



MINERAL COUNCIL MEETING AGENDA

February 10, 2025 at 6:30 PM

312 Mineral Avenue Mineral Virginia 23117

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

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. ADOPTION OF AGENDA

E. FOIA TRAINING

- [1.](#) Presentation by the FOIA Advisory Council (Approximately 2 hours)

F. PUBLIC COMMENT

The public will have 3 minutes to address the Council at this time for all matters not on the current agenda. The Council will not respond to the public, but will address any questions or concerns at a later time

G. APPROVAL OF MINUTES

- [1.](#) 9.26.2024
 - a. Motion to approve or deny minutes
- [2.](#) 10.7.2024
 - a. Motion to approve or deny minutes

H. OLD BUSINESS

1. Appointment of Mayor
 - a. Council to nominate a candidate
 - b. Council to cast a vote on nominations

c. Motion to nominate selected candidate

I. REPORTS

1. Treasurer's Report
2. DMV Report
3. Town Manager/ Zoning Administrator Report
4. Committee's Report

J. NEW BUSINESS

1. Water Billing/ Disconnect Policy
2. Posting of Planning Commission Vacancy

K. CALENDAR OF UPCOMING EVENTS

1. Regularly Scheduled Meeting: March 10, 2025 @ 6:30 pm

L. EXECUTIVE SESSION

In accordance with §2.2-3711(A)(7) and §2.2-3711(A)(8) of the Code of Virginia, Town Council will convene in Closed Session.

M. BACK IN SESSION

N. ADJOURN

Interim Mayor: Ronald Chapman

Vice Mayor: Ronald Chapman

Council Members: Michelle Covert, David Hempstead, Bernice Kube, Olivia McCarthy, Rebecca McGehee

Staff: Nicole Washington, Town Manager, Stephanie Dorman, Town Clerk, Kelly Singletary, Town Treasurer, Robert Sproul, Town Attorney

Town Council meets for its regular session on the second Monday of each month at 6:30 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.



Mineral Town Council Civility Pledge

Each member of the Mineral Town Council Pledges by their signature below, individually and collectively, to practice and promote civility within the Mineral Town Council at all times, especially while in the Mineral Municipal Building or on Town property.

The elected officials of the Mineral Town Council enact this Civility Pledge intending to build a stronger and more prosperous community by advocating for positive civil engagement, respecting others, their view points, and finding joint solutions for the betterment of the community.

This Pledge, ensures that all communication - both spoken and written – shall be civil, open, honest and transparent as this is vital for cultivating trust and relationships

This Pledge further ensures mutual respect to achieve municipal goals, recognizing that patience, tolerance, cooperation and civility is imperative to success.

This Pledge creates opportunities for finding common ground amongst individuals and engagement by all in civil discussion, seeking solutions through active listening and encouraging positive remarks and thoughtful participation.

A copy of the most currently adopted and signed Civility Pledge shall be maintained in a council member's file accessible for public inspection upon request.

Revised and Adopted October 15, 2024

The Virginia Freedom of Information Act (FOIA) For Local Officials

Virginia Freedom of Information Advisory Council

<http://foiacouncil.dls.virginia.gov/>

foiacouncil@dls.virginia.gov

(804) 698-1810

Training Contents

- Introduction
- FOIA requirements for local officials
- Public Records
- Public Meetings
- Remedies and Penalties
- Other resources for further questions

Introduction

- About the FOIA Council
- Purpose and policy of FOIA
- Structure of FOIA – how to find what you need within the Code
 - General Provisions -- §§ [2.2-3700](#) through [2.2-3703.1](#)
 - Records Procedures and Exemptions -- §§ [2.2-3704](#) through [2.2-3706.1](#)
 - Training Requirements -- §§ [2.2-3704.2](#) and [2.2-3704.3](#)
 - Meetings Procedures and Exemptions -- §§ [2.2-3707](#) through [2.2-3712](#)
 - Remedies and Penalties -- §§ [2.2-3713](#) through [2.2-3715](#)

About the FOIA Council

§§ [30-178 through 30-181](#)

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- State legislative branch advisory council
 - Legislative forum for studies and recommendations to the General Assembly
 - Answer questions from government, citizens, and media
 - Publishes advisory opinions and educational materials
 - Provides FOIA training presentations
 - Not an investigative or enforcement agency

Purpose & Policy of FOIA

§ [2.2-3700](#)

- Ready access to public records
- Free entry to meetings of public bodies
- FOIA is to be liberally construed to promote awareness of governmental activities and operations
- Any exemption from public access to records or meetings shall be narrowly construed
- No record shall be withheld or meeting closed to the public unless specifically made exempt

FOIA Requirements for Local Officials

Note: Constitutional officers are subject to FOIA for records purposes only. Other local officials who are members of public bodies are generally subject to both the records and meetings provisions of FOIA.

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Requirements for Local Officials

§ [2.2-3704.3](#)

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- Which local officials must receive training?
 - Local elected officials; and
 - The executive director and members of each industrial development authority and economic development authority; and
 - Members of any boards governing any authority established pursuant to the Park Authorities Act.

Requirements for Local Officials

(continued) § [2.2-3704.3](#)

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- Receive FOIA training from the FOIA Council or your local government attorney within two months of assuming office
 - Training may be presented live or online
 - Receive training again at least once every two (2) years since last training
 - Clerk of the public body must keep records of training (name of the official, date of the training) for five years
 - Note: There is no requirement to report training to the FOIA Council, only to keep your own records

Requirements for Local Officials

(continued) – § [2.2-3702](#)

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- All elected, reelected, appointed, and reappointed officials must:
 - Be furnished by the public body's administrator or legal counsel with a copy of FOIA within two weeks following election, reelection, appointment, or reappointment; and
 - Read and become familiar with the provisions of FOIA.
 - A current copy of FOIA may be found on the [FOIA Council website](#).

Other Laws May Also Apply

- Other laws may also affect access to public records and meetings, but which laws apply will vary depending on the type of record, type of meeting, and type of elected official.
- Because the FOIA Council's statutory authority is limited to providing advice and guidance regarding FOIA, there will be times when you need to consult others for advice.

Examples of Other Laws

- Court records are subject to laws in Titles [16.1](#) and [17.1](#) of the Code, as well as the [Rules](#) of the Supreme Court of Virginia
- Code §§ [15.2-1415 through 15.2-1421](#) set out specific laws for meetings of local governing bodies
- Various provisions in Title [15.2](#) address public hearings
- Code §§ [22.1-72](#) through [22.1-75](#) address school board meetings and procedures
- Code § [58.1-3](#) prohibits the release of certain tax information

Public Records

Recognizing and responding to FOIA requests

§§ [2.2-3704](#) through [2.2-3706.1](#)

Introduction to Records & FOIA

- All public records are presumed open unless specifically exempt
- Definition of “public record” (§ [2.2-3701](#))
 - all writings and recordings that consist of letters, words or numbers, or their equivalent . . . however stored, and regardless of physical form or characteristics
 - prepared or owned by, or in the possession of a public body or its officers, employees or agents
 - in the transaction of public business.
 - Note: draft versions are public records

Debunking FOIA myths

- FOIA addresses access to public records (§ [2.2-3704](#))
- FOIA does not require you to answer questions, give interviews, or provide explanations
- Inspect or Copy (requester's choice)
- Not free – public bodies may charge to produce public records
- FOIA exemptions generally do not prohibit release
- Informal vs. formal requests – no difference

Who has the right to make a request under Virginia FOIA?

- Citizens of the Commonwealth
- Representatives of newspapers & magazines with circulation in the Commonwealth
- Representatives of radio & television stations broadcasting in or into the Commonwealth

Requests from out-of-state

- Best practice is to respond to out-of-state requesters even if they do not have access rights under Virginia FOIA
 - Standardizes practices for internal consistency
 - Out-of-state requester can get a Virginia citizen to make the same request anyway
- Do not have to follow FOIA procedure strictly since out-of-state requesters cannot enforce Virginia FOIA

Requesting Public Records

- How requests may be made:
 - Requester must identify records with reasonable specificity
 - Public body may require the requester's name & legal address
 - A request does not have to be in writing or use any particular form
 - A request does not have to say "FOIA"
 - The requester's purpose does not matter
- Requester has the choice to inspect or to receive copies

Responding to Requests for Public Records

- Five working days to respond after request is received
 - The first day to respond is the day after the request is received
 - Weekends and legal holidays do not count as working days
- Failure to respond is deemed a denial of the request and a violation of FOIA
- Creation of new records not required
- Always allowed to make agreements with the requester on the production of records

Five Responses

- 1) Provide the requested records
- 2) Requested records are being entirely withheld
- 3) Requested records are being provided in part and withheld in part
- 4) Requested records could not be found or do not exist
- 5) Additional time needed to search for/produce records

Exemptions & Redaction

§ [2.2-3704.01](#)

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- Most FOIA exemptions are not prohibitions – exempt records may be withheld, but they may also be released in the discretion of the custodian
 - Only exempt portions of records may be withheld (redacted)
 - An entire record may be withheld only if the entire record is exempt

Charges for Records Requests

- Public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records
 - Cannot charge more than the actual cost to the public body
 - Cannot charge for certain scholastic records if requested by parent or guardian (of minor student) or student (if 18 years or older)
 - Public body shall make all reasonable efforts to supply the requested records at the lowest possible cost

Charges for Records Requests (continued)

- Before searching for records, must notify requester of public body's right to charge and requester's right to a cost estimate
- Must provide an estimate in advance if requested
- Public body may require an advance deposit if estimate is > \$200
- If a bill goes unpaid 30 days or more, do not have to respond to new requests until the outstanding balance is paid

Exemptions of General Application

- Personnel records - § [2.2-3705.1](#) (1)
- Attorney-client privilege- § [2.2-3705.1](#) (2)
- Legal memoranda and other work product - § [2.2-3705.1](#) (3)
- Contract negotiations - § [2.2-3705.1](#) (12)
- Procurement exemptions - § [2.2-3705.6](#) (10) and (11)
- Account & routing numbers - § [2.2-3705.1](#) (13)

Public Meetings

Procedures for open, closed, and electronic meetings
§§ [2.2-3707](#) through [2.2-3712](#)

Introduction to Meetings under FOIA

- Policy: All meetings must be open unless closed following an exemption – § [2.2-3700](#)
- Definitions of “public body,” “meeting,” and “public business” – § [2.2-3701](#)
- Open Meetings – §§ [2.2-3707](#) through [2.2-3710](#)
- Closed Meetings – §§ [2.2-3711](#) and [2.2-3712](#)
- Electronic Meetings – §§ [2.2-3708.2](#) and [2.2-3708.3](#)

Definition of “Public Body”

§ [2.2-3701](#)

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- Any legislative body, authority, board, bureau, commission, district or agency of the Commonwealth or of any political subdivision of the Commonwealth, including cities, towns and counties, municipal councils, governing bodies of counties, school boards and planning commissions
 - Any committee, subcommittee, or other entity however designated, of the public body created to perform delegated functions of the public body or to advise the public body

Definition of “public body”

(continued)

- Also includes:
 - Other organizations, corporations or agencies in the Commonwealth supported wholly or principally by public funds (may include tax-exempt organizations, for example)
 - Constitutional officers are included, but only for records purposes

Definition of “meeting”

§ [2.2-3701](#)

