



Town of Mineral Meeting Minutes
July 10, 2023

Members Present

Ed Jarvis, Mayor
Blair Nipper – Vice Mayor
Ron Chapman
Michelle Covert
Bernice Kube
Olivia McCarthy
Rebecca McGehee

Others present

Reese Peck, Town Manager
Andrea Erard, Town Attorney

The mayor called the meeting to order at 6:38 followed by the Pledge of Allegiance.

A motion was made by Councilman Chapman and seconded by Vice Mayor Nipper to adopt the agenda as presented.

Rebecca McGehee – Yes
Olivia McCarthy – Yes
Ron Chapman – Yes
Vice Mayor Nipper – Yes
Bernice Kube – Yes
Michelle Covert – Yes

Motion Passed 6-0-0

Rebecca McGehee reported on the status of the girls and boys Little League results. Telling Council that Mineral was a Little League town. She asked that something be put on the electronic sign touting their success. She would also contact the paper.

Mayor Jarvis reported that there was an unfortunate incident a fire fighter was in an accident and is in intensive care. He asked that she and her family be kept in council's prayers.

Public Hearings

Mayor Jarvis began by telling council that there were five items on the public hearing agenda.

Public Hearing Meals Tax

The Mayor opened the first public hearing, Ordinance Number 2023-03, to increase the meals tax from five percent to 6 percent and to eliminate the requirement that it be used to subsidize water and sewer.

With there being no public comment the Mayor closed the public hearing.

Real Estate Tax Rate

The Mayor opened the second public hearing, Ordinance 2023-04 to codify the real estate tax rate and lower the rate from Twenty-two cents per one hundred dollars of assessed value to twenty cents per one hundred dollars of assessed value.

With there being no public comment the Mayor closed the public hearing.

Road Closure

The mayor opened the public hearing for Ordinance Number 2023-06. ORDINANCE NO. 2023-06 CLOSES AND ABANDONS AN UNOPENED RIGHT OF WAY FROM ST. CECELIA AVENUE BETWEEN EAST 1 ST AND EAST 2 ND STREETS IN THE TOWN OF MINERAL. THE REQUEST TO CLOSE AND ABANDON THE STREET HAS BEEN MADE BY MICHELLE COVERT.ORDINANCE NO. 2023-06 IS CONSIDERED PURSUANT TO THE GRANT OF AUTHORITY CONTAINED IN VA. CODE SECTION 15.2-2006.

Paul Stewart Cameron, Jr., spoke to council on the ordinance he said the matter had come before council a few years ago and his father was opposed to it. He said the road would give the land, which belongs to his parents, both access to the front and rear of his property. He said the road goes right behind the water tower and he thought the town had a big stake in the matter as well due to access to the tower in case heavy equipment was needed for repairs. He said his mother was in the nursing home and was now the owner of the property. He as speaking on their behalf. He said the Cameron Family did not want the road closed.

Michelle Covert spoke in favor of the closure she said, for several reasons. Her house was built in 1910 and building were built edge to edge and she has no backyard and small driveway. She said she has a pine tree that drops pine sap on her vehicles. She said she will not pay to cut the tree because it is no on her land and she had spoken to town managers and they told her the town would not pay for it. She said that the property is infested with a vine that is now infesting her property. She said her biggest thing was that the land is not cared for. She said it doesn't get mowed and it is just not taken care of. She said she mows behind her and she mows behind the water tower. She said the whole block is not cared for. She said there was also erosion that was occurring that is not being taken care of. She said she had been there for 20 years and there has been no development or improvements on her block. She said no other adjoining property owners had voiced an objection. She said she had talked to all the others except Howard Loudin. She said that all adjoining property owners had access to two roads because they were on a corner. She said that if St. Cecelia Cameron would be able to use the land that they would acquire as a driveway and would not be required to open the road all the way through. She said the town did not have the resources to care for the undeveloped land.

Councilwoman Kube asked to speak. She said that all the roads in town had always been 50 feet and each person would get 25 feet. Covert said her survey said the road was 60 feet.

Cameron asked to speak again. He asked who was responsible if the road were to be opened, the homeowner or the town? He further asked when does it get turned over to the state?

