



# MINERAL PLANNING COMMISSION MEETING AGENDA

February 27, 2025 at 6:30 PM

312 Mineral Avenue Mineral Virginia 23117

Phone: 540-894-5100 | [townclerk@townofmineral.net](mailto:townclerk@townofmineral.net)

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**A. CALL TO ORDER**

**B. ROLL CALL**

**C. PLEDGE OF ALLEGIANCE**

**D. ADOPT/AMEND AGENDA**

**E. PUBLIC COMMENT**

Members of the public will have 3 minutes each to address the Commission at this time. The Commission will not respond to the public, but will address any questions or concerns at a later time.

**F. APPROVAL OF CONSENT AGENDA ITEMS**

**G. APPROVAL OF MINUTES**

**1.** 1.16.2025 Minutes

a. Motion to approve or deny 1.16.2025 Minutes

**H. OLD BUSINESS**

1. Discussion of Capital Improvements Plan

**I. NEW BUSINESS**

**1.** Virtual Attendance Policy

a. Motion to approve or deny Virtual Attendance Policy

2. Revisit Light Commercial Zoning Classification, Permitted Uses

**3.** Discussion on updating language for public comment:

"members of the public will have three minutes to comment on any matter, while maintaining professional and courteous behavior. The Mineral Planning Commission will not respond during public comment, but the appropriate member of the Commission or Staff will address questions and concerns in a timely manner."

**J. REPORTS**

**1. Zoning Administrator**

**2. Commissioners' Comments**

**K. ADJOURN**

Commission Members:

Edward Kube - Chairman

Jim Snider - Vice-Chairman,

Lauren Ball, Teresa Newton, Brian Thaler, Tony Williams, One Vacancy;

Nicole Washington - Zoning Administrator

Stephanie Dorman - MPC Secretary



## **MINERAL PLANNING COMMISSION Minutes**

**January 16, 2025 at 6:30 PM**

**312 Mineral Avenue Mineral Virginia 23117**

**Phone: 540-894-5100 | [townclerk@townofmineral.net](mailto:townclerk@townofmineral.net)**

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### **CALL TO ORDER**

As required by the MPC Bylaws, the Clerk opened the meeting.

### **ROLL CALL**

#### **Present:**

Lauren Ball

Edward Kube

Teresa Newton

Jim Snider

Brian Thaler

Tony Williams

#### **Absent:**

One vacant position

#### **Others Present:**

Nicole Washington, Zoning Administrator

Stephanie Dorman, Town Clerk

**PLEDGE OF ALLEGIANCE**

All in attendance stood for the Pledge of Allegiance.

The Clerk advised the Mineral Town Council did not appoint a liaison for this year. The Zoning Administrator added that the decision was made to not appoint a liaison from Council as there is staff at the MPC meetings.

**ANNUAL ORGANIZATION MEETING**

**Election of Mineral Planning Commission Chairman**

The Clerk opened the floor for nominations of a Mineral Planning Commission Chairman. Commissioner Ball nominated Commissioner Kube. No other nominations were made and the nomination went to a vote.

Jim Snider - yes

Teresa Newton - yes

Brian Thaler - yes

Edward Kube - abstain

Tony Williams - yes

Lauren Ball - yes

Motion passed 5-0-1.

Chairman Kube took over conducting the meeting.

Chairman Kube thanked the Commission for voting for him and for the work they accomplished last year. There is still work to be done and he is looking forward to a successful year.

**Election of Mineral Planning Commission Vice-Chairman**

Commissioner Kube opened the floor for nominations of vice chairman.

Commissioner Williams nominated Commissioner Snider.

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

Jim Snider - yes

Teresa Newton - yes

Brian Thaler - yes

Edward Kube -

Tony Williams - yes

Lauren Ball - yes

Motion passed 6-0-0.

No other nominations were made and the nomination went to a vote.

Lauren Ball - yes

Tony Williams - yes

Edward Kube - yes

Brian Thaler - yes

Jim Snider - abstain

Motion passed 5-0-1.

**Election of Mineral Planning Commission Secretary**

Chairman Kube suggested the Commission appoints the Town Clerk, Stephanie Dorman, to be the MPC Secretary.

Motion by Newton to close nominations.

No other nominations were made and the nomination went to a vote.