- Includes meetings including work sessions, when sitting physically, or through electronic communication means as a body or entity, or as an informal assemblage of (i) as many as three members or (ii) a quorum, if less than three, of the constituent membership, wherever held, with or without minutes being taken, whether or not votes are cast, of any public body
- “quorum if less than three” means two members , if they are a quorum of the public body (Ex. A subcommittee with only two or three members total would have a quorum of two members)
- Must be discussing or transacting public business in real time

Definition of “meeting” - Exceptions

The following are not considered meetings subject to FOIA:

- Gatherings of employees (the meetings rules only apply to members of the public body, not staff)
- Gatherings where no part of the purpose is the discussion or transaction of any public business, the gathering was not called or prearranged with any purpose of discussing or transacting any business of the public body, and no discussion or transaction of public business takes place among the members of the public body
- A public forum, informational gathering, candidate appearance, meeting of another public body, or debate, the purpose of which is to inform the electorate and not to discuss or transact public business

Definition of “meeting” – “Public business”

- For purposes of public meetings only, “public business” means “any activity a public body has undertaken or proposes to undertake on behalf of the people it represents”
- Note: This definition of “public business” was added to the definition of “meeting” in 2024 in response to *Gloss v. Wheeler* (Va. 2023), in which the Virginia Supreme Court stated that “for a topic to constitute public business it must not just be something that conceptually could at some point come before a public body, but rather, the topic must be something that is either before the public body or is likely to come before the body in the foreseeable future”

Open Meetings - Requirements

- Notice to the Public
 - Note that notice to members is not covered by FOIA, but is often stated elsewhere in other laws
- Open to the Public
 - "Open meeting" or "public meeting" means a meeting at which the public may be present
- Minutes

Notice Requirements

§ [2.2-3707](#)

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- Contents: date, time, and location of the meeting
 - For local public bodies, FOIA requires notice to be posted in three locations:
 1. Official public government website, if any;
 2. Prominent public location in which notices are regularly posted; and
 3. At the office of the clerk of the public body OR at the office of the chief administrator

Notice Requirements (continued)

- Regular meetings – post three working days before the meeting
 - Note: Do not count the day of the meeting as one of the working days
- Special, emergency, or continued meetings – two elements:
 - Notice must be “reasonable under the circumstance” (varies with circumstances)
 - Public notice must be posted at the same time the members are notified
- Direct notice to those who request it (usually by an email list)

What does it mean for a meeting to be open to the public?

- Open meeting or public meeting means a meeting at which the public may be present - § [2.2-3701](#)
- Must allow public to record, photograph, film, or otherwise reproduce
- FOIA does not address logistics such as room capacity
- Public bodies are encouraged to use additional means to increase public awareness (Ex. Live streaming online, broadcasting using television or radio, posting recordings of meetings, etc.)

Meeting Minutes

- Only required to be taken at open meetings
- Not required for study commissions, committees, or subcommittees appointed by local governing bodies or school boards, except where the membership of any such commission, committee or subcommittee includes a majority of the governing body or school board
- Must be posted on the public body's official public government website within 7 days of final approval
 - If the public body has no such website, then must be made available at a prominent public location in which meeting notices are regularly posted or the office of the clerk or chief administrator

Meeting Minutes (continued)

- Contents must include:
 - Date, time, location of the meeting
 - Members of the public body present and absent
 - A summary of matters discussed, deliberated, or decided
 - A record of any votes taken
 - Any motions to enter into a closed meeting and certification after a closed meeting

Agendas

- At least one copy of the proposed agenda and all agenda packets and, unless exempt, all materials furnished to members of a public body for a meeting shall be made available for public inspection at the same time such documents are furnished to the members of the public body
- FOIA does not have requirements regarding specific agenda items, agenda contents or agenda changes
- FOIA does not address parliamentary procedure

Closed Meeting Procedures

Motion, Discussion, Certification

§§ [2.2-3711](#) and [2.2-3712](#)

Motion to Enter into a Closed Meeting

§ [2.2-3712](#) (A)

- Public body must take an affirmative recorded vote in an open meeting approving a motion that:
 1. Identifies the subject matter for the closed meeting;
 - Must be more than quoting or paraphrasing the exemption
 2. States the purpose of the closed meeting; and
 - Quoting or paraphrasing the exemption does state the purpose
 3. Makes specific reference to the applicable exemption from the open meeting requirements

Closed Meeting Discussions

§ [2.2-3712](#)

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- Restricted to those matters specifically exempted from the provisions of FOIA and identified in the motion (do not stray off topic)
 - Minutes are not required, and if taken, are exempt from FOIA
 - Who may attend?
 - Nonmembers if they are necessary or will aid consideration of the topic
 - Other members of public bodies may attend, but not participate in, closed meetings of committees, subcommittees, and other sub-entities of the parent body

Certification of a Closed Meeting

§ [2.2-3712](#) (D)

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- At the conclusion of a closed meeting, public body must certify that the only things heard, discussed, or considered in the closed meeting were:
 1. Public business matters lawfully exempted from the open meeting requirements, and
 2. Such public business matters as were identified in the motion by which the closed meeting was convened
 - Extra penalty for improper certification

Voting – §§ [2.2-3710](#) & [2.2-3711](#) (B)

- All votes taken to authorize the transaction of any public business must be taken and recorded in an open meeting
- No written or secret ballots
- May take straw polls or reach consensus in closed meetings
- Decisions made in closed meetings are not effective until a vote is taken at an open meeting (§ [2.2-3711](#) (B))

Commonly Used Exemptions

(Note: All meeting exemptions in FOIA are set out in § [2.2-3711](#))

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- Discussion of personnel - § 2.2-3711 (A) (1)
 - Discussion concerning scholastic records/students - § 2.2-3711 (A) (2)
 - Consideration of acquisition or disposition of real property - § 2.2-3711 (A) (3)
 - Discussion of prospective business or industry - § 2.2-3711 (A) (5)
 - Actual or probable litigation - § 2.2-3711 (A) (7)
 - Specific legal matters - § 2.2-3711 (A) (8)
 - Public safety issues - § 2.2-3711 (A) (19)
 - Discussion of award of public contract - § 2.2-3711 (A) (29)

Electronic Meetings

§§ [2.2-3708.2](#) and [2.2-3708.3](#)

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- As of September 1, 2022, there are three general categories:
 - Remote participation: “participation by an individual member of a public body by electronic communication means in a public meeting where a quorum of the public body is otherwise physically assembled”
 - All-virtual public meetings: “a public meeting (i) conducted by a public body, other than those excepted pursuant to subsection C of § 2.2-3708.3, using electronic communication means, (ii) during which all members of the public body who participate do so remotely rather than being assembled in one physical location, and (iii) to which public access is provided through electronic communication means”
 - States of emergency declared by the Governor or the locality

Electronic Meetings

Remote participation (may be used by any public body) - § [2.2-3708.3](#)

- Four allowed reasons for remote participation:
 - Personal matter that prevents attendance
 - Medical condition or disability that prevents attendance
 - Medical condition of a family members that prevents attendance
 - Principal residence is 60 miles or more from the main meeting location
- All of these require a physical quorum and a participation policy
 - Persons with disabilities and their caregivers who participate remotely are counted as if physically present for purposes of determining whether there is a quorum
- Remote location does not have to be open to the public
- Personal matters may be used twice per calendar year per member or 25 percent of the meetings of the public body rounded to the next whole number, whichever is greater

Electronic Meetings

All-virtual public meetings - § [2.2-3708.3](#)

- May be used by any public body except “local governing bodies, local school boards, planning commissions, architectural review boards, zoning appeals boards, and boards with the authority to deny, revoke, or suspend a professional or occupational license”
- Requires a participation policy (but no quorum)
- Remote locations do not have to be open to the public unless 3 or more members present at that location
- All-virtual public meetings may be used twice per calendar year per member or 50 percent of the meetings of the public body rounded to the next whole number, whichever is greater
- Additional procedural requirements

Electronic Meetings

Policy for remote participation and all-virtual public meetings - § [2.2-3708.3](#) (D)

- Before using remote participation or all-virtual public meetings, the public body must adopt a policy on participation at least once annually that:
 - Is applied strictly and uniformly, without exception, to the entire membership and without regard to the identity of the member or the matters to be considered or voted upon
 - Describes the circumstances under which an all-virtual public meeting and remote participation will be allowed and the process the public body will use for making requests to use remote participation, approving or denying such requests, and creating a record of such requests
 - Fixes the number of times remote participation for personal matters or all-virtual public meetings can be used per calendar year, not to exceed the limitations set forth in FOIA
 - Does not prohibit or restrict any individual member of a public body who is participating in an all-virtual meeting or who is using remote participation from voting on matters before the public body

Electronic Meetings

During declared states of emergency (§ [2.2-3708.2](#) and State Budget)

- During a Governor-declared or local state of emergency:
 - *Purpose:* to provide for the continuity of operations of the public body or the discharge of its lawful purposes, duties, and responsibilities- § [2.2-3708.2](#) (A) (3) (version in FOIA amended in 2021)
- During a Governor-declared state of emergency ONLY
 - Different procedural requirements and limitations – State Budget Item [4-0.01](#) (g) (version in the state budget originally added in 2020)
- Both may be used by any public body
- No requirement for a physical quorum or to have a policy in place

Electronic Meetings

(continued)

- Members may monitor (listen/watch) even if they cannot participate
- Public & staff participation is always allowed – restrictions only apply to members
- Please see our [Electronic Meetings Guide](#) for a more detailed discussion

A note about FOIA & Social Media

- Because the definition of “public records” includes all types of records that are in the transaction of public business, various forms of social media may be public records
- Because any assemblage of three or more members (or a quorum of two) of a public body discussing or transacting public business simultaneously is a meeting subject to FOIA, social media may also be used to conduct meetings
- Please see our guide on [FOIA & Social Media](#) for a more detailed discussion

Remedies and Penalties

What happens if something goes wrong?

Enforcement is through the courts

§ [2.2-3713](#)

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- Petition for mandamus or injunction with affidavit showing good cause
 - Mandamus: when the court orders a public official or employee to do something
 - Injunction: When the court orders a public official or employee not to do something
 - Petitioner may choose to file in general district court or circuit court
 - Venue against a local body is in the county or city where the body is
 - A single violation is sufficient to invoke the remedies

Petition for mandamus or injunction

(continued)

- Expedited hearing within seven days
- Petitioner must notify public body before filing
- If the petitioner wins, shall be awarded court costs, attorney fees, and any expert witness fees (paid by the public body)
- Public body bears burden to prove an exemption applies

Willful & Knowing Violations

§ [2.2-3714](#) (A)

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- Willful & knowing violation of records and meetings requirements
 - \$500 to \$2000 civil penalty for first violation
 - \$2000 to \$5000 civil penalties for second and subsequent violations
 - Paid by the individual to the Literary Fund (not paid by the public body)
 - May introduce advisory opinions of the FOIA Council as evidence that it was not willful & knowing - § [2.2-3715](#)

Improper alteration or destruction of public records - § [2.2-3714](#) (B)

- Records altered or destroyed before record retention period expires
 - With intent to avoid FOIA
 - Civil penalty up to \$100 per record
 - In addition to any other penalties
 - Paid by the individual to the Literary Fund (not paid by the public body)
- Note: Record retention periods are set by the Library of Virginia under the Virginia Public Records Act

Improper certification of closed meetings

§ [2.2-3714](#) (C)

- Improper certification of closed meeting
 - Civil penalty up to \$1000
 - Paid by public body to the Literary Fund
 - Mitigating factors: Opinions of the Attorney General, court cases, published Advisory Opinions from the FOIA Council

Additional Resources

- [FOIA Council](#) – Contact us with any FOIA questions
 - Telephone (toll free) 866-448-4100
 - Telephone (Richmond) 804-698-1810
 - Email: foiacouncil@dls.virginia.gov
- [Library of Virginia](#) Records Management Section (for records retention questions under the Public Records Act)

Additional Resources

(continued)

- For members of municipal councils, county boards of supervisors, and school boards:
- [Virginia Municipal League](#)
- [Virginia Association of Counties](#)
- [Virginia School Boards Association](#)

Additional Resources

(continued)

For constitutional officers:

- [State Compensation Board](#)
- [Virginia Sheriffs' Association](#)
- [Commonwealth's Attorneys' Services Council](#)
- [Treasurers' Association of Virginia](#)
- [Commissioners of the Revenue Association of Virginia](#)
- [Office of the Executive Secretary of the Supreme Court of Virginia](#)
- [Virginia Court Clerks Association](#)



EMAIL: USE, ACCESS & RETENTION

The use of email in the workplace has become routine and is frequently the preferred mode of communication. For state and local government officials and employees, the application of the Virginia Freedom of Information Act (FOIA), relating to access to records, and the Virginia Public Records Act (the PRA), relating to the retention of records, comes into play.

