



MINERAL COUNCIL MEETING MINUTES

NOVEMBER 12, 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 Ron Chapman

Bernice Kube - via Zoom (out of town)

Olivia McCarthy - via Zoom (sick)

Michelle Covert

David Hempstead

Others Present:

Nicole Washington, Town Manager

Stephanie Dorman, Town Clerk

Robert Sproul, Esq.

Absent

One Vacancy

Mayor Jarvis clarified that the election results have not yet been certified and Mr. Hempstead and Mrs. McGehee have not yet been sworn in.

PLEDGE OF ALLEGIANCE

All in attendance stood for the Pledge of Allegiance.

ADOPTION OF AGENDA

Motion to adopt agenda made by Chapman and seconded by Covert.

Ron Chapman - yes

Bernice Kube - yes
Olivia McCarthy - yes
Michelle Covert - yes
Dave Hempstead - yes

Motion passed 5-0-0.

BUSINESS SPOTLIGHT

Louisa Area Students Educational Robotics (LASER) showcased to the Council the robots that the students have built. During the presentation, the founder, Jonathan Christian, explained LASER's core values and upcoming programs. The children proceeded to give demonstrations of the two robots they brought. LASER is prepping for upcoming competitions. All applauded their hard work and thanked them for coming.

PUBLIC COMMENT

Greg Cromer, presented an aerial picture of the Town of Mineral to Council and thanked them for purchasing it.

Tracy Hempstead, under her interpretation of the Code, believes that the Mayor needs to vote on every motion. She also voiced concerns about the purchase of the old school property and the owner's bankruptcy status. She does not believe the owner can legally sell the property.

Kelly Singletary, wanted to thank everyone who took time to come to her husband's visitation and for the floral arrangements. She thanked her colleagues for trying to lighten her load while managing their day-to-day responsibilities. She believes that it is times of crisis and tragedy that we draw together. She thanks everyone on behalf of her family.

Brian Thaler, expressed the aggressive and harassing behavior of Council member Hempstead must be addressed. He believes in the October meeting, Council member Hempstead started a campaign of hatred against other Council members. He has been bullied his entire life and will not watch as an elected official continues to bully his community. He fears for his neighbors, friends, and town staff who are unsure of Council member Hempstead's aggression and for the safety of anyone who disagrees with Hempstead's opinion. He hopes that now that the Council member's behavior has been addressed, that Hempstead will work with the rest of Council for the betterment of the community.

Blair Nipper, congratulated the newly elected officials, gave her condolences to Mrs. Singletary, and thanked the veteran Council members. She believes that the 14 homes were mapped

correctly and that is how the Town is supposed to be set up, not one home on multiple lots. She let Council know that even if you are using your personal device, it can still be FOIA'd. Her last concern is that there are bats in the old school house property. She believes they are endangered and would need to be removed before any construction happens.

Becky McGehee, started her comment by thanking everyone who voted for her. She has been attending Council meetings since she stepped down and she is very disappointed in the chaos. It is her opinion that the Kube's need to apologize to the citizens for the lack of work getting done due to the chaos. She also believes the civility pledge does not include enough language in it to prevent Council members from writing public comments. She stated that she did nothing wrong by getting on the ballot and that she has resolved a prior issue with the Town Manager. She will do her best for the citizens of this Town.

Mayor Jarvis made a statement on how politics does not work like what you see on TV. Just because people have thick skin does not mean things are not hurtful. He sees a serious problem with the moral decay of public etiquette. He asked for everyone to treat each other how they would like to be treated. He continued that it is okay to disagree with each other, but the community needs to work together. He is ashamed of the Council because it is not as productive as he had hoped it would be. He advised that people can contact him personally with any complaints they may have. The Town is going to work on having policies so when something comes up, they are prepared to handle it. The Mayor does not expect perfection. He wants a community where people talk to each other and if there are complaints, it's directed to him.

APPROVAL OF MINUTES

7.8.2024 Minutes

Motion to approve 7.8.2024 minutes made by Chapman and seconded by Covert.

Ron Chapman - yes
Bernice Kube - yes
Olivia McCarthy - yes
Michelle Covert - yes
Dave Hempstead - yes

Motion passed 5-0-0.