The Mayor told Cameron that after the individual brought the roads up to state standards the state would take it over. However, the town gets a quarter mile each year and it may be several years before it happens.

Cameron said he did not know the process. That was why he was asking. He asked if he wanted to open the road could it just be opened on his property. The mayor said it would be end to end and it the person asking for the road to be opened would be responsible. Cameron asked if he built the road and paid for it would the road be his property. The mayor said it would not the roads belonged to the town. Cameron also brought up that Mr. Loudin, an adjoining property owner was not present to give his opinion. Covert interjected that if you wanted to open the road you have to open it end to end. If you wanted to put in a driveway from Frederickshall Rd. you could.

Cameron said that again Mr. Loudin was not present to make his wishes known.

The Mayor said that he would skip number four until council voted. He closed the public hearing.

Minutes

May 9, 2023 Minutes

A motion was made to approve the May 9, 2023 minutes as presented by Ron Chapman. Seconded by Olivia McCarthy.

Michelle Covert – Abstain

Bernice Kube – Yes

Vice Mayor Nipper – Yes

Ron Chapman – Yes

Olivia McCarthy – Yes

Rebecca McGehee – Yes

Motion passed 5-0-1

May 24, 2023 Minutes

A motion was made by Vice Mayor Nipper and seconded by Ron Chapman to approve the May 24, 2023 minutes as presented.

Rebecca McGehee – Yes

Olivia McCarthy – Yes

Ron Chapman – Yes

Vice Mayor Nipper – Yes

Bernice Kube – Yes

Michelle Covert – Abstain

Motion Passed 5-0-1

June 12, 2023 Minutes

A motion Was made by Ron Chapman to approve the June 12, 2023 minutes as approved. Second by Councilwoman McCarthy. Debbie Moon, a member of the audience, disputed her comments in that meeting as well as the comments of Mike Handrahand.

- Michelle Covert – Yes
- Bernice Kube – Yes
- Vice Mayor Nipper – Yes
- Ron Chapman – Yes
- Olivia McCarthy – Yes
- Rebecca McGehee – Yes

Motion Passed 6-0-0

June 22, 2023 Minutes

A motion was made to approve the Jun 22, 2023 minutes by Ron Chapman and seconded by Vice Mayor Nipper.

Councilwoman McCarthy asked why she was listed as absent. Councilwoman Kube brought to her attention that she was listed in the minutes as joining the meeting at 6:40 p.m.

- Olivia McCarthy – Yes
- Ron Chapman – Yes
- Rebecca McGehee – Yes
- Vice Mayor Nipper - Yes
- Bernice Kube – Yes
- Michelle Covert – Yes

Motion Passed 6-0-0

Bills

Reese Peck, Town Manager notified council that there was an ordinance that was never implemented and the appropriation said the town manager would pay bills in a timely manner. So beginning in August it will not be bills to be paid but will be a report of bills paid. He said in the event of an extraordinary circumstance, which would be brought to council's attention.

Ron Chapman made the motion to approve the Bills for June 2023, as presented. Bernice Kube seconded the motion.

- Rebecca McGehee – Yes
- Michelle Covert – Yes
- Bernice Kube – Yes
- Vice Mayor Nipper – Yes
- Ron Chapman – Yes

Olivia McCarthy – Yes

Motion Passed 6-0-0

DMV Manager Report

Reese Peck reported for Shannon Hawkins. He said the DMV had exceeded revenue expectations for the year. DMV had issues with computer and a holiday as well as systems down. However, he said Hawkins had been staying late to process DMV Work for the dedicated service group and generated \$8000 worth of transactions.

Town Manager Report

The engagement letter has been finalized with Brown and Edwards Accountants. He had a meeting with the firm that he felt went extremely well. They were able to retrieve information from QS1 system. He said the general ledger was in order. They will be coming in with a team of accountants and should move along smoothly as long as the computer system complies.

He has prepared some analysis for the personnel committee. He had set up a pay hierarchy for the entire staff and will need new job descriptions.

The USDA has given an extension and the engagement letter has been sent in. The USDA rep sent it to the state to say the town is making a good faith effort to get the audit done.

