Chapman - yes

Michelle Covert - yes

Bernice Kube - yes

Olivia McCarthy - yes

Rebecca McGehee - yes

Motion passed 6-0-0.

Town Celebration Run Through

Council discussed the tree and the need for two trees next year. Vice Mayor Chapman suggested reaching out to Arbor Day Foundation.

Council Member McGehee stated that the fire department is asking for decoration donations.

Nancy Thomas wanted to thank the staff she saw decorating the tree on a windy day.

The festivities start at 6:30 and the lighting will happen at 7:30.

Discussion of empty Council Seat

Council was advised by the Town Attorney that the 45 day deadline would be January 9th.

Council scheduled two meetings for the vacancy:

December 19, 2024 @ 6:30 PM

December 30, 2024 @ 6:30 PM

All interested parties must submit a resume and letter of interest by December 19, 2024 no later than 4:00 PM.

Motion to authorize Town Manager to post vacancy announcement made by consensus.

Whitlock Family Park

Council Member Kube advised that it is in the deed that the Town must erect a sign at Whitlock Family Park. She also would like the door to be installed as it could be a potential hazard.

Council discussed at minimum erecting a temporary sign until a better one can be purchased.

Council Member Covert temporarily excused herself from the meeting but rejoined shortly.

Motion to install a temporary sign as well as a manual door by Kube and seconded by McCarthy.

Ronald Chapman - yes

Michelle Covert - absent for vote

Bernice Kube - yes

Olivia McCarthy - yes

Rebecca McGehee - yes

Motion passed 5-0-0.

Walton Park

Mayor Jarvis asked for statistics on the water bill for Walton Park. The Town Manager advised it does not exceed \$26 a month, however the fire hall far exceeds that. She continued that there was a previous resolution that the fire department did not have to pay for their water when they had events at Walton Park. The Town Manager read the previous minutes to Council which included the motion and the vote. Council Member McGehee does not agree with the interpretation of the previous minutes.

In the middle of a long discussion regarding the water usage and whether or not the fire department should pay for the water, Council Member McGehee temporarily excused herself from the meeting but rejoined shortly after.

Mayor Jarvis made a \$400 donation to pay for the fire department's water bill.

Vice Mayor Chapman asked to add "research into reimbursement from the County," onto next month's agenda.

Planning Commission Appointment

Brian Thaler has submitted a letter of interest in joining the Planning Commission.

Motion to appoint Brian Thaler to Planning Commission made by Kube and seconded by McCarthy.

Ronald Chapman - abstain

Michelle Covert - yes

Bernice Kube - yes

Olivia McCarthy - yes

Rebecca McGehee - yes

Motion passed 5-0-1.

REPORTS

Town Manager/ Zoning Administrator

Staff is working on a committee policy that will hopefully be presented in January.

Sabora restaurant is working on property that they own. The plan is to build a restaurant and he has by right use of the property as it is zoned for commercial use. The owner has received a zoning permit to build a pavilion. The Town Manager has discussed aesthetics with the builder.

The Town Manager is still waiting to hear back about the traffic and impact study for the gas pumps at Miller's Market.

An application for the PUD has been submitted and is being reviewed with the Town Attorney.

Citizens can now sign up for notifications on the Town's website. The page with the Town Code will hopefully be completed soon. The Town Manager urges citizens to supply feedback about the website.

The Town is still hoping to be able to live stream meetings.

The Town has started using a new IT consulting team. The Town now has endpoint protection. The Town is still working to move to Office 365. The financial system is working well, but the Manager is still working on producing better reports.

Tax bills have been sent out.

DMV Report

The DMV report is attached to the corresponding agenda packet.

Council Comments

Council Member Kube spoke with Will Walker about the Hometown Heroes flags. She advised that the foundation pays for the hardware and the families pay for the banners.

Council Member McGehee has also spoken with her contact at Hometown Heroes and stated they were planning on attending the next Council meeting to discuss the signage.

Council discussed where they could possibly hang the flags as the poles are owned by Dominion.

Motion to start the process of hanging Hometown Heroes made by Kube and seconded by Covert.

Ronald Chapman - yes
Michelle Covert - yes
Bernice Kube - yes
Olivia McCarthy - yes
Rebecca McGehee - yes

Motion passed 6-0-0.

The Utilities report was skipped so Council Member Covert provided an update during Council Comments. She stated that the report is generally the same as the prior months. The Town Manager did receive an email asking if the Town's well could potentially supply water, the answer being no. Council Member Covert is reluctant to close the well until they have been evaluated.

The Town received funding for the lead and copper testing. The Town should receive those funds by the end of the month. Covert asserted that the Town will be refunded to repair the galvanized pipes.

The Town is working on getting a quote for the GIS infrastructure.

The Town has received the man hole cover for the repairs needed at the lagoon. The repairs will take place after the clearing is completed.

Hank Staudinger and the Town Manager have discussed a plan for the multiple water line extensions that need to be processed.

Council Member McGehee apologized for getting upset earlier in the meeting. The Mayor also apologized.

Council Member Covert has land that is landlocked and she would like for Council to reverse the moratorium on closing streets. She is asking Council to close 8th street. Covert explained how developers previously built a driveway instead of developing the road.

The Town Manager added that the Town does not want to close or abandon their roads as it helps with annexing and growth, however, 8th street is small because it was not properly developed.

The Town Manager explained to Council the potential other options Dr. Covert would have to access the land.

Vice Mayor Chapman advised that Dr. Covert needs to follow the proper protocol to have a street closed. The Town Manager explained what the protocol is and how it differs from how development has happened in the past.

Council decided to table this item and discuss it once the forms are properly submitted.

Mayor Jarvis explains that over the past two years Council has stumbled upon processes that were not followed and should have been.

Calendar of upcoming events

The festivities for the tree lighting starts at 6:30 and the lighting will happen at 7:30.

The next Council meeting will be January 13, 2025 at 6:30 PM.

Mayor Jarvis announced that he will be resigning on January 3, 2025 as he is moving out of state. It has been his privilege to serve and hoped that the Council continues to unite for the sake of the Town. There are positives happening, such as: policies and software.

Vice Mayor Chapman presented the Mayor with an appreciation award for his service as well as the gavel.

ADJOURN

Motion to adjourn made by Chapman and seconded by McGehee.

Ronald Chapman - yes
Michelle Covert - yes
Bernice Kube - yes
Olivia McCarthy - yes
Rebecca McGehee - yes

Motion passed 6-0-0.

Council adjourned at 9:11 PM.