Government officials and employees frequently ask two key questions about the use of e-mail—**"Can the public and media access my email under FOIA?"** and **"Do I have to save my email?"**

This document will address these questions and provide guidance concerning the use and management of email by state and local government officials and employees.

The nature of email

Email generally refers to any communication that requires an electronic device for storage and/or transmission.¹ Email is a medium for correspondence—essentially, email is the *envelope* for the communication. For purposes of FOIA and the PRA, email provides a medium for communication, much like a telephone or the U.S. Postal Service provides a means of communication. The fact that a communication is sent via email is not in itself conclusive as to whether that email is required to be accessible to the public under FOIA or retained pursuant to the PRA; one must look at the text and substance of the communication to determine whether it is indeed a public record.

The Virginia Freedom of Information Act

FOIA addresses access by the general public and media representatives to public records. Section 2.2-3701 of the Code of Virginia defines public records for purposes of FOIA to include:

all writings and recordings that consist of letters, words, or numbers, or their equivalent, set down by handwriting, typewriting, printing, photostating, photography, magnetic impulse, optical or magneto-optical form, mechanical or electronic recording, or other form of data compilation, however stored, and regardless of physical form or characteristics, prepared or owned by, or in the possession of a public body or its officers, employees, or agents in the transaction of public business.

¹ Library of Virginia, Electronic Records Guidelines (effective September 29, 2023; original June 10, 2002).



Email falls under this broad definition of a public record, because the definition applies to "all writings and recordings . . . set down by . . . mechanical or electronic recording . . . , however stored, and regardless of physical form or characteristics." As noted above, email is just the medium, or the envelope, used to convey the communication. Just as a letter sent via the U.S. Postal Service from one public official to another concerning public business is a public record under FOIA, so is that same communication sent via email.

FOIA provides that unless subject to a statutory exemption, all public records must be open to inspection and copying. Therefore, an email relating to the transaction of public business must be accessible just like any other public record and may be withheld from public disclosure only if a particular exemption applies to the content of the email.

The Virginia Public Records Act

While FOIA governs access to records held by public bodies in state and local government, the PRA governs how long a government agency must retain certain records. The PRA defines a public record for purposes of records retention. Like FOIA, the definition is fairly broad and includes messages, depending on their content, that are communicated by email as a public record. Section 42.1-77 defines a public record to include:

recorded information that documents a transaction or activity by or with any public officer, agency, or employee of an agency.² Regardless of physical form or characteristic, the recorded information is a "public record" if it is produced, collected, received, or retained in pursuance of law or in connection with the transaction of public business. The medium upon which such information is recorded has no bearing on the determination of whether the recording is a "public record."

The PRA sets forth different retention schedules for different types of records. Several factors shape how long a record needs to be held. Many records are only kept for as long as business requires them to be kept, although if a record has historical significance or is created by an agency head or director, it may need to be kept longer. For example, certain records are required to be maintained permanently, such as records from standing committees of the General Assembly, annual reports of state agencies, and correspondence of agency directors. Other records must be kept only as long as they are administratively necessary, such as reminders of events like blood drives or fundraisers, courtesy copies of correspondence, or messages received from a listserv. Along the continuum, other records may be required to be retained for 30 days to 10 years, depending on their content. After the retention time has expired for a particular document, the record may be destroyed pursuant to the guidelines set forth by the Library of Virginia.³

² Per § 42.1-77, an agency includes "all boards, commissions, departments, divisions, institutions, and authorities, and parts thereof, of the Commonwealth or its political subdivisions and includes the offices of constitutional officers."

³ The PRA is administered by the Library of Virginia. For more details on retention schedules for particular types of records or for a particular agency or for information regarding the proper disposal of records, please contact the Library of Virginia. Records retention information and contact information is also available on the Library's website at <https://www.lva.virginia.gov/agencies/records/>.



In providing guidance for adhering to the PRA, the Library of Virginia notes that email messages should be treated the same as paper correspondence. Again, email is only the medium, or the envelope, by which the correspondence is sent; the retention schedule for a particular email depends on its content, and the email should be preserved in the same manner as its paper equivalent. Both incoming and outgoing email should be retained when an email message is determined to be a public record, along with any attachments sent via email.

Tips for using and managing email

All emails related to public business are subject to the provisions of FOIA and the PRA and should be managed in the same manner as all other public records. Official emails that need to be retained should be maintained with other public records that relate to the same content.

There is a tendency with email to hit the delete button as soon as you are finished with a particular message. In the process of managing emails, consideration must be given as to whether a particular email must be retained for purposes of the PRA—a public official or state or local government employee cannot automatically delete an email, just as such official or employee can't automatically throw away paper correspondence and records.

FOIA governs access to records and the PRA dictates how long certain records must be retained. If a government entity keeps an email (or any other record) for longer than its retention schedule requires, that email is still subject to FOIA if requested. Conversely, if a government entity properly disposes of a record pursuant to a retention schedule, and a subsequent FOIA request is made for that record, FOIA does not require the government entity to re-create the record.

Email is often used as a substitute for a telephone call and can be informal. However, communicating via email creates a record that, depending on its content, must be retained pursuant to the PRA and must be made available upon request to the public under FOIA. Consider the consequences of these public record laws when determining whether to use email instead of the telephone for an informal communication—it may not be in the best interest of an agency for a public official or state or local government employee to communicate an informal message via email that might be more appropriate via telephone.

Public officials and employees should not commingle personal and official emails. Personal emails do not need to be retained; emails relating to the transaction of public business do. From an email management perspective, it is not advisable to mix personal and official business in the same email.

Prepared by the Virginia Freedom of Information Council
804-698-1810 || Toll-free 866-448-4100
Updated November 2023





EMAIL & MEETINGS under the VIRGINIA FREEDOM OF INFORMATION ACT

I. Introduction

As technology advances, new and efficient ways to communicate have evolved. Perhaps the most prevalent advancement in carrying out day-to-day communications at work or at home is electronic mail ("email"). Email can be used to send correspondence on a one-to-one or one-to-many basis over the computer. Each user has an email address, and messages received at that address are stored in electronic mailboxes until the recipient retrieves the message. After reading the message, the user may save it on his computer, print it, forward it to other email addresses, respond to the sender, respond to the sender and other recipients of the same email, or delete it.

The use of email can blur the line between correspondence and a meeting under FOIA. Email is similar to traditional paper correspondence in many ways and is a written form of communication that is by definition a record under FOIA. However, from a practical perspective, email is often used as a substitute for a phone call and can be used to communicate quickly with multiple people at once, making it more akin to a meeting. While FOIA addresses electronic meetings held by audio or audio/visual means, it does not explicitly address the use of email in a meetings context.¹ In 2004, the Virginia Supreme Court, however, examined whether the exchange of emails among members of a city council could constitute a meeting under FOIA. A review of the Supreme Court's decision follows under the heading "II. The Impact of the Virginia Supreme Court Decision in *Beck v. Shelton*." The Court revisited the issue in 2012, examining whether an exchange of emails among School Board members constituted a meeting under FOIA. A review of that decision appears under the heading "III. The Impact of the Virginia Supreme Court Decision in *Hill v. Fairfax County School Board*."

The use of email by public officials is clearly allowed by FOIA. One member of a public body may individually email other members, even if the email relates to public business.² Questions arise based on the manner in which a recipient responds to an email

¹ See § 2.2-3708, which expressly allows state public bodies to hold audio or audio/visual meetings. See also Chapter 704 of the 1997 Acts of Assembly, establishing a pilot program for certain state public bodies to hold audio/visual meetings.

² See § 2.2-3710(B). See also 2011 Op. Atty. Gen. Va. 11-096 (August 5, 2011) (Two members of a three-member electoral board may communicate by email without violating FOIA because email lacks the element of simultaneity required for the communication to be considered a meeting under FOIA.); 1999 Op. Atty. Gen. Va. 12 (The meeting provisions of FOIA do not prohibit members of a public body from sending email to other members of the same public body. The decision rests on the fact that the use of email does not result in simultaneous communication like a traditional meeting.); Virginia Freedom of



addressed to three or more members of a public body. When responding to an email, it is possible to "reply to sender" or to "reply to all." If a recipient chooses "reply to all," then three or more members of a public body will see not only the initial email, but also another member's response. Other members could then, in turn, respond to the email or the ensuing responses. In the end, three or more members of a public body could have used the chain of email to discuss, and possibly reach a conclusion about, a matter relating to the transaction of public business.³

A meeting, as defined in FOIA, refers to a simultaneous discussion, but the use of email is not necessarily simultaneous among users. If a user only checks his email once a day, 24 hours could pass between an initial email and a response. However, it is also possible for users to be logged into their email system at the same time, and the lag time between emails might only be the time that it takes to compose a response and hit send.

II. The Impact of the Virginia Supreme Court Decision in *Beck v. Shelton*⁴

On March 5, 2004, the Virginia Supreme Court ("the Court") issued an opinion concerning the Virginia Freedom of Information Act ("FOIA," § 2.2-3700 et seq. of the Code of Virginia) (*Beck v. Shelton*, 267 Va. 482, 593 S.E.2d 195), with a holding directly relevant to all elected officials in Virginia, from members of the General Assembly to members of local school boards. *Beck* has drawn interest primarily because it is the first authoritative statement of law in Virginia as to whether use of email by public officials could constitute a meeting under FOIA, but it also examines broader issues as to the applicability of FOIA to public officials and the definition of a meeting. The Court held that FOIA does not apply to members-elect of a public body; that generally, use of email by three or more members of a public body to discuss public business is not a meeting; and that a gathering of three members of a public body at a citizen-organized meeting did not violate FOIA. For the purposes of this document, only those portions of the Court's holding related to email and meetings under FOIA will be discussed.⁵

Facts

Three plaintiffs filed a petition for writ of mandamus and injunction in Fredericksburg Circuit Court against five members of the Fredericksburg City Council. The petition alleged that the defendants used email to discuss and decide public business and that such use of email constituted an improper meeting under FOIA.