Peck said that the town was overdue for the USDA compliance audit. They will be doing interviews with current employees and former employees and the former mayor and council.

Mayor Jarvis explained that the audit was a result of the USDA loan taken to build the town hall. He said that they had never asked to have an audit until now. They will be looking to make sure the town water is paying for itself. Otherwise they will require a further increase in rates.

Peck also said he was initiating starting the agenda management and the webpage updates. He said they would need the format of agenda, work reports and minutes. He said he would put together some proposals for formats. It would be integrated in the website.

Personnel

Councilman Chapman said that the committee would get with the manager to set up a time for a personnel meeting.

Utility Committee

Chairwoman Kube reported that the committee would hold its regular monthly meeting but at this time had not been scheduled. She said the committee was in the process of defining projects, their priority and when they would begin.

Michelle Covert said she had received feedback from someone in the community that asked why the town was not using their wells. She said that council should inform citizens, but she didn't have enough information.

The mayor said that the town only had one working well and the rest were dead. That was why the town is buying county water. He said it would cost a quarter million dollars to dig a new well.

Cemetery

Chairwoman McGehee said all was well at the cemetery. The grass was being cut.

Fire

Councilwoman McGehee reported that there was an accident involving a company 2 fire truck. She said it was involving a paid firefighter. She reported the AG Fair will be at Walton Park July 27-29. She said the Fireman's fair went well.

Vice Mayor Nipper asked if the firefighters had received the word not to wash vehicles. The mayor said he had talked to the fire chief.

Public Affairs

Chairwoman McCarthy reported that she had produced a newsletter but had not gotten to the Post Office to see what the price would be to send it out to all PO Boxes. She said perhaps she should prepare a page on utilities to bring the public up to speed. She would continue to use social media to inform citizens and boost local business.

Mayor Report

The mayor reported that the new electronic sign is bright at night. He asked if there was a way to dim it at night. Councilwoman Kube said she would check with the company to see if there was a way to program the brightness.

Town Attorney Report

Andrea Erard, Town Attorney reported that she had sent out a draft of the February minutes. She said she was working with the town manager on meals tax collection and water collection.

She said as of July 1, Tick Tock is not allowed on any government devices. Websites must be ADA Compliant. Councilwoman McCarthy asked if there was any place that she could find that information. The attorney said she would try to get that information. Councilman Chapman asked if council should hold off on social media until they had the information. The attorney said that the technical answer was yes but it would risk possibly getting a complaint since the public had expressed their strong desire for increased communication.

Erard said as of July 1 there were new advertising requirements. First advertisement not to run 14 days before the meeting. The fist ad has to be within a 14-day window.

She reported that Ronald Morgan, owner of the old school property, had declared bankruptcy on June 12. All assets are frozen. She said she believes council has a valid recorded lean. The attorney said the lean held by the town was not a judgment lean if was to recover cost, and normally they have no

expiration. She did not know where council will rank in list of creditors. She said at the current time things were in a holding pattern.

Erard presented her resignation as town attorney. She said she would continue to monitor the Morgan situation.

Mayor Jarvis thanked her for her service to the town.

Beautification

Chairwoman Kube reported that the park benches had been delivered. Flower beds are being attended to by herself as well as Councilwoman McCarthy and Councilman Chapman. Kube also asked for new flags for the front of the building.

Old Business

Zoning Administrator

Mayor Jarvis reported that he had reached out to the county planning department to get a name for appointment as zoning administrator. He had reached out but had not heard back from that individual. He said as of now there are quite a few things that need a zoning administrators' attention/action.

Reese Peck said that a citizen has stopped by several times and council could not keep putting things off because they had not made an appointment. Councilman Chapman asked if it was something that Peck could handle. He said the current matter was simple and he could take care of it. He said it was not a major rezoning it was setbacks. He said he could probably get help if he needed it.

Vice Mayor Nipper made the motion to appoint Reese Peck, Town Manager, as zoning administrator. Councilman Chapman seconded the motion.

Resolution 2023-007

A RESOLUTION FOR THE APPOINTMENT OF A ZONING ADMINISTRATOR

WHEREAS the Town of Mineral currently has no Zoning Administrator.