Jim Snider - yes

Teresa Newton - yes

Brian Thaler - yes

Edward Kube - yes

Tony Williams - yes

Lauren Ball - yes

Motion passed 6-0-0.

**Bylaws**

The addition of page numbers will be added to the Bylaws.

Commissioner Newton had a question about section 1-2(A) and what would happen when more than one item happens at a time? Chairman Kube advised the intent is so the Commission does not get distracted.

Under Section 2(I)(A) the first suggested amendment was changing the meeting back to the third Thursday of the month. The Commission and the Zoning Administrator discussed scheduling and whether the third Thursday or fourth Thursday of the month was more convenient for the Commissioners. Commissioners also discussed the potential for MPC meetings to happen the same week as MTC meetings, if kept on the third Thursday of the month.

Motion for MPC to schedule their monthly meeting on the fourth Thursday of month with the exception of November and December which will be held on the third Thursday made by Snider and seconded by Thaler.

Jim Snider - yes

Teresa Newton - yes

Brian Thaler - yes

Edward Kube - yes

Tony Williams - yes

Lauren Ball - yes

Motion passed 6-0-0.

Amendment to Section 2(II)(A) changing the vote to five of the seven members. The Bylaws currently state four of the five members, but last year the MTC voted to allow a seven person commission.

Amendment to Section 2(V)(D) to change the retention guideline to follow that of the Library of Virginia.

Amendment to Section 2(VIII)(A) addition of the Town Manager to the current language.

Amendment to Section 2(VIII)(C) addition of language that in a roll call vote each Commission is required to either vote or abstain when called upon.

Motion to approve Bylaws as amended by Newton and seconded by Ball.

Jim Snider - yes

Teresa Newton - yes

Brian Thaler - yes

Edward Kube - yes

Tony Williams - yes

Lauren Ball - yes

Motion passed 6-0-0.

**Meeting schedule**

This portion of the agenda was handled during the discussion of the Bylaws.

**Introduction of New Commissioner**

The new Commissioner, Brian Thaler, introduced himself. Thaler has lived in the Town for four years. He would like to publicly note that his appointment was made before his husband assumed the role of acting Town Mayor. He is very excited to see what work can be done in the Town and sees the potential for the Town. There is room for upward mobility and he is looking forward to moving forward with renewed efficiency.

The Commission welcomed the new Commissioner.

**Resignation of Commissioner Dye**

Commissioner Dye has moved outside of Town limits which disqualifies her from the Commission.

Motion to accept her resignation with regret and to ask Council to post the vacancy made by Newton and seconded by Snider.

All Commissioners are in unanimous consensus to accept the resignation and to ask Council to post the vacancy on any means available.

Jim Snider - yes

Teresa Newton - yes

Brian Thaler - yes

Edward Kube - yes

Tony Williams - yes

Lauren Ball - yes

Motion passed 6-0-0.

The Commission thanks Nikki Dye for her service and wishes her family the best.

**Adoption of the Agenda**

Motion to adopt agenda as submitted by Ball and seconded by Newton

Jim Snider - yes

Teresa Newton - yes

Brian Thaler - yes

Edward Kube - yes

Tony Williams - yes

Lauren Ball - yes

Motion passed 6-0-0.

**Public Comment**

Chairman Kube opened the floor for public comment. When asked if Bob Spedden would like to comment he advised he would wait until the portion of the agenda regarding a possible street closure. When asked, Cathie Spedden did not have a comment.

Chairman Kube closed the public comment portion of the agenda.

**Approval of Minutes**

10.17.2024 Minutes

Amendments:

- Page 4, paragraph 5 amended to say “Chairman Kube advised there is still plenty that the MPC can review,”
- Page 5, paragraph 2, amended to remove the line “Commissioners discuss how the Town cannot just fix the zoning.”

Commissioners discussed the minutes and potential changes but ultimately only made the above two amendments.

Motion to approve the minutes as amended by Newton and seconded by Snider.

Lauren Ball - abstain

Tony Williams - yes

Edward Kube - yes

Brian Thaler - abstain

Jim Snider - yes

Vote passes 4-0-2.

**New Business**

1. Planning Commission Meetings

This was discussed during the “Bylaws” portion of the agenda.

2. Discussion of Overlay District Plan

The Zoning Administrator advised she is working with Thomas Jefferson Planning Group regarding the Overlay District and they may be able to attend MPC’s February meeting to discuss their ideas.