Information Advisory Opinion 19 (2004) (two members of a three-member electoral board may communicate using email without violating FOIA so long as it is not simultaneous communication that would constitute a meeting for FOIA purposes).

³ For a similar discussion, see Virginia Freedom of Information Advisory Opinion 01 (2001) (finding that the use of a listserv by members of a public body constitutes a meeting if used to discuss or transact public business. A listserv is different from regular email in that users must join a listserv and all messages posted to the listserv are automatically sent to each member of the listserv.)

⁴ Excerpted from the Division of Legislative Services' *Virginia Legislative Issue Brief*, No. 37, March 2004, written by Lisa Wallmeyer and Maria J.K. Everett.

⁵ For a complete analysis of the *Beck v. Shelton* case, please refer to the FOIA Council's website: <http://foiacouncil.dls.virginia.gov>.



Holding

The Court considered the question of whether use of email could be a meeting under FOIA. The Court overturned the trial court's decision that use of email to reach a consensus on a matter of public business was a meeting, on the grounds that the emails in question were similar to letters sent via U.S. mail or facsimile.

The Court examined the definition of a meeting at § 2.2-3701, which includes *an informal assemblage of (i) as many as three members or (ii) a quorum, if less than three, of the constituent membership*. The Court noted that email can be similar to traditional forms of written correspondence, in that there may be significant delay between the time the communication is sent and received, or when a response is sent. In the instant case, the shortest interval between any two emails was more than four hours, and the longest was over two days. The Court agreed with the trial court that the dispositive consideration in examining email is how the email is used. In reviewing this standard, the Court focused on the language in the definition of a meeting that includes "an informal assemblage." "Assemblage," the Court concluded, means to bring together at the same time and inherently entails simultaneity. The Court held that there is no "virtually simultaneous interaction" when email is used as the functional equivalent of a letter communicated by U.S. mail, courier, or facsimile transmission⁶. In further support of this conclusion, the Court noted that the Attorney General of Virginia had previously found that "transmitting messages through an electronic mail system is essentially a form of written communication."⁷ While not binding, the General Assembly "is presumed to have knowledge of the Attorney General's interpretation of statutes, and its failure to make corrective amendments evinces legislative acquiescence in the Attorney General's view."⁸

It is important to note that the Court did not hold that use of email could never be a meeting under FOIA. Instead, the Court indicated that the dispositive determination in examining email under the meeting provisions of FOIA was to look at how the email was used. The trial court answered this question by reviewing the end result - i.e., that email was used to reach a consensus. According to the Supreme Court, this question is more appropriately answered by reviewing whether the email was used as a functional equivalent of traditional correspondence.

This opinion clarifies that members of a public body need not refrain from using email, but they should be cautioned against using email among three or more members of the public body that is akin to using the telephone or the functional equivalent of an in-person gathering and has an element of simultaneity. The court did not establish a time frame as to when the use of email may be considered simultaneous, nor did it address the use of chat rooms, instant messaging, or listservs.

This decision does not alter the fact that the records generated by email fall under FOIA's definition of a public record. Emails concerning public business are available for

⁶ *Id.* at 7.

⁷ *Id.* at 11 (citing 1999 Op. Atty. Gen. 12).

⁸ *Id.* at 12 (citing *Browning-Ferris, Inc. v. Commonwealth*, 225 Va. 157, 161-62, 300 S.E. 2d 603, 605-06 (1983)).



inspection or copying upon request, unless a specific statutory exemption allows a particular email or contents thereof to be withheld. Furthermore, emails must be retained like other public records subject to the provisions of the Virginia Public Records Act (§ 42.1-76 et seq).

Conclusion

The Court's holding has implications for members of all public bodies in the Commonwealth. With email, the user must consider whether the email is being used akin to traditional correspondence, or whether the email has an element of simultaneity and is more like a telephone call between three or more members of the public body. This decision of the Court was fact-specific. Although no bright-line rules emerged in establishing what is or is not a meeting, the ruling underscores the notion that all meetings are presumed open under FOIA. Determining whether a particular email discussion falls outside the parameters of a meeting must be considered carefully, on a case-by-case basis, examining all relevant facts.

III. The Impact of the Virginia Supreme Court Decision in *Hill v. Fairfax County School Board*

On June 7, 2012, the Virginia Supreme Court ("the Court") issued an opinion concerning the Virginia Freedom of Information Act ("FOIA," § 2.2-3700 et seq. of the Code of Virginia) (*Hill v. Fairfax County School Board*, 284 Va. 306, 727 S.E.2d 75). This case revisited the issue of whether the use of email could constitute a public meeting subject to FOIA. The Court held that the email in this case did not constitute a meeting under FOIA. The plaintiff had also alleged violation of FOIA in regard to a request for public records, but only the Court's holding regarding email as a meeting will be addressed here.

Facts

The plaintiff alleged that the school board had conducted a closed meeting about the closure of a local school in violation of FOIA through the use of email. The circuit court received copies of various emails into evidence and heard testimony that revealed that the school board members had communicated with each other by email, by telephone, and in person to consider the school closing. The circuit court expressly found that the time intervals between the exchange of emails were much shorter than was the case in *Beck*, but emails were exchanged between only two members at a time. The circuit court held that the exchange of email in question did not constitute a meeting because simultaneous communication between three or more school board members did not occur.

Holding

The Court affirmed the decision of the circuit court that the email exchange in question did not constitute a meeting under FOIA because it did not involve simultaneous communication between three or more school board members. The Court emphasized that it was applying the same analysis in *Beck* and that the circuit court's decision below was entirely consistent with *Beck*.



Conclusion

The Court's holding has implications for members of all public bodies in the Commonwealth, as it reaffirms the holding and analysis of *Beck* as applied to a different fact pattern. In *Beck*, the email exchange at issue involved a sufficient number of members to constitute a meeting, but it lacked the necessary element of simultaneity. In *Hill*, the emails were exchanged much more closely in time, but lacked the necessary number of members involved to be considered a meeting subject to FOIA. Together these cases make clear that in order to constitute a meeting under FOIA, an exchange of emails would have to involve a sufficient number of members ("three or more, or a quorum if less than three") and would have to occur within a time period short enough to be considered a simultaneous assemblage of the public body.

IV. Tips for Using Email

Keep in mind the following tips:

- Remember the underlying principle of the open meeting provisions of FOIA: the public has the right to witness the operations of government. If you question whether your email communication might lead to the deliberation of public business by three or more members of a public body in real time (i.e., has an element of simultaneity), then you may be better served by saving that communication for a public meeting.
- If you receive an email sent to three or more recipients who are members of the same public body, and you wish to respond, choose "respond to sender" instead of "respond to all." One-on-one communications are clearly allowed under FOIA, and this will avoid an email discussion among three or more members.
- When composing an email to send to three or more members of a public body, enter the recipients' addresses in the "blind carbon copy" (bcc) field instead of in the "to" field. By doing this, an individual recipient will not be able to automatically respond to anyone but you.
- Use staff to send emails on behalf of members to ensure the exchange of emails will not be a simultaneous communication among three or more members which could constitute a meeting.

Updated August 2013





**JOINT SESSION
MINERAL TOWN COUNCIL AND MINERAL PLANNING
COMMISSION**

September 26, 2024 at 6:30 PM
312 Mineral Avenue Mineral Virginia 23117
Phone: 540-894-5100 | townclerk@townofmineral.net

CALL TO ORDER

ROLL CALL (TOWN COUNCIL)

Present:

- Mayor Edwin Jarvis
- Vice Mayor Ronald Chapman
- Bernice Kube
- Dave Hempstead
- Michelle Covert

Absent:

Two vacant seats

Others present:

Nicole Washington, Town Manager

Stephanie Dorman, Clerk

ROLL CALL (MINERAL PLANNING COMMISSION)

Present:

Edward Kube, Chairman

Teresa Newton

Tony Williams (arrived at 6:37)

Lauren Ball

Jim Snider

Absent:

Lisa Wade

Nikki Dye

Others Present:

Dave Hempstead, Council Liaison

Nicole Washington , Zoning Administrator

Stephanie Dorman, Clerk

Introduction

Nikki Dye is on a pre-planned vacation and apologized for not being present. She advised that she does plan to regularly attend the meetings.

- 1) Teresa Newton introduced herself, saying she is from Georgia. She later moved to Alabama where she was on the Town Council of a small town.

All present welcomed Ms. Newton to MPC.

- 2) Jim Snider, said that he has lived in Louisa for 40+ years and is a school teacher here. He is happy to be back on MPC.

Chairman Kube advised they were happy to have him back.

PLEDGE OF ALLEGIANCE

All in attendance stood for the Pledge of Allegiance.

ADOPTION OF AGENDA

Chairman Kube revised Public Hearing (Section F(1)(A)) from “action” to discussion and recommendation.

Chairman Kube revised New Business (Section I(3)) to Amend M.P.C. Meeting dates.

Chairman Kube added MPC member resignation to New Business (Section I(4)).

Motion to adopt agenda as revised by Snider and seconded by Ball.

Edward Kube - yes

Teresa Newton- yes

Tony Williams - yes

Lauren Ball- yes

Jim Snider- yes

Motion passed 5-0-0.

PUBLIC COMMENT

1. Becky McGehee, Mineral resident, stated that in the last MPC meeting, Chairman Kube made a phone call to Tony Williams and she believes this was unprofessional to do during a public meeting. She suspects that although there was not a quorum for the prior meeting, that the MPC did meet as they held a discussion for nearly a half hour. She continued by stating that there is a conflict with Chairman Kube being on the MPC and Council member Kube being on Town Council.

After Ms. McGehee made her remarks, Chairman Kube responded. He reiterated that MPC did not have a quorum at the August meeting, so the Chairman called him to see if he was going to be able to attend the meeting as sometimes the Commissioner may just be a few minutes late due to his job. Commissioner Williams would have made the quorum, so that is also why the Chairman tried calling him during the meeting while Commissioners waited.

Chairman Kube was interrupted by Ms. McGehee while he was speaking and the Chairman advised her that she was out of order and to stop speaking. The Chairman warned Ms. McGehee about speaking out and if she continued then he would ask for action to be taken against her. (Ref. Town of Mineral Planning Commission Bylaws - Standing Rules of Procedure Section 2(II)(N))

Chairman Kube continued by stating that there was not a secret meeting, the meeting was properly advertised. Two new Commissioners were present for their first scheduled meeting, so the Chairman suggested that the Commission take time to introduce new members and provide a general overview, no actions or votes would be taken. This was recorded and made available to the public.

Chairman Kube also addressed Ms. McGehee's concern regarding a conflict with family members being on separate boards for the Town. This concern had been previously discussed with the Town Attorney who advised it was not a conflict.

Mayor Jarvis concurred that he had spoken with the prior Town Attorney and that it is acceptable and they could both serve on Council if they were both elected.

Council Member Covert mentioned that she was advised that family members cannot be on the same board as her son wanted to be on Town Council.

2. Tracy Hempstead, Mineral resident, has looked at election law and believes that the law gets looser in a smaller town and that people should expect family members to serve together. The statute talks about nepotism and that someone needs to look up the legal definition of that. She believes that the Kube's are okay to be on Town Council and MPC.