WHEREAS the Code of Virginia permits, and the Town of Mineral Code requires the Town Council to appoint a Zoning Administrator.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of Mineral on this the 10th day of July 2023, does hereby appoint Reese Peck as the Zoning Administrator for the Town of Mineral.

ORDERED THIS THE 10th DAY OF JULY 2023.

THE FOREGOING RESOLUTION WAS DULY ADOPTED BY THE FOLLOWING

Michelle Covert – Yes
Bernice Kube – Yes
Vice Mayor Nipper – Yes
Ron Chapman - Yes
Olivia McCarthy - Yes
Rebecca McGehee – Yes

Motion Passed 6-0-0

New Business

Meals Tax

ORDINANCE NO. 2023-03

AN ORDINANCE TO INCREASE THE MEALS TAX FROM FIVE PERCENT TO SIX PERCENT.

BE IT ORDAINED by the Mineral Town Council that the Mineral Town Code, Chapter 389, "Taxation," Article V, "Meals Tax," section 389-26 be amended to read in its entirety as follows:

"§ 389-26 Levy of tax.

There is hereby imposed and levied by the Town of Mineral on each person a tax at the rate of six percent (6%) on the amount paid for meals purchased from any food establishment, whether prepared in such food establishment or not, and whether consumed on the premises or not. There shall be no tax if the total amount paid is \$0.50 or less; on larger amounts, a fractional cent of tax shall be rounded to the next higher cent. The tax shall be collected in the manner and at the time prescribed by this article."

This Ordinance shall take effect upon adoption.

Councilman Ron Chapman made the Motion. Olivia McCarthy seconded the motion.

Rebecca McGehee – Yes
Olivia McCarthy – Yes

Ron Chapman – Yes
Vice Mayor Nipper – Yes
Bernice Kube – Yes
Michelle Covert – Yes

Motion passed 6-0-0

Mayor Jarvis asked for the word to get to area businesses that pay meals tax with the new rate. Reese Peck said that the meals Tax for the current month is collected the following month and the current month would still be at the old rate.

James Snider asked if the meals tax would include the vendors at the farmer’s market? He said if council did not exempt them like they had done with the business License one could argue that they should pay the meals tax.

Councilman Chapman said that the vendors are under the umbrella of the farmers market and they were not a registered businesses in the town and would not be considered for the meals tax.

Real Estate Tax Rate

ORDINANCE NO. 2023-04

AN ORDINANCE TO CODIFY THE REAL ESTATE TAX RATE
AND LOWER THE RATE FROM TWENTY-TWO CENTS PER
ONE HUNDRED DOLLARS OF ASSESSED VALUE TO
TWENTY CENTS PER ONE HUNDRED DOLLARS OF
ASSESSED VALUE.

BE IT ORDAINED by the Mineral Town Council that the Mineral Town Code, Chapter 389, “Taxation,” Article I, “General Provisions” be amended by adding a new section to read in its entirety as follows:

“§389-1.1. Real estate tax rate.

The tax rate for real property shall be twenty cents (.20) per one hundred dollars (\$100) of the assessed value.”

This Ordinance shall take effect upon adoption and be retroactive to January 1, 2023.

Ron Chapman made the motion to adopt the ordinance. Second by Bernice Kube.

Chapman asked if the staff would let the county know that the rate had dropped. Mayor Jarvis said they would make sure that they knew.

Councilwoman McGehee asked if the mortgage companies would be notified. Citizens had complained that taxes were not being paid by the mortgage company.

Vice Mayor Nipper said in the future the tax tickets would be processed with the new software which would be a lot cheaper and would fix those problems.

The mayor called for the vote.