7.11.2024 Minutes

Motion to approve 7.11.2024 minutes made by Chapman and seconded by Covert.

Ron Chapman - yes
Bernice Kube - yes
Olivia McCarthy - yes
Michelle Covert - yes
Dave Hempstead - yes

Motion passed 5-0-0.

ACCOUNTS PAID

Council and the Town Manager discussed the Avexon fee and whether that would be a monthly charge.

Motion to approve accounts paid made by Chapman and seconded by Covert.

Ron Chapman - yes
Bernice Kube - yes
Olivia McCarthy - yes
Michelle Covert - yes
Dave Hempstead - yes

Motion passed 5-0-0.

NEW BUSINESS

FOIA Policies

The Mayor asked that FOIA policies be placed on the agenda as he felt that the Council needed to decide if the Council wanted to charge for FOIA and how much.

The Clerk advised that the current policy can be found on the Town of Mineral's website. The Town is only charging for staff time and copy fees but tries to do everything electronically to lower fees.

Council Member Covert adds that even if things seem quick, documents still need to be reviewed for redactions.

The Mayor gave Council a few ideas on different ways the Town could charge, including; first 15 minutes free or residents get so many for free.

The Clerk explained that it is not really possible to make a fee schedule because every request is different and requires a different amount of time or review. She advised that Louisa County does not have a fee schedule because of how individualized each matter is. The Clerk asked the Council to adopt resolutions similar to what Louisa has in place.

Vice Mayor Chapman asked if that would be something the Clerk could have available by the next meeting.

The Vice Mayor motioned for this to be continued to the next meeting and Covert seconded.

Ron Chapman - yes
Bernice Kube - yes
Olivia McCarthy - yes
Michelle Covert - yes
Dave Hempstead - yes

Motion passed 5-0-0.

The Town will continue to follow its current policy until the next Council meeting.

REPORTS

Utility Report

The Water and Sewer committee will also be adding streets to its bailiwick. The committee met before tonight's Council meeting to discuss water and the PUD. There are applications going through the zoning process. The sewer on Third Street is taking on water, so they are looking at how to fix that. Leaks are still being fixed, with the leak rate down to 37% from 50%.

The lead and copper inventory is complete and anyone with galvanized pipe will receive a letter. There were about 80 or so residents with this type of pipe.

The Mayor discussed how there is a rumor about Walton park going around and that Council gave it away. He clarified, Walton Park was originally owned by the fire department, but the fire department could not own real estate, that's why the Town took it over.

Council Member Covert asked for more money to be put in the capital improvement funds for the water and sewer.

Town Manager/ Zoning Administrator Report

The Town Manager believes that committees have not been meeting as frequently as they should and thinks it is important for there to be a policy around committees. She would like to present a policy to Council next month so they can have it for the January meeting.

The Town was able to get a water and sewer GIS license which allows the Town to see where the water meters are. The Town Manager is waiting for a quote from them to show the water and sewer lines.

The Town has hired a new IT consulting firm. The Town Manager has already met with them to discuss server security.

There are two documents left to be found for the audit of FY22 and she is hoping to have that done this upcoming week.

The Town Manager asked Council to start thinking about the fee structure for the upcoming year and what those charges may look like.

The Town is hosting a tree lighting, there will be refreshments and hopefully vendors. The Town Manager would like to do more events to attract individuals to the Town.

DMV Report

The DMV report is attached to the corresponding agenda package.

Council Comments

Council Member Covert asked that the Civility Pledge be put on the agenda. She is disappointed because she felt like the Pledge has already been broken by Council Member Kube, claiming Kube told an untrue statement about the sign. Covert felt like only Kube's friends were being put on the sign, when it should be all or nothing. The Mayor interrupted, letting the citizens know that they can all ask to be on the electronic sign. Covert believes that Kube should be reprimanded for these actions.

Council Member Kube responded, stating for two years she has gone to businesses to discuss being on the sign. Kube continued that there was a complaint about the sign so she took the business off and went to that business to discuss with them why they would no longer be advertised on the sign.