PUBLIC HEARINGS

The Zoning Administrator briefed the Commission on proposed changes. The Chairman opened the public hearing and with no comments the Chairman closed the public hearing. The Planning Commission and Zoning Administrator reviewed and discussed proposed changes:

425- 30 (A)(11) - adding a paragraph to include retail stores and service establishments.

425-30(A)(12) - adding a section for restaurants and cafes

425-30 (B)(3) - adding a section for community centers.

425-31 (A),(B), and (C) - adding clarification language to all three sections to make them match.

Members of the Town Council, MPC, and the Zoning Administrator discussed changing setbacks but ultimately decided to leave the amount listed in the code the same, but added language to clarify this section.

Motion for recommendation of approval of changes as proposed for sections 425-30(A)(11), 425-30(A)(12), and 425-30(B)(3) to the Council made by Snider and seconded by Newton.

Edward Kube - yes

Teresa Newton- yes

Tony Williams - yes

Lauren Ball- yes

Jim Snider- yes

Motion passed 5-0-0.

Motion for recommendation of approval of changes as proposed for sections 425-31(A) to the Council made by Snider and seconded by Ball. Motion was withdrawn by both Snider and Ball.

Motion for recommendation of approval of changes as proposed for sections 425-31(A),(B), and (C) for consistency to the Council made by Ball and seconded by Snider.

Motion for Planning Commission portion of the public hearing be closed and recommendations be sent to Council made by Ball and seconded by Williams.

Edward Kube - yes

Teresa Newton- yes

Tony Williams - yes

Lauren Ball- yes

Jim Snider- yes

Motion passed 5-0-0.

The Town Council proceeded to discuss the recommendations made by MPC.

Motion to accept the recommendation from MPC on sections 425-30(A)(11), 425-30(A)(12), and 425-30(B)(3) made by Chapman and seconded by B. Kube.

Council Member Covert asked to call for a vote on accepting the amendments made to 425-30(A)(11), 425-30(A)(12), and 425-30(B)(3).

Ronald Chapman - yes

Bernice Kube - yes

Dave Hempstead - yes

Michelle Covert - yes

Motion passed 4-0-0.

Motion to delete "On Mineral Avenue," from 425-31 (A), (B), and (C) made by Chapman and seconded by B. Kube.

Ronald Chapman - yes

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

Motion passed 4-0-0.

Motion to adjourn Town Council portion of this meeting made by Chapman and seconded B. Kube.

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

Motion passed 4-0-0.

Town Council adjourned at 7:58 pm and left the joint meeting.
MPC continued with their monthly meeting.

APPROVAL OF MINUTES

6.27.2024 Minutes

Added “Agency Review Committee” under “Old Business - Discussion of 14 lots on 7th and 8th Street.”

Motion to accept minutes as amended made by Williams and seconded by Chairman Kube.

Edward Kube - yes
Teresa Newton- abstain (was not on MPC 6.27.2024)
Tony Williams - yes
Lauren Ball- abstain (was absent on 6.27.2024)
Jim Snider- abstain (was not on MPC 6.27.2024)

Motion passed 2-0-3.

7.25.2024 Minutes

Amended Commissioner Ball's name throughout.

Changed "Swelling" to "Dwelling."

Motion to accept minutes as amended made by Ball and seconded by Chairman Kube.

Edward Kube - yes

Teresa Newton- abstain (was not on MPC 7.25.2024)

Tony Williams - abstain (was absent on 7.25.2024)

Lauren Ball- yes

Jim Snider- abstain (was not on MPC 7.25.2024)

Motion passed 2-0-3.

8.22.2024

No vote taken on these minutes. These will be viewed as a place filler so that in the future people may look back and see that monthly meeting was called. There was no quorum and that no actions or votes were taken.

OLD BUSINESS

Chairman Kube advised the Commissioners that the previous recommendations made by MPC to Town Council have been approved. He further states that there has been monumental progress made by MPC and Town Council in addressing oversights in the Town Code.

NEW BUSINESS

Election of MPC Vice-Chairman

There was previously a recommendation made to Town Council to add a Vice Chairman position to the MPC, which was approved. The Chairman advised on the process of electing a Vice Chairman and when the position will be open for re-election.

The Chairman opened the floor for nominations.

Commissioner Ball nominated Commissioner Snider.

Motion to close nominations made by Ball and seconded by Williams.

Edward Kube - yes

Teresa Newton- yes

Tony Williams - yes

Lauren Ball- yes

Jim Snider- yes

Motion passed 5-0-0.

Chairman Kube called for a vote in electing Commissioner Snider as Vice Chairman.

Edward Kube - yes

Teresa Newton- yes

Tony Williams - yes

Lauren Ball- yes

Jim Snider-yes

Motion passed 5-0-0.

Proposed Town Code Amendments

Chapter 355 - Sewer and Sewage Disposal:

The Zoning Administrator briefed the Commission on proposed changes. The Planning Commission and Zoning Administrator reviewed and discussed proposed changes:

355-20: Amendments to language.

Amendments made throughout, changing Superintendent to Town Manager.

Motion for recommendation of approval of changes as proposed for the Council made by Ball and seconded by Snider.

Edward Kube - yes

Teresa Newton- yes

Tony Williams - yes

Lauren Ball- yes

Jim Snider-yes

Motion passed 5-0-0.

Chapter 375 - Streets and Sidewalks:

The Zoning Administrator briefed the Commission on proposed changes. The Planning Commission and Zoning Administrator reviewed and discussed proposed changes:

375-1 - language amended.

Amendments made throughout changing Town Sargeant to Town Manager.

Motion to accept the changes made to Chapter 375 amending positions and deletion of section 18 made by Snider and seconded by Ball.

Edward Kube - yes

Teresa Newton- yes

Tony Williams - yes

Lauren Ball- yes

Jim Snider-yes

Motion passed 5-0-0.

Motion to amend the prior motion adding recommendation of approval of changes as proposed for the Council made by Snider and seconded by Ball.

Edward Kube - yes

Teresa Newton- yes

Tony Williams - yes

Lauren Ball- yes

Jim Snider-yes

Motion passed 5-0-0.

Chapter 166 - Cemeteries

The Zoning Administrator briefed the Commission on proposed changes. The Planning Commission and Zoning Administrator reviewed and discussed proposed changes:

Amendments made throughout changing Mayor to Town Manager or designee.

Motion for recommendation of approval of changes as proposed for the Council made by Ball and seconded by Newton.

Edward Kube - yes

Teresa Newton- yes

Tony Williams - yes

Lauren Ball- yes

Jim Snider-yes

Motion passed 5-0-0.

Amend meeting dates

Mineral Planning Commission has a conflict with several upcoming meeting dates.

Commissioners discussed scheduling for the rest of the year, as well as January 2025, and will have meetings on the following dates:

October 17, 2024

November 14, 2024

The December meeting has been canceled

January 16, 2025

Motion to amend meeting dates made by Snider and seconded by Ball.

Edward Kube - yes

Teresa Newton- yes

Tony Williams - yes

Lauren Ball- yes

Jim Snider-yes

Motion passed 5-0-0.

Resignation of Mineral Planning Commission member

Commissioner Wade submitted her letter of resignation.

Motion to accept Ms. Wade's resignation with regrets made, as well as asking Council to post the vacancy by Snider and seconded by Williams.

The Chairman advised Ms. Wade that he hopes she considers joining MPC again in the future.

Edward Kube - yes

Teresa Newton- yes

Tony Williams - yes

Lauren Ball- yes

Jim Snider-yes

Motion passed 5-0-0.

REPORTS

Zoning Administrator

The Zoning Administrator reports that development takes a toll on connection fees. She is still working on Miller's Market gas pump application and has passed information along to VDOT. VDOT has conducted an initial review on the site plan but a gas pump is a long process, because things such as traffic flow, turning lanes, and loading will all need to be examined. Chairman Kube emphasized this highlights the importance of site plans and agency reviews.

The Zoning Administrator does not have an update on development for the PUD. This is at a stand still until the Town is able to fix its infrastructure.

Commissioners' comments

Commissioner Williams asked about "Tommy Town" as the land that was logged and now for sale. The Zoning Administrator believes that it will likely be a development. Chairman Kube advises there is a realtor's sign displayed.

The Zoning Administrator provided an update on "The 14 lot development." She advised that the Town has come to an agreement on a few items, such as; trees, fencing, no parking signs, road maintenance, and paving.

Commissioner Ball mentioned it looks like the electrical boxes may be crossing onto the Town's easement.

Vice Chairman Snider discusses with the Town Manager if any of the houses have been sold. The Town Manager advised that she has not signed any Certificates of Occupancy for “The 14 lot development.”

Vice Chairman Snider expressed his happiness with being back on MPC.

ADJOURNED

Motion to adjourn by Ball and seconded by Snider.

Edward Kube - yes

Teresa Newton- yes

Tony Williams - yes

Lauren Ball- yes

Jim Snider-yes

Motion passed 5-0-0.

MPC adjourned at 9:24 PM.

Mayor



Chairman

Town Clerk



SPECIAL MEETING MINERAL TOWN COUNCIL

October 7, 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 - arrived at 6:38

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.

PUBLIC COMMENTS

Becky McGehee, stated that there are three candidates and to choose wisely, picking someone who is going to work well with the other board members, not somebody who is going to be a pawn.

OLD BUSINESS

Discussion of Candidate Letters of Interest

Becky McGehee asked Council members a question regarding the need for resumes to be attached to candidate's letters of interests.

After review of § 24.2-228.1(A), Council determined they are comfortable with accepting just the letter of intent from candidates. Council Member Hempstead mentioned that Mr. Spedden submitted his years of work experience in his letter of intent and Council Member Hempstead believes that can be considered a resume.

Motion to accept agenda package as is by Hempstead and seconded by Chapman.

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

Motion passed 4-0-1

Backy McGehee advised she believed Council needs an attorney before moving forward.

Mayor Jarvis opened the floor to candidates if they wish to speak.

JoAnn Von Arb:

Ms. Von Arb moved to Mineral in 2017 and has a deep understanding of the unique challenges that the Town and residents face. While normally small town living is easier, however, recent issues on our Council have caused frustration among the people of Mineral She believes there's an opportunity for us to shift the focus back to the community in its needs. She is eager to contribute to such efforts. She has heard that several residents are considering leaving the Town because of the disorganization and conflicts within the local government. Ms. Von Arb has lived all over the world due to her military background and Mineral is the place she wants to call home. Ms. Von Arb would like harmony in the town. She believes she can contribute by listening to the needs of all, not just a few. Ms. Von Arb continued by stating there has been a lot of turnover for such a small town and there must be a root cause for it. The new development at the end of Town, residents were not provided with enough information, and she believed that was due to turnover and the Town not having the right guidance. Turning her attention, Ms. Von Arb mentions how when Council Member Hempstead joined the Council he was asked how he plans on working with a Council that can not get along, and that question infuriated her because that does not encourage people to participate. Ms. Von Arb believes with the right focus, the Town Council can work cohesively to address the community's real needs such as; infrastructure, responsible growth, and preserving the small town charm. She concluded by stating that her goal is to bring more collaboration to the table, listening to all perspectives and to work towards practical solutions for the entire community.

Bob Spedden:

Mr. Spedden began by touching on the issue of a resume. He was in the Air Force for 21 years and 42 years running his own business so he has never had the need for a resume. Mr. Spedden has traveled around the world when he was in the Air Force. He has worked in embassies, as well as with the DIA, CIA, and ambassadors. He believes he can get along with anybody. When he attended previous meetings there was a lot of arguing and he believes there has to be a better way to communicate and that is what he would like to assist with that.