Michelle Covert – Yes

Bernice Kube – Yes

Vice Mayor Nipper – Yes

Rebecca McGehee – Yes

Olivia McCarthy – Yes

Ron Chapman - Yes

Motion Passed 6-0-0

Water Sewer Rates

ORDINANCE NO. 2023-05

AN ORDINANCE TO AMEND THE FEES CHARGED FOR WATER/SEWER SERVICE

BE IT ORDAINED by the Mineral Town Council, at its regular monthly meeting on the 10th day of July 2023

that the Mineral Town Council sets the utility rates as follows:

Water & Sewer Residential Rates

Town of Mineral

Users Usage Water Rate Sewer Rate

In-Town Under 1,500 gallons flat rate \$20.00, sewer \$30.00

All Other In-Town 1st 3,000 gallons \$30.00, sewer \$40.00

Over 3,000 gallons \$9.00/1,000 gallons, Sewer \$12.00/1,000 gallons

Users Usage Water Rate Sewer Rate

Out-of-Town 1st 3,000 gallons \$35.00, sewer N/A

Over 3,000 gallons \$10.00/1,000 gallons, sewer N/A

CONNECTION RATES for WATER plus installation cost

Residential Water Connection Fee – Per Single Family unit- 5/8" Plus \$6,780.00

Commercial/Large Water Connection Fee – 1" plus \$16,840.00

Commercial/Large Water Connection Fee – 1.5" plus \$ 28,400.00

Commercial/Large Water Connection Fee – 2" plus \$43,265.00

Commercial/Large Water Connection Fee – 3" plus \$ 73,600.00

Commercial/Large Water Connection Fee – 4" plus \$ 117,465.00

Commercial/Large Water Connection Fee – 6" plus \$234,335.00

CONNECTION RATES for SEWER CONNECTIONS plus installation cost

Residential Sewer Connection Fee-1' to 4"- Per family unit plus \$10,720.00

Commercial/Large Sewer Connection Fee – 1.5"- Plus installation \$23,865.00

Commercial/Large Sewer Connection Fee – 2"- Plus installation \$86,200.00

Commercial/Large Sewer Connection Fee – 4"- Plus installation \$211,000.00

Commercial/Large Sewer Connection Fee –6"- Plus Installation \$430,000.00

Solid Waste Collection Rate Schedule (Out-of- Town Only)

Residential Rate: \$310 per year

This Ordinance shall take effect upon adoption.

The mayor called for a motion. Motion made by Michelle Covert. Second by Olivia McCarthy.

Councilwoman McGehee told council that they would be raising the sewer rate over 35.59% over 3000 gallons and that was outrageous. She said she felt the rate was outrageous and the people that had sewer were being punished. She said with sewer her water bill could be as much as \$100.

Councilwoman Nipper said until some of the man holes were fixed it was nothing that they could do.

The mayor said that he understood but if the rates had increased over time the bite may not have been as bad.

Reese Peck said the council could request a preliminary engineering report to identify what needs to be repaired, which would be paid for out of revenues.

Councilwoman Covert said she had received feedback that the town barley had enough water pressure to sell now. She gave an example of the Baptist Church where the water is being wasted because they don't have enough pressure to run what is required to have. She said the town was falling short on what the town is providing to them. She said the town should do the right thing.

Councilwoman Kube said that she recollected that the church water pressure was probably their own fault since they put in a three-inch line instead of the required six-inch line to save money when they built the family life center.

Councilwoman Nipper said the town's rates were the lowest locality around and the rates needed to be raised.

The mayor called for the vote.

Michelle Covert – Yes

Bernice Kube – Yes

Vice Mayor Nipper – Yes

Ron Chapman – Yes

Olivia McCarthy – Yes

Rebecca McGehee – No

Motion Passed 5-1-0

Road Closure

ORDINANCE NO. 2023-06

ORDINANCE NO. 2023-06 CLOSES AND ABANDONS AN UNOPENED RIGHT OF WAY FROM ST. CECELIA AVENUE BETWEEN EAST 1 ST AND EAST 2 ND STREETS IN THE TOWN OF MINERAL. THE REQUEST TO CLOSE AND ABANDON THE STREET HAS BEEN MADE BY MICHELLE COVERT.

ORDINANCE NO. 2023-06 IS CONSIDERED PURSUANT TO THE GRANT OF AUTHORITY CONTAINED IN VA. CODE SECTION 15.2-2006.