3. Capital Improvement Plan

Chairman Kube asked that this item be added to the agenda as the Comprehensive Plan is supposed to be reviewed by MPC yearly and passed to MTC for budget purposes.

The Zoning Administrator will have ideas to present to MPC at their next meeting. She would like to get a guideline for the Town’s infrastructure. She would also like to present a long term plan as well.

Commissioner Snider would like to include steps by Luck Park.

Commissioner Newton would like to add signage regarding speed on Louisa Avenue. The Zoning Administrator added that speeding is an issue also on Main Street.

Commissioners and the Zoning Administrator discussed needing VDOTs involvement for studies. The Zoning Administrator was in contact with VDOT and a stop sign is being added to Railroad Avenue.

**REPORTS**

**Zoning Administrator**

The Zoning Administrator did not have an update about Miller’s Market. She is waiting to hear back from VDOT for the engineered plan.

An application for the PUD has been submitted. The Zoning Administrator has sent a letter in response to the application.

The Zoning Administrator is working with the Town Attorney for matters regarding zoning. A narrative for the PUD was originally approved as a resolution, so that resolution is what will need to be worked off of.

The Commission and the Zoning Administrator discussed the request, timeline of the application, and the parties that would need to be involved.

There have been issues with how the water lines have been installed. With developments happening quickly, the Town has had to develop lines and have not been able to replace other lines. The Town has addressed leaks over the summer and is now at a 12% loss.

The Zoning Administrator has had discussions regarding alleys. It is her understanding that there is a moratorium and if that is true, she believes it should be lifted. The process that she hopes to put in place for alley or road closures is to go out and investigate the specific area. She would develop a checklist of items for her to look at and consider for each case individually.

The Zoning Administrator passed out a summary regarding 8th Street. There had been a discussion about closing the road, which she is against, as it can be an access street or utility easement. She advises that portions of 8th Street have already been abandoned and causes a sharp turn.

A landowner is trying to receive access to her landlocked property and the Zoning Administrator thinks the best solution is to grant the homeowner an access easement. The Zoning Administrator does not believe that closing 8th Street is a viable option.

Chairman Kube pointed out that this started as a general discussion that moved to a specific closure, which was not advertised.

Chairman Kube asked if this has ever happened before within the Town and Vice-Chairman Snider advised that it happened on 7th Street.

It is the Zoning Administrator's goal to make the Town's grid more efficient.

It is the Chairman's understanding that the Town has either only opened or closed roads. He felt uneasy discussing the matter without the Town notifying the adjoining land owners. The Zoning Administrator pointed out that one of the land owners is present and it is her understanding that the other landowner would not attend a meeting. The Zoning Administrator clarified that this is just for an easement, not a road closure.

Commissioner Newton questioned why the Town would need to give an easement. The Zoning Administrator responded that if the road is ever developed, it would be a safety issue.

Commissioner Ball believes that easements are granted with great frequency in rural areas and that the Town would not be signing over ownership of the land but rather that the resident may utilize the Town's undeveloped road to access their property.

Chairman Kube interjected, adding that previously residents petitioned for the closure of 8th Street and it was denied. He asked how can the Town be certain that by granting a right of way

will not have future impact on development? The Zoning Administrator advised that she does not believe that 8th Street should be used as a through street as it would be dangerous to the neighborhood. The Town would potentially be granting an access easement which would still allow for utilities to use the easement.

It was Chairman Kube's opinion that the MPC needs legal advice on the matter.

Bob Spedden spoke about how he had tried to vacate an alley and have 8th Street closed. He was granted the alley but closing the street was declined.

The Zoning Administrator clarified that there is not an application for road closure but rather someone asking for an access easement.

The Commissioners and Zoning Administrator discussed the need for MPC's involvement in the matter and whether or not this subject could go directly to the Town Council.

Commissioner Thaler asked the Zoning Administrator for clarification on the matter; if she is solely asking for the opinion of the MPC or if this discussion is for a specific proposal? Mrs. Washington advised this was solely an informational meeting.

The Commissioners and Zoning Administrator discussed whether a public hearing is needed. The Zoning Administrator advised she is trying to do her due diligence by having a discussion with the MPC.