Council Member Hempstead wanted to refute his censure. Hempstead started by responding to Mr. Thaler's public comment, stating he has no idea who he is and that Thaler's comment defamed him. Hempstead continued that he was an engineer for 40 years and was responsible for multi-million dollar projects. One of his duties was to make sure that his subcontractors were vetted extremely in depth. Hempstead stated that nobody on Council, the Town Manager, nor the Clerk has this type of experience. The Town Manager objected, stating Hempstead did not know her work history. The Mayor interjected that Hempstead could make a comment but cannot attack people.

When asked if he could continue without being interrupted, the Mayor advised it was dependent on what comments Hempstead made.

He believes that his censure is ridiculous because the emails he sent did not contain abusive language, and that the second paragraph says "nobody is questioning you or any of your staff's intelligence." He takes particular objection that the Treasurer was listed in the Censure because he believes she is a kind personality.

Council member Hempstead said the email was sent to the Town Manager, Council, and Mayor made reference to the Clerk. He does not believe that the Town Manager nor the Vice Mayor have the experience that he has in running large businesses and they do not know what it means to properly vet employees.

The Censure states that Hempstead violated FOIA, he claims he called the FOIA Advisory Council and was advised he had not.

Hempstead continued that his Censure stated he provided closed session documents. He believes that the Council needed to be more specific about how that violates FOIA. He admits he dispersed an agreement between Clayton Homes and the Town of Mineral to select people and because the deal was no longer in negotiations, he felt like it was a public record. Hempstead stated that Council trying to hide the document was more of their disgusting behavior.

As a retired senior project manager, he questioned the Town Manager's and Clerk's experience, requesting documentation from both so he can verify them. Since he has been on Council, he believes there have been several FOIA violations that have not been corrected. He believes that he should be provided with references, because that was how it was in his position.

He asked for clarification on why the Censure mentions the executive and legislative branches, but not the judicial.

He finished by stating it is the Town Manager's responsibility to ensure that Council follows the law and claims that she admitted in a past meeting that the 14 home development was illegal but the Town could not afford to be sued. Hempstead believes the Town broke the law when negotiating with "the idiot in Glenn Allen," about the alley. Hempstead continued with all the ways he believes the Town broke the law regarding the 14 house development and that instead of running him off, the Mayor and Council should resign.

Vice Mayor Chapman responded to Council Member Hempstead by stating that he has been personally attacked by Hempstead. Chapman received a letter that was mailed to another resident. The context of the letter claimed that Chapman should be ashamed of himself for previously being a performer that would appear in female clothing. Chapman affirms that Hempstead's Facebook profile picture was on every page of the "anonymous" letter. Beyond the personal attack, Chapman argued that Hempstead claimed the Town has broken the law but that Hempstead has been involved in every one of those conversations.

Council Member Kube declared she has the utmost respect and confidence in the staff and Council Member Hempstead can not continue to degrade staff.

Council took a five minute break.

CLOSED SESSION

Council Member Hempstead did not return to his post after the break.

Vice Mayor Chapman motioned for Rebecca McGehee to be included in the closed session and it was seconded by Covert.

Ron Chapman - yes
Bernice Kube - yes
Olivia McCarthy - yes
Michelle Covert - yes

Motion passed 4-0-0.

Council went into closed session in accordance with §2.2-3711(A)(1) and §2.2-3711(A)(8) to discuss personnel and legal matters at 8:30 PM.

Ron Chapman - yes
Bernice Kube - yes
Olivia McCarthy - yes

Michelle Covert - yes

Motion passed 4-0-0.

BACK IN SESSION

All members of Council certified the closed session and went back into session at 9:49 PM.

Ronald Chapman - yes

Olivia McCarthy - yes

Bernice Kube - yes

Michelle Covert - yes

Motion passed 4-0-0.

Motion to allow Town Manager to negotiate a contract to hire Robert Sproul, Esq. as the town attorney by Chapman and seconded by Covert.

Ronald Chapman - yes

Olivia McCarthy - yes

Bernice Kube - yes

Michelle Covert - yes

Motion passed 4-0-0.

ADJOURN

Motion to adjourn the meeting by Chapman and seconded by Covert.

Ronald Chapman - yes

Olivia McCarthy - yes

Bernice Kube - yes

Michelle Covert - yes