BE IT ORDAINED by the Mineral Town Council at its regular monthly meeting on July 10, 2023, that an unopened right of way from St. Cecelia Avenue between East 1st and East 2nd Streets in the Town of Mineral be closed and abandoned for the purpose of additions to adjoining lots, and may be conveyed to the property owners on either side of the vacated and abandoned right of way, subject to the following terms and conditions:

1. Any transfer of the vacated/abandoned street way shall be conveyed to the adjoining properties equally from the center line by quitclaim deed, unless one of the property owners declines to accept half of the right of way, in which case the entire width of the right of way shall be conveyed to the property owner on the other side by quitclaim deed.
2. The property owner(s) shall be responsible for the preparation of such necessary

surveys, deed preparation and recordation, which shall be subject to review and approval by the Town Attorney and obtaining approval for a boundary line adjustment.

3. Each deed shall dedicate a utility easement across and underneath the property for the benefit of and future use by the Town of Mineral.

4. The property transfers shall occur within sixty (60) days of the date of this ordinance, or the aforementioned closed/abandoned street shall automatically revert to an undeveloped street.

The Mayor said that there seemed to be a couple of opinions that Mr. Loudin is not here to represent himself. He said the council needed to decide whether to hold off the vote until next month or not.

Councilman Chapman asked if the council had to re-advertise the matter to which the attorney said no. Councilman Chapman then asked the mayor was if he thought there was any urgency in accepting or denying the matter at the meeting.

Mayor Jarvis answered that he did not.

Councilman Chapman said that he thought the council should send Mr. Loudin a letter from the town manager and if he does not appear at the next meeting his opinion would be immaterial.

Councilwoman McGehee asked Mr. Cameron if his stand was to keep the roads open.

Cameron answered yes. He said he was not prepared for the current meeting since he only had four days' notice before the meeting. He said the way the ordinance is written if he did nothing would the road divert back to the town.

Andrea Erard, Town Attorney, answered that the way it would work is that if he declined to participate the other property owner would have the chance to purchase the entire road.

Cameron also read section two of the ordinance which reads, the property owner(s) shall be responsible for the preparation of such necessary surveys, deed preparation and recordation, which shall be subject to review and approval by the Town Attorney and obtaining approval for a boundary line adjustment.

He asked why he would be responsible for all of the requirements in section two when he didn't want it to happen. He asked why it was not the responsibility of the person requesting it.

Mayor Jarvis answered that that is why if you don't want to be part of it, the other property owner gets the whole road.

Cameron told council he felt like he was being penalized.

The mayor said he had spent three years in litigation on the matter and it did not make sense.

Councilwoman Kube said that in the past, when roads were closed the town attorney prepared the deed and provided it to the citizen and there was no requirement for a survey. She said all the citizen had to

do was to take the deed to the court house and record it. She didn't know where all the new requirements came from.

Covert commented that she had never heard of anyone having to do it this way.

Andrea Erard commented that this was the way it was done for the past several. She said the council had the ability to change the terms of the ordinance.

Cameron said he did not agree that if he was not in favor of the closing the road that the other property owner received the whole property. He said he was not abandoning the road, he just wasn't in favor of the closure.

He said the last thing he didn't agree with was that the town retained a right of way or future use. He said if the town was going to charge him he would charge the town.

Mayor Jarvis said that the town was not charging him.

Councilwoman McGehee asked Cameron to confirm that he wanted to keep the street open.

Cameron replied that he wanted to keep the street open, but he did not want to be penalized. Cameron asked that council table the vote until next month.

Councilman Chapman made the motion to table the ordinance until the next meeting and that all parties would be notified. Second by Vice Mayor Nipper.

Michelle Covert – Abstain

Bernice Kube - Yes

Vice Mayor Nipper – Yes

Ron Chapman – Yes

Olivia McCarthy – Yes

Rebecca McGehee – Yes

Motion Passed 5-0-1

The mayor said there was no need to go into closed session.

Councilwoman McGehee asked was there any way to recoup the money that the landowner of the old school property, owes to the town.

Erard said the town would have to file a claim with the court.

Motion to adjourn was made by Councilwoman Kube. Second Councilman Chapman.

Michelle Covert – Yes

Bernice Kube – Yes

Vice Mayor Nipper – Yes

Ron Chapman – Yes

Olivia McCarthy – Yes

Rebecca McGehee – Yes