The Mayor advised that Olivia McCarthy did not know candidates were going to be able to speak today but that Council did have her resume and interest letter. He asked the Council to review the documents submitted before the next meeting. During the upcoming meeting, the candidates will be able to speak to Council again and an appointment decision will be made.

Council Member Hempstead provided his opinion that Bob Spedden was not informed that he needed to register for the election. He continued by stating that he did some digging and was able to find a letter that the Town Attorney sent to the Judge asking for a writ of special election to fill Rebecca McGehee's position and to the best of his knowledge Council did not direct Counsel to do that. Council Member Hempstead stated that Mr. Spedden was advised that his seat would be up for election in the Fall of 2025. Council Member Hempstead provided the document that was sent to the Court, which had a CC to the Mayor, and asked why the Council was never made aware of this letter. Council Member Covert stated that this is a standing order. The Mayor stated he also went to the court house and got a copy of the documents submitted for the Town's own records. Council members continued to discuss the legal process of filling a vacated seat. Council Member Hempstead felt that Mr. Spedden should get special consideration.

A member of the audience asked Council Member Hempstead if this was the same situation that he and Mr. Runnett faced when he took the Chair. Council members discussed the prior appointment and timeline of other applicants' interests.

ADJOURNED

Motion to adjourn the meeting made by Kube and seconded by Chapman.

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

Motion passed 4-0-0

Adjourned at 6:55 pm

DRAFT

TREASURER'S REPORT

TransCode - CD, CK

Vendor Range - 1ST CHOICE ELECTRICALAND SECURITY' - 'WHITE OAK ELECTRIC

Section 1, Item 1.

Vend Name	Dist Date	Type	Chk Amt
ALL INSTALL	1/10/2025	Check	\$260.00
BOWMAN	1/10/2025	Check	\$9,399.50
CARDINAL HOME CENTER	1/10/2025	Check	\$339.23
CEDAR MOUNTAIN STONE	1/10/2025	Check	\$994.51
CENTRAL VIRGINIA CONTRACTORS	1/17/2025	Check	\$25,729.00
CENTRAL VIRGINIA CONTRACTORS	1/31/2025	Check	\$2,376.00
CIVICPLUS LLC	1/17/2025	Check	\$6,574.76
CLAYBROOKE FARM LLC	1/10/2025	Check	\$159.00
COMCAST BUSINESS	1/17/2025	Check	\$895.30
COMCAST BUSINESS	1/31/2025	Check	\$882.07
COUNTY OF LOUISA	1/23/2025	Check	\$1,147.76
COVERALL	1/10/2025	Check	\$240.00
DOCUMENT DESTRUCTION	1/31/2025	Check	\$40.00
DOMINION ENERGY	1/10/2025	Check	\$2,018.74
DOMINION ENERGY	1/31/2025	Check	\$2,281.64
DUKE OIL	1/10/2025	Check	\$225.75
EVERGRO COOP ORANGE MADISON	1/23/2025	Check	\$96.00
FORTILINE INC	1/10/2025	Check	\$3,252.00
FORTILINE INC	1/31/2025	Check	\$1,464.85
GREG MADISON WELDING, INC.	1/31/2025	Check	\$600.00
HARRISON & JOHNSTON	1/17/2025	Check	\$9,480.00
LAKE ANNA SIGNS & PRINTING LLC	1/23/2025	Check	\$161.00
LAKEWAY PUBLISHERS INC	1/10/2025	Check	\$216.50
LOUISA COUNTY LANDFILL	1/10/2025	Check	\$624.60
LOUISA COUNTY WATER AUTHORITY	1/10/2025	Check	\$26,395.52
LOUISA COUNTY WATER AUTHORITY	1/24/2025	Check	\$26,395.52
MAIN STREET SUPPLY	1/10/2025	Check	\$4,424.53

Vend Name	Dist Date	Type	Chk Amt
PURE WATER VIRGINIA	1/31/2025	Check	\$180.00
QUARLES PETROLEUM INC	1/31/2025	Check	\$1,470.86
RAPPAHANNOCK ELECTRIC COOP	1/10/2025	Check	\$260.28
RICOH USA INC	1/23/2025	Check	\$624.00
SABOR A MEXICO	1/23/2025	Check	\$115.80
SOUTHERN SOFTWARE INC	1/10/2025	Check	\$271.80
STEPHEN MERRITT	1/17/2025	Check	\$157.20
UPDIKE INDUSTRIES	1/10/2025	Check	\$3,440.67
UPDIKE INDUSTRIES	1/31/2025	Check	\$3,536.70
VERIZON	1/10/2025	Check	\$373.80
VERIZON	1/31/2025	Check	\$374.00
VERIZON WIRELESS	1/17/2025	Check	\$90.60
VUPS	1/10/2025	Check	\$26.45
WARREN MARTIN	1/31/2025	Check	\$500.00
WAYNES HEATING & COLLING LLC	1/23/2025	Check	\$159.00
			\$138,254.94

Monthly Water Consumption

Section I, Item 1.

Time Period	Gallons Charged to TOM by LCWA	Gallons Billed to TOM Residents	% Water Loss	\$\$ Charged to TOM by LCWA	\$\$ Billed to TOM Residents
6.20.2024-7.22.2024	2,623,700	1,441,050	45.1%	\$ 24,312.23	\$ 15,601.33
7.22.2024-8.20.2024	1,743,100	1,383,574	20.6%	\$ 16,166.68	\$ 20,367.94
8.20.2024-9.20.2024	1,907,100	1,384,195	27.4%	\$ 17,686.68	\$ 20,367.94
9.20.2024-10.20.2024	1,554,600	1,324,557	14.8%	\$ 14,423.05	\$ 19,213.58
10.21.2024-11.20.2024	1,976,400	1,734,335	12.2%	\$ 18,324.70	\$ 23,673.73
11.20.2024-12.20.2024	1,876,800	1,433,210	23.6%	\$ 17,403.40	\$ 20,714.55

TOWN OF MINERAL

Fiscal Period - FY 24-25 Date Range - 2024-07-01 - 2025-01-31

Account	Original Budget	Amended Budget	Encumbered YTD	Activity YTD	Activity MTD	Current Balance	Used Pct
Reporting Fund: 100-GENERAL FUND							
011000 NOTARY FEES	\$300.00	\$300.00	\$0.00	\$205.00	\$30.00	(\$95.00)	68
011010 PRIOR-2023 REAL ESTA	\$0.00	\$0.00	\$0.00	\$1,217.87	\$64.52	\$1,217.87	0
011010 2024 REAL ESTATE TAX	\$121,700.00	\$121,700.00	\$0.00	\$161,577.40	\$138,535.00	\$39,877.40	133
011020 CURRENT YEARS PUBLIC	\$8,000.00	\$8,000.00	\$0.00	\$0.00	\$0.00	(\$8,000.00)	0
011030 PRIOR-2023 PERSONAL	\$0.00	\$0.00	\$0.00	\$368.79	\$0.00	\$368.79	0
011030 2024 PERSONAL PROPER	\$21,000.00	\$21,000.00	\$0.00	\$37,576.14	\$32,137.40	\$16,576.14	179
011060 TAX PENALTY - REAL E	\$1,000.00	\$1,000.00	\$0.00	\$0.00	\$0.00	(\$1,000.00)	0
012110 WAGES AND SALARIES	\$90,000.00	\$90,000.00	\$0.00	\$48,344.10	\$9,016.50	\$41,655.90	54
012110 FICA	\$6,885.00	\$6,885.00	\$0.00	\$23,225.38	\$11,239.47	(\$16,340.38)	337
012110 VRS	\$1,512.00	\$1,512.00	\$0.00	\$8,060.93	\$2,258.80	(\$6,548.93)	533
012110 HEALTH PLAN	\$14,131.00	\$14,131.00	\$0.00	\$8,412.95	\$1,143.95	\$5,718.05	60
012110 GROUP LIFE	\$1,206.00	\$1,206.00	\$0.00	\$1,166.38	\$1,166.38	\$39.62	97
012110 DISABILITY INSURANCE	\$765.00	\$765.00	\$0.00	\$757.98	\$757.98	\$7.02	99
012110 PROFESSIONAL SERVICE	\$24,000.00	\$24,000.00	\$0.00	\$21,337.00	\$9,480.00	\$2,663.00	89
012110 COUNCIL COMPENSATION	\$7,200.00	\$7,200.00	\$0.00	\$3,100.00	\$600.00	\$4,100.00	43
012110 ADVERTISING/NOTICES	\$3,500.00	\$3,500.00	\$0.00	\$3,456.19	\$216.50	\$43.81	99
012110 TOWN INSURANCE (GF)	\$15,000.00	\$15,000.00	\$0.00	\$7,792.00	\$0.00	\$7,208.00	52
012110 CONFERENCE EXPENSES/	\$4,000.00	\$4,000.00	\$0.00	\$15.00	\$0.00	\$3,985.00	0
012110 MEMBERSHIP DUES	\$3,500.00	\$3,500.00	\$0.00	\$1,550.00	\$0.00	\$1,950.00	44
012110 MISCELLANEOUS EXPENS	\$250.00	\$250.00	\$0.00	\$1,270.86	(\$12,473.70)	(\$1,020.86)	508
012110 OFFICE MEETING SUPPL	\$0.00	\$0.00	\$0.00	\$32.00	\$0.00	(\$32.00)	0
012410 WAGES AND SALARIES	\$105,040.00	\$105,040.00	\$0.00	\$52,484.58	\$10,203.50	\$52,555.42	50
012410 WAGES AND SALARIES P	\$15,000.00	\$15,000.00	\$0.00	\$0.00	\$0.00	\$15,000.00	0
012410 FICA	\$9,184.00	\$9,184.00	\$0.00	\$4,014.99	\$780.55	\$5,169.01	44
012410 VRS	\$1,765.00	\$1,765.00	\$0.00	\$1,223.41	\$234.55	\$541.59	69
012410 HEALTH PLAN	\$28,262.00	\$28,262.00	\$0.00	\$0.00	\$0.00	\$28,262.00	0
012410 GROUP LIFE	\$1,408.00	\$1,408.00	\$0.00	\$0.00	\$0.00	\$1,408.00	0
012410 DISABILITY INSURANCE	\$893.00	\$893.00	\$0.00	\$0.00	\$0.00	\$893.00	0
012410 PROFESSIONAL SERVICE	\$20,000.00	\$20,000.00	\$0.00	\$3,922.00	\$0.00	\$16,078.00	20
012410 POLICE AND LEGAL MAT	\$5,000.00	\$5,000.00	\$0.00	\$480.00	\$0.00	\$4,520.00	10
012410 WEB BASED SERVICES A	\$50,000.00	\$50,000.00	\$0.00	\$10,192.81	\$7,391.98	\$39,807.19	20
012410 COMPUTER LICENSES/SU	\$18,000.00	\$18,000.00	\$0.00	\$8,175.00	\$0.00	\$9,825.00	45
012410 COPIER EXPENSE	\$0.00	\$0.00	\$0.00	\$4,440.17	\$264.80	(\$4,440.17)	0
012410 LATE FEES/PENALTIES	\$100.00	\$100.00	\$0.00	\$0.00	\$0.00	\$100.00	0
012410 POSTAGE	\$2,200.00	\$2,200.00	\$0.00	\$2,117.61	\$130.68	\$82.39	96
012410 TELECOMMUNICATIONS	\$7,000.00	\$7,000.00	\$0.00	\$4,632.09	\$1,134.98	\$2,367.91	66
012410 REFUNDS/TAX CURRENT	\$500.00	\$500.00	\$0.00	\$0.00	\$0.00	\$500.00	0
012410 MEMBERSHIP DUES	\$0.00	\$0.00	\$0.00	\$45.00	\$0.00	(\$45.00)	0
012410 OFFICE SUPPLIES	\$20,000.00	\$20,000.00	\$0.00	\$8,467.15	\$1,159.04	\$11,532.85	42
012410 UNIFORMS	\$1,000.00	\$1,000.00	\$0.00	\$0.00	\$0.00	\$1,000.00	0
015100 INTEREST EARNED	\$36,000.00	\$36,000.00	\$0.00	\$0.00	\$0.00	(\$36,000.00)	0
016099 TRASH REVENUE	\$0.00	\$0.00	\$0.00	\$697.44	\$94.34	\$697.44	0
031100 WAGES AND SALARIES	\$208,827.00	\$208,827.00	\$0.00	\$80,081.35	\$13,452.63	\$128,745.65	38
031100 WAGES AND SALARIES P	\$27,250.00	\$27,250.00	\$0.00	\$14,726.07	\$2,810.42	\$12,523.93	54
031100 FICA	\$18,060.00	\$18,060.00	\$0.00	\$7,156.47	\$1,244.13	\$10,903.53	40
031100 VRS	\$4,019.00	\$4,019.00	\$0.00	\$1,184.02	\$143.15	\$2,834.98	29
031100 HEALTH PLAN	\$70,657.00	\$70,657.00	\$0.00	\$5,114.00	\$0.00	\$65,543.00	7
031100 GROUP LIFE	\$3,205.00	\$3,205.00	\$0.00	\$0.00	\$0.00	\$3,205.00	0
031100 DISABILITY INSURANCE	\$2,033.00	\$2,033.00	\$0.00	\$0.00	\$0.00	\$2,033.00	0
031100 COPIER EXPENSE	\$0.00	\$0.00	\$0.00	\$1,741.82	\$359.20	(\$1,741.82)	0
031100 OFFICE SUPPLIES	\$0.00	\$0.00	\$0.00	\$233.72	\$0.00	(\$233.72)	0
031100 EQUIPMENT/SUPPLIES	\$0.00	\$0.00	\$0.00	\$32.78	\$0.00	(\$32.78)	0
032100 FIRE PROGRAM FUNDS	\$15,000.00	\$15,000.00	\$0.00	\$15,000.00	\$0.00	\$0.00	100
043100 CONTRACTED SERVICES	\$3,600.00	\$3,600.00	\$0.00	\$1,440.00	\$240.00	\$2,160.00	40
043100 WAGES AND SALARIES P	\$51,470.00	\$51,470.00	\$0.00	\$25,967.34	\$4,356.75	\$25,502.66	50
043100 FICA	\$3,937.00	\$3,937.00	\$0.00	\$1,986.47	\$333.28	\$1,950.53	50