Commissioner Snider agreed that the road should not be used as a through street for accessing the Town.

The potential applicant, Dr. Covert, would like a chance to speak to the MPC but felt that she was being denied the opportunity. The Chairman clarified that he had not called on her to speak yet as the Spedden's were at the meeting first.

Dr. Covert advised that there are only three options for her to access her land: 1) road closure 2) opening the street or 3) an easement. She would just like access to her land.

It was the Chairman's opinion that if someone is wanting a road closure, opening, or easement there needs to be an application and it is to be reviewed and that this is not something that the Zoning Administrator or Mayor should be able to grant on their own authority. He continued, there needs to be transparency in the process as it does impact people. He added that the potential applicant is a new owner and had not advised MPC on what she plans on using the land for.

Commissioner Ball asked for clarification on the three lots and if the lots were behind the Spedden's.

The Zoning Administrator clarified the lots and that this was meant to just be a discussion as an application has not yet been filed. The application would go directly to the Town Council, however, she is trying to do the planning portion and discuss the potential application with the MPC. She believes it is important to have MPC's involvement and for everyone to work together.

Commissioner Newton asked if easements can be built on because she does not believe it can be. The Zoning Administrator responded that this is just for access only.

Commissioner Williams added that he appreciated the Zoning Administrator bringing this to MPC so they can be involved. It is his opinion that this conversation has been counterproductive and that the MPC needed to trust the Zoning Administrator as she has consulted with the attorney. He continued that Mrs. Washington needs to be treated with respect as she is trying to bring information to the MPC and is uncomfortable with how the conversation has gone thus far.

Commissioner Newton apologized if the Zoning Administrator feels attacked but she has questions she feels needs to be addressed.

Commissioner Thaler tried to add a comment but was cut off by the Chairman advising that he needed to ask first. Commissioner Thaler asked for clarification on requesting the floor moving forward so everyone is on the same page? The Chairman responded, “that it is a good question and will be dealt with later.”

In response to Commissioner Williams' statement, the Chairman agreed the Zoning Administrator is terrific and is knowledgeable, but wanted to know when did the Town start talking about individual streets without notifying the property owners? The Chairman has received complaints about this matter. Previously, streets have either been opened or closed, and he is unaware of the Town granting easements. He believed there needed to be a policy regarding granting easements.

Commissioner Ball followed by adding that the MPC has asked for the past year to be involved and informed. Previously the MPC was only made aware once an application had been submitted. She continued that there is unknown background to this particular issue but when she received the summary she knew this was just for discussion as an application had not been submitted and this meeting was not a public hearing.

Chairman Kube clarified that he approves the agenda and the agenda originally said "Closure of 9th Street,"<sup>1</sup> but the agenda was modified to “Possible Street Closure” and yet the MPC is discussing a particular street.

The Zoning Administrator responded that the Chairman knew what this agenda item was about and that it was supposed to be changed to “Discussion of an easement” and provided the Chairman with information on the easement. She again clarified that this is not about a particular application but this matter can come up again in the future and the Zoning Administrator would need to know how to handle this and this was meant solely to be a discussion.

The Chairman wanted adjacent landowners to be notified of an easement, road opening, or road closure and the main issue is awareness. The Chairman shared his ideas on moving forward with an easement.

Dr. Covert stated that the easement does not affect the immediate landowners. She added that it was her belief that there is a bias against her by Chairman Kube and asked that he recuses

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<sup>1</sup> The draft agenda had an item listed as “Discussion of Potential closure of 8th Street.

himself . She does not feel it is appropriate that she had been asked about the land use or that the length of time that she has owned the land as part of the consideration process.

Chairman Kube advised Dr. Covert that she does not get to speak as long as she would like to.

There was a continued discussion between Dr. Covert and Chairman Kube.

Commissioner Ball and Commissioner Williams left the meeting at 8:42 pm.

Motion to adjourn by Commissioner Newton and seconded by Commissioner Thaler.

DRAFT



TOWN OF MINERAL  
POLICIES MANUAL

FOIA – VIRTUAL MEETINGS FOR PLANNING COMMISSION

**POLICY NO.:** 1.3

**EFFECTIVE:** 2/27/2025

**OVERVIEW:**

This Planning Commission-approved policy will provide guidance and consistency relating to virtual meetings of the Mineral Planning Commission. This policy does not supplant the requirements found in the Virginia Code.

