



Town of Mineral
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Pam Harlowe, Mayor
Michael Warlick, Vice-Mayor
Tom Runnett
Bernice Wilson-Kube
Doswell Pierce
Roy McGehee
William Thomas
Salvatore Luciano, Town Manager
Ti-Lea Downing, Treasurer/Clerk
Jack Maus, Town Attorney

Town Council meets for its regular session on the second Monday of each month at 7:00 p.m. Persons wishing to be heard or having an item to be placed on the agenda should make their request to the Clerk of Council by the final Monday of the month preceding the meeting.

Town of Mineral Joint Public Hearing
February 16, 2016
7:00pm

- COUNCIL MEMBERS:** Pam Harlowe, Mayor; Michael Warlick, Vice-Mayor; Roy McGhee, Bernice Kube Wilson, Doswell Pierce; Tom Runnett and William Thomas
- PLANNING COMMISSION MEMBERS:** Ed Jarvis, Chairman; Stephen Pekary, Lewis Keller and Tom Runnett
- STAFF MEMBERS:** Sal Luciano, Town Manager; Jack Maus, Town Attorney
- ABSENT:** Ti-Lea Downing, Michelle Covert, and Tony Williams
- PUBLIC:** Michael Massie with the Central Virginian

Joint Public Hearing: The Mayor called the council meeting to order and Mike Warlick gave the invocation. The Mayor turned the meeting over to Ed Jarvis. Chairman, Ed Jarvis called planning commission meeting to order. ED Jarvis opened the public hearing portion for the planning commission. ED Jarvis addressed the reason for the meeting is because Mr. Morgan made a request to change the zoning of the Old Mineral School. Mr. Jarvis opened the floor for public comments.

Speaker #1:

Mr. Kube addressed that in January the mayor failed to provide proper notice to the adjoining property owners of the Old Mineral School, therefore making it an illegal meeting. He stated there was improper and outdated information on the notice that was provided to the adjoining property owners for this joint public meeting. This results in the notice being deficient and improper; it will not stand up in court. Mr. Kube stated that in his opinion the adjoining property owners are not aware of the urgency to attend this meeting. He stated the laws were not followed for either meeting. Mr. Kube addressed that he has heard that there can be conditions placed on the rezoning, however that is not the case. He concluded it would be up to the Board of Zoning Appeals to put exceptions on the rezoning. In closing Mr. Kube advised that he's not denying that Mr. Morgan has rights as the property owner, however he does not have rights to a commercial classification.

Speaker #2:

Doug Whitlock represents Whitlock Homes LLC. He stated that Whitlock Homes LLC does not reject the request for rezoning however they think it would be more appropriate that the request be presented at the time a contract is placed on the property. Per town ordinance, unless a building exceeds 10,000 sq. ft. we do not have the right to put exceptions or conditions on it. It is up to the Board of Zoning Appeals to make exceptions. He doesn't believe Mineral should approve Mr. Morgan's rezoning request when no development plans are in place. However, they find it more appropriate to be considered at the time a contract is put on the property, so that you know what will ultimately be placed on the property.

Speaker #3:

Sal Luciano read a letter from David Whitlock which expressed that David does not feel it appropriate to grant a rezoning request without knowledge of the impact it would have on surrounding properties.

Mr. Morgan:

Mr. Morgan presented documents to Sal Luciano to include: the deed to the playground property, resolution by town council transferring supervision and control of the playground property commentary on the playground property and zoning regulations etc. Mr. Morgan stated that baseball property was gifted by Grac Adam Davis for the purpose of being a playground and that's far different from a baseball stadium. He stated his essential argument is that there is a convenient with the deed of the baseball/park property that it be used solely for a playground. That convenient wasn't

considered when the resolution was adopted. The resolution changed the use of the property from a playground to a baseball stadium supervised and made up of Little League. The Town legislated away the use of that property for the neighborhood and Town which precludes the kind of activities that were historically a part of the playground. The impact of the baseball stadium being built is disproportioning to the immediate neighborhood and the school property in particular. Mr. Morgan proceeded to say that there is certainly a way of getting around a convenient but the proper process of a resolution did not occur. Mr. Morgan questioned the legality of the baseball stadium in general because the change was done by resolution and there was a change in use without a public hearing being held. Mr. Morgan explained that residential general and residential limited is the same except it is low density vs medium density. Mr. Morgan argued the intent of residential zoning is to promote quiet living for families and that this is contrary to the disruption caused by the baseball stadium. In the classification of light commercial, traffic and parking congestion should be held to a minimum to protect and preserve property value and surrounding residential districts. Mr. Morgan stated the purpose of the rezoning request is because the use of the property no longer fits the zoning category it's under. Mr. Morgan explained all the change does for him in particular is expand the mark ability of the property. Mr. Morgan expressed that if the zoning of the baseball stadium is left as residential general then there needs to be reverse modifications to make it conform to the intent of residential general. He concluded it is a violation of equal protection and unfair.

Ed Jarvis asked for Planning Commission comments.

Planning Commission Comments:

Tom Runnett advised there is a playground on the property. He stated they have been playing baseball on the property since 1910 and there have been bleachers on and off the property during that time. Tom Runnett referred to the letter of rezoning request that was presented to Sal Luciano and concluded that Mr. Morgan is not in compliance of cleaning up the debris on the property. Tom Runnett requested to table this request until the next planning commission meeting. Mr. Morgan claimed the use of town property doesn't extend when it's specifically for community use. He stated the property is not open to the county and that in residential limited zoning development is limited to single unit dwelling, such as schools and so forth that serve the residents of the district not the county.

Tom Runnett made a motion to close The Town portion of the public hearing; Michael Warlick seconded the motion with a 4/1 vote with Bernice Wilson Kube opposed.

Pam Harlowe closed The Town portion of the public hearing.

Ed Jarvis closed the planning commission portion of the public hearing, with a continuation for the next planning commission meeting.

Pamela Harlowe, Mayor

Ti-Lea Downing, Clerk