Fiscal Period - FY 24-25 Date Range - 2024-07-01 - 2025-01-31

Account	Original Budget	Amended Budget	Encumbered YTD	Activity YTD	Activity MTD	Current Balance	Used Pct
043100 VRS	\$0.00	\$0.00	\$0.00	\$231.93	\$42.95	(\$231.93)	0
043100 VEHICLE MAINTENANCE	\$2,000.00	\$2,000.00	\$0.00	\$1,531.18	\$564.98	\$468.82	77
043100 ELECTRICITY	\$12,000.00	\$12,000.00	\$0.00	\$6,255.73	\$1,894.96	\$5,744.27	52
043100 REPAIRS/MAINTENANCE	\$10,000.00	\$10,000.00	\$0.00	\$1,212.68	\$260.00	\$8,787.32	12
043100 EQUIPMENT/SUPPLIES	\$0.00	\$0.00	\$0.00	\$50.03	\$0.00	(\$50.03)	0
043100 PARKING LOT/STREET/S	\$0.00	\$0.00	\$0.00	\$117.78	\$0.00	(\$117.78)	0
043100 REFUSE COLLECTION	\$10,500.00	\$10,500.00	\$0.00	\$8,288.56	\$624.60	\$2,211.44	79
045100 DEBT SERVICE - USDA	\$15,891.00	\$15,891.00	\$0.00	\$2,932.00	\$1,466.00	\$12,959.00	18
045100 ELECTRICITY	\$8,000.00	\$8,000.00	\$0.00	\$1,784.66	\$837.66	\$6,215.34	22
045100 UTILITIES - HEAT	\$1,500.00	\$1,500.00	\$0.00	\$2,355.61	\$1,470.86	(\$855.61)	157
045100 INTERNET	\$0.00	\$0.00	\$0.00	\$14,585.57	\$1,777.37	(\$14,585.57)	0
045100 REPAIR/MAINTENANCE	\$0.00	\$0.00	\$0.00	\$1,066.51	\$159.00	(\$1,066.51)	0
045100 ASSET MANAGEMENT	\$15,000.00	\$15,000.00	\$0.00	\$13,575.00	\$0.00	\$1,425.00	91
047100 DUMPSTER (COMMERCIAL	\$32,000.00	\$32,000.00	\$0.00	\$24,464.20	\$6,977.37	\$7,535.80	76
050100 MAINTENANCE - LANDSC	\$1,200.00	\$1,200.00	\$0.00	\$305.31	\$0.00	\$894.69	25
051100 ELECTRICITY - STREET	\$0.00	\$0.00	\$0.00	\$2,826.71	\$0.00	(\$2,826.71)	0
051100 MISCELLANEOUS EXPENS	\$3,000.00	\$3,000.00	\$0.00	\$5,096.97	\$818.60	(\$2,096.97)	170
120101 LOCAL SALES TAX REVE	\$40,000.00	\$40,000.00	\$0.00	\$22,645.99	\$3,412.21	(\$17,354.01)	57
120301 BUSINESS LICENSE REV	\$30,000.00	\$30,000.00	\$0.00	\$2,030.77	\$1,924.77	(\$27,969.23)	7
120501 VEHICLE LICENSE FEES	\$6,000.00	\$6,000.00	\$0.00	\$8,973.71	\$8,973.71	\$2,973.71	150
120601 BANK STOCK TAX REVEN	\$50,000.00	\$50,000.00	\$0.00	\$0.00	\$0.00	(\$50,000.00)	0
120701 ROLLING STOCK TAX	\$1,200.00	\$1,200.00	\$0.00	\$0.00	\$0.00	(\$1,200.00)	0
121001 TRANSIENT OCCUPANCY	\$2,000.00	\$2,000.00	\$0.00	\$0.00	\$0.00	(\$2,000.00)	0
121101 MEAL TAX REVENUE	\$90,000.00	\$90,000.00	\$0.00	\$504.39	\$0.00	(\$89,495.61)	1
130306 ZONING PERMITS/FEE	\$2,250.00	\$2,250.00	\$0.00	\$1,050.00	\$100.00	(\$1,200.00)	47
150361 DMV SELECT REVENUE	\$500,000.00	\$500,000.00	\$0.00	\$90,645.77	\$45,571.62	(\$409,354.23)	18
189000 MISCELLANEOUS REVENU	\$1,000.00	\$1,000.00	\$0.00	\$2,859.07	\$51.63	\$1,859.07	286
189000 RENTAL REVENUE	\$0.00	\$0.00	\$0.00	\$770.00	\$0.00	\$770.00	0
240407 LITTER GRANT	\$1,000.00	\$1,000.00	\$0.00	\$2,000.00	\$0.00	\$1,000.00	200
240412 VIRGINIA FIRE PROGRA	\$15,000.00	\$15,000.00	\$0.00	\$0.00	\$0.00	(\$15,000.00)	0
500200 MISCELLANEOUS RESERV	\$50,000.00	\$50,000.00	\$0.00	\$0.00	\$0.00	(\$50,000.00)	0
Reporting Fund: 100-GENERAL FUND							
FundRevTot	\$976,450.00	\$976,450.00	\$0.00	\$333,122.34	\$230,895.20	(\$643,327.66)	34
FundExpTot	\$976,450.00	\$976,450.00	\$0.00	\$470,060.05	\$84,539.87	\$506,389.95	48
Reporting Fund: 200-CEMETERY							
011000 FICA	\$0.00	\$0.00	\$0.00	\$26.39	\$0.00	(\$26.39)	0
020000 CEMETERY PLOT REVENU	\$40,000.00	\$40,000.00	\$0.00	\$0.00	\$0.00	(\$40,000.00)	0
021000 WAGES AND SALARIES P	\$15,000.00	\$15,000.00	\$0.00	\$4,223.58	\$189.21	\$10,776.42	28
021000 FICA	\$1,148.00	\$1,148.00	\$0.00	\$296.68	\$14.47	\$851.32	26
021000 VEHICLE MAINTENANCE/	\$1,000.00	\$1,000.00	\$0.00	\$0.00	\$0.00	\$1,000.00	0
021000 EQUIPMENT REPAIR	\$5,000.00	\$5,000.00	\$0.00	\$0.00	\$0.00	\$5,000.00	0
021000 MISCELLANEOUS EXPENS	\$9,000.00	\$9,000.00	\$0.00	\$0.00	\$0.00	\$9,000.00	0
021000 EQUIPMENT/SUPPLIES	\$5,000.00	\$5,000.00	\$0.00	\$0.00	\$0.00	\$5,000.00	0
021000 HEADSTONE/NAME PLATE	\$2,852.00	\$2,852.00	\$0.00	\$0.00	\$0.00	\$2,852.00	0
021000 PLOT REPURCHASE	\$1,000.00	\$1,000.00	\$0.00	\$0.00	\$0.00	\$1,000.00	0
Reporting Fund: 200-CEMETERY							
FundRevTot	\$40,000.00	\$40,000.00	\$0.00	\$0.00	\$0.00	(\$40,000.00)	0
FundExpTot	\$40,000.00	\$40,000.00	\$0.00	\$4,546.65	\$203.68	\$35,453.35	11
Reporting Fund: 500-WATER & SEWER FUND							
016099 SEWER REVENUE	\$109,890.00	\$109,890.00	\$0.00	\$80,792.44	\$13,165.97	(\$29,097.56)	74
016099 WATER REVENUE	\$239,836.00	\$239,836.00	\$0.00	\$132,963.31	\$24,756.88	(\$106,872.69)	55
016099 PROCESSING FEE	\$0.00	\$0.00	\$0.00	\$1,250.00	\$75.00	\$1,250.00	0
016099 CONNECTION FEE - WAT	\$40,000.00	\$40,000.00	\$0.00	\$40,680.00	\$0.00	\$680.00	102
016099 CONNECTION FEE - SEW	\$65,000.00	\$65,000.00	\$0.00	\$32,160.00	\$0.00	(\$32,840.00)	49
016099 PENALTY FEE W/S	\$0.00	\$0.00	\$0.00	\$1,095.00	\$555.00	\$1,095.00	