**BACKGROUND:**

The Virginia Freedom of Information Act (FOIA), located in § 2.2-3700, *et seq.*, of the Code of Virginia, ensures the people of the Commonwealth free entry to meetings of public bodies wherein the business of the people is being conducted. All meetings shall be presumed open, unless an exemption is properly invoked.

A meeting or meetings are defined as: the 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. For purposes of this definition of "meeting" only, the term "public business" means any activity a public body has undertaken or proposes to undertake on behalf of the people it represents.

The provisions of FOIA are liberally construed to promote an increased awareness by all persons of governmental activities. Any exemption allowing closed meetings must be interpreted narrowly.

**REMOTE PARTICIPATION POLICY:**

The Mineral Planning Commission shall, at least once annually, adopt a policy regarding remote participation, by recorded vote at a public meeting, that shall be applied strictly and uniformly, without exception, to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting. The policy shall:

1. Describe the circumstances under which 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; and
2. Fix the number of times remote participation for personal matters can be used per calendar year.

It shall be the Town's policy that members of Mineral Planning Commission may use remote participation instead of attending a public meeting in person if they provide notice, as soon as possible, to the Chairman, Town Manager, and Town Clerk that they will need to attend a meeting remotely. The notice must provide a reason for needing to attend a meeting virtually and the reason must comply with Va. Code § 2.2-3708.3(B). The notice must be received no later than 2 PM on the day of the meeting to allow Town staff time to process the request.

Requests to attend a meeting virtually can be approved by the Chairman, Town Manager, or the Town Clerk.

Members may only participate three times per calendar year for personal matters.

## PUBLIC COMMENT

### REMEMBER:

- THIS IS AN OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO INFORM THE GOVERNING BODY ABOUT THEIR VIEWS.
- THE MEETING ITSELF BELONGS TO THE GOVERNING BODY.
- THE PUBLIC DOES NOT PARTICIPATE IN THE DECISION-MAKING. INSTEAD, IT PROVIDES INPUT TO THE GOVERNING BODY, WHICH TAKES THE INPUT INTO CONSIDERATION IN MAKING ITS DECISIONS.

### TIME CONSIDERATIONS

- Establish specific periods for public comment during your meetings, in a way that is consistent with your community's expectations and customs.
- Set a length of time by which each period will conclude, unless the council votes to extend it.
- Set a time limit for each individual to speak.
- Speakers may not give their time to other people.

### WRITTEN GUIDELINES

- Provide printed copies of the guidelines and expectations.
- Review the guidelines at the beginning of each comment period if necessary, and explain that this is the time for citizens and residents to express their views in order to inform the council. Explain that the council will not engage in dialogue with the public during this time.
- The council has the right to set limits on what subjects may be addressed, how long public comment will be, and how many times people may speak. All such limits must be viewpoint neutral: they must not favor one point of view over another.

### DURING PUBLIC COMMENT

- **REQUIRE ALL SPEAKERS TO ADDRESS THEIR REMARKS TO THE CHAIR.**
- **REQUIRE ALL SPEAKERS TO ADHERE TO THE TIME LIMITS.**
- **THE CHAIR SHOULD THANK EACH SPEAKER, WHETHER POSITIVE OR NEGATIVE.**
- **IN GENERAL, IT IS BEST NOT TO RESPOND AT ALL TO PUBLIC COMMENT. HOWEVER, THE CHAIR MAY PROVIDE BRIEF FACTUAL INFORMATION, IF APPROPRIATE.**
- **THE CHAIR MUST NOT UNDER ANY CIRCUMSTANCES ENTER INTO BACK-AND-FORTH EXCHANGES WITH THE PUBLIC.**
- **COUNCILMEMBERS REFRAIN FROM SPEAKING DURING THIS PORTION OF THE MEETING.**
- **HAVE STAFF READY TO NOTE INPUT OR QUESTIONS FROM THE PUBLIC AND TO PROVIDE RESPONSES AT A LATER DATE.**

### BEHAVIORAL EXPECTATIONS

- Model courtesy and respect and encourage members of the public to do the same.
- The public has the right to make critical and harsh remarks.
- Members of the public **do not** have the right to disrupt the meeting.
- The council may prohibit demonstrations (*booing, hissing, clapping*).