Budget Analysis - Revenue & Expenses

TOWN OF MINERAL

Fiscal Period - FY 24-25 Date Range - 2024-07-01 - 2025-01-31

Account	Original Budget	Amended Budget	Encumbered YTD	Activity YTD	Activity MTD	Current Balance	Used Pct
016099 WATER AND SEWER DEPO	\$3,000.00	\$3,000.00	\$0.00	\$0.00	\$0.00	(\$3,000.00)	0
500100 DEBT SEVICE - USDA W	\$54,108.00	\$54,108.00	\$0.00	\$13,527.00	\$4,509.00	\$40,581.00	25
500100 CONTRACTED SERVICES	\$158,406.00	\$158,406.00	\$0.00	\$110,421.12	\$37,775.14	\$47,984.88	70
500100 WAGES AND SALARIES P	\$12,698.00	\$12,698.00	\$0.00	\$7,132.50	\$1,496.25	\$5,565.50	56
500100 FICA	\$971.00	\$971.00	\$0.00	\$545.58	\$114.45	\$425.42	56
500100 DEPOSIT REFUNDS	\$3,000.00	\$3,000.00	\$0.00	\$0.00	\$0.00	\$3,000.00	0
500100 ELECTRICITY	\$5,000.00	\$5,000.00	\$0.00	\$3,053.80	\$1,828.04	\$1,946.20	61
500100 FEES AND DUES - LCWA	\$20,000.00	\$20,000.00	\$0.00	\$0.00	\$0.00	\$20,000.00	0
500100 MISS UTILITY COSTS	\$0.00	\$0.00	\$0.00	\$173.65	\$26.45	(\$173.65)	0
500100 REPAIRS/MAINTENANCE	\$0.00	\$0.00	\$0.00	\$7,628.89	\$0.00	(\$7,628.89)	0
500100 EQUIPMENT/SUPPLIES	\$0.00	\$0.00	\$0.00	\$2,863.26	\$1,058.54	(\$2,863.26)	0
500100 WATER TESTING	\$13,000.00	\$13,000.00	\$0.00	\$674.48	\$560.75	\$12,325.52	5
500100 COUNTY WASTEWATER TR	\$100,059.00	\$100,059.00	\$0.00	\$52,976.19	\$8,992.12	\$47,082.81	53
500100 COUNTY WATER PURCHAS	\$90,484.00	\$90,484.00	\$0.00	\$108,316.74	\$17,403.40	(\$17,832.74)	120
Reporting Fund: 500-WATER & SEWER FUND							
FundRevTot	\$457,726.00	\$457,726.00	\$0.00	\$288,940.75	\$38,552.85	(\$168,785.25)	63
FundExpTot	\$457,726.00	\$457,726.00	\$0.00	\$307,313.21	\$73,764.14	\$150,412.79	67
Reporting Fund: 600-CIP							
600100 EMERGENCY W/S REPAIR	\$0.00	\$0.00	\$0.00	\$100,932.73	\$9,399.50	(\$100,932.73)	0
Reporting Fund: 600-CIP							
FundRevTot	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0
FundExpTot	\$0.00	\$0.00	\$0.00	\$100,932.73	\$9,399.50	(\$100,932.73)	0
Grand Totals:							
TotalRev	\$1,474,176.00	\$1,474,176.00	\$0.00	\$622,063.09	\$269,448.05	(\$852,112.91)	42
TotalExp	\$1,474,176.00	\$1,474,176.00	\$0.00	\$882,852.64	\$167,907.19	\$591,323.36	60

DMV REPORT



Town of
MINERAL
VIRGINIA

Town Council Meeting
February 2025

Agenda Item: Monthly Report - Mineral DMV Select 361

Date: February 2025

Report Prepared By: Kendra Ellis

- January 2025 monthly revenue totaled \$38,791.03
- The Mineral DMV Select office has continued to operate without interruption, in providing exceptional customer service and titling transactions, etc. to the customers of this community and surrounding communities. This also includes our title vendors that visit our office daily. Many thanks to the DMV Select Team for their hard work and dedication.

Looking Ahead in 2025

- The DMV Connect Team is scheduled to visit our Mineral DMV Select office on Friday, April 25, 2025.
 - Appointments are available by appointment only. Appointment schedule opens two weeks prior to the DMV Connect Team's visit and can be made via the Virginia DMV website.

MANAGER'S REPORT



Town Council

REPORT SUMMARY

Meeting Date: February 13,, 2025

TO: Town of Mineral Council

FROM: Nicole Washington, Town Manager

SUBJECT: Manager Report

Policies

- 1- Water policy is being established and will be in place for overdue water bills.
- 2- Records Management
- 3- Inventory for the Town- Creation of an inventory report, numbers (stickers) for the equipment. So far we have this for the electronics and will work our way through all assets.

Park Sign

The Whitlock Family Park sign has been ordered and will be installed no later than Mid-April. The sign was reviewed by Council member Kube. The plan is to keep this same design for the signs in Mineral as we start to build the Town up.



Garage Door

A garage door was ordered and will be installed on 2/21/2025. I have met with the little league, and we are working out the details for access.



Town Council

REPORT SUMMARY

Meeting Date: February 13,, 2025

Follow up Questions from Town Hall Meeting

- 1- Current owners can move forward with the pump application if they chose to. We would update the contact information.
- 2- Streetlights for the Town. We are looking into what that looks like for the Town. Standard process is as follows and we will work to get a plan together in our CIP for this.
 - a. Cost consideration for installation and maintenance. Will the Town cover this by taxes or special assessment to the citizens?
 - b. If the project is approved the town will work with the local electric company to install the street lights on existing poles or by installing new poles.



Town of Mineral
Disconnection for Non-Payment Policy and
Standard Operating Procedures

Address: 312 Mineral Ave, Mineral, VA 23117

Phone: 540-894-5100

Town of Mineral: Utility		Subject: Water Disconnection			
Document:	Issue Date:	Revised :	Page :	Prepared by:	Approved by:
Utility 2.1	1/28/2025			Stephanie Dorman Town Clerk	

1.0 PURPOSE

Policy Outlining the Town of Mineral’s disconnection procedure for non-payment of water bills, charges and fees.

2.0 AUTHORITY AND REFERENCES

Va. Code

§ 15.2-2109. Powers of localities as to public utilities and computer services; prevention of pollution of certain water.

§ 15.2-2119. Fees and charges for water and sewer services provided to a property owner.

§ 15.2-2121.2(A)(3) Disconnection suspension for utilities.

§ 15.2-2121.3. Notice procedures for nonpayment, disconnecting utility service. (2024 updated section)

Town Code

§ 418-10. Restoration of service after termination for nonpayment.

§ 418-27. Effect of failure to pay bill by certain date.

§ 418-45. Delinquent water charges to be lien against property.

3.0 RESPONSIBILITY

Pursuant to Town Code § 418-1 and 418-12, respectively, the Town Manager shall have supervision over the water system and all pipes, plugs and other properties in any way connected therewith, and water cutoffs shall be made by the Town Manager.

Pursuant to Va. Code § 15.2-2121.3(A), the Town has a responsibility to provide its residential customers with a copy of this, its disconnection for nonpayment policy, at any time a new residential account is established, when any disconnection for nonpayment of bills or fees is scheduled by including a copy of the policy with such notice, or by publishing the policy on the Town’s website. The Town of Mineral must provide a copy of notices in both English and in Spanish.

The Town shall deliver notice of nonpayment of bills or fees to its residential customers prior to disconnecting by using at least one of the following methods: (i) mail, (ii) email, (iii) text message, (iv) phone call, or (v) door hanger.

4.0 PROCEDURES

1. Applicability:
 - a. This policy only applies to those circumstances when water service is disconnected due to non-payment or delinquency of payment on a customer’s water account.
 - b. This policy does not apply when water customers that request their water service be turned off.
2. Payment of Water Bills
 - a. Invoices for water bills are billed monthly and due on the 15th of the following month.
 - b. Any invoice not paid by the 15th day of the month following that of its issuance shall be considered delinquent and shall be assessed a late fee of \$5.00.
3. Disconnection and Notice

- a. Pursuant to Va. Code § 15.2-2121.3(C), utility disconnections due to the nonpayment of bills or fees are prohibited for residential customers until the customer's account is 45 days in arrears. In other words, Town water customers will not be subject to water service disconnection until forty-five (45) days after their bill is due and they have failed to pay.
- b. After each missed payment, the Town will provide notice of the missed payment and will make contact with the customer and offer bill payment assistance, arrange a payment plan, or provide information to the customer for other bill payment assistance or energy savings programs. If such customer does not pay the full amount of charges, penalty, and interest for water provided within 30 days thereafter, the Town shall again notify such owner of the delinquency.

If the customer fails to pay their water bill within forty-five (45) days of the day it is due, their water service shall become subject to disconnection, however, in no event shall the Town disconnect the customer's water prior to sixty (60) days after their bill is due. A notice shall be delivered to the customer at least ten (10) business days before the scheduled disconnection date, stating that the account is delinquent and will soon be subject to water service disconnection (the "Disconnection Notice"). The Disconnection Notice will serve as notification of cessation of service and will have a copy of the Town's policy attached.

The Notices described in this section will be delivered by at least one of the following methods: (i) mail, (ii) email, (iii) text message, (iv) phone call, or (v) door hanger.

- c. Water fees and charges, and any penalty and interest, generally constitute a lien against the customer's property, on par with liens for unpaid taxes.

After ninety (90) days, and after the required notice to the property owner, the Town may record a lien in the amount of (i) up to the number of months of delinquent water or sewer charges when the water or sewer is, or both are, provided to the property owner; (ii) any applicable penalties and interest on such delinquent charges; and (iii) reasonable attorney fees and other costs of collection not exceeding 20 percent of such delinquent charges, provided the owner has been advised in writing that a lien may be placed upon the property if the owner fails to pay any delinquent water and sewer charges. Written notice of the recordation of the lien shall be provided at least 30 days in advance prior thereto. The notice shall include a copy of the bill for delinquent water and sewer charges to allow the property owner a reasonable opportunity to pay the amount of the outstanding balance and avoid the recordation of a lien against the property. In no case shall a lien for less than \$25 be placed against the property.

The lien may be discharged by the payment to the Town of the total lien amount and the interest which has accrued to the date of the payment. The Town shall

deliver to the person making the payment a fully executed lien release substantially in the form set forth in Va. Code § 15.2-2119(H). The Town shall provide the fully executed lien release to the person who made payment within 10 business days of such payment if the person who made such payment did not personally appear at the time of such payment.

4. Exceptions to Disconnection of Service for Non-payment

- a. Customers shall not be disconnected due to non-payment on Fridays, weekends, state holidays, or the day immediately before a state holiday.
- b. Residential customers will not be disconnected due to non-payment when the temperature forecasted by the National Weather Service’s forecast for Louisa County, Virginia is at or above 90 degrees Fahrenheit within the 24 hours following the scheduled disconnection date.
- c. If the temperature within the 24-hour period following the scheduled disconnection date is forecasted at or above 90 degrees, the disconnection of a customer’s service will be automatically postponed until these conditions do not exist.

5. Reinstatement of Services; Assistance Programs

- a. Customers may have their services restored by contacting the Town and remitting the payment required or applying for a payment plan to make their account current, including all delinquent amounts and a \$50.00 reconnect fee.
- b. Information regarding payment plans offered for Town of Mineral customers will be posted on the Town’s website.