



**Urbanna Town Council
Work Session
AGENDA
Town Council Chambers
390 Virginia Street Suite B
Thursday, July 13, 2023 7:00 PM**

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Approval of Agenda
5. Public Comment
6. Public Comment Response
7. Matters of the Town Council
 - a. Administrator's Report
 - b. Planning Commission Report
8. Action Items
 - a. FOIA Policy
 - b. Minutes-May 25, 2023
9. Announcements
10. Closed Meeting
 - a. Pursuant to Virginia Code section §2.2-3711(A)(1) for the following purpose: Discussion, consideration or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees or employees of any public body.
11. Open Meeting
12. Adjourn

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**Agenda Item Summary
July 13, 2023**

Agenda Item: 4-Approval of Agenda

Staff Recommendation: Approve

Council Action Requested: Yes

Sample Motion(s):

Motion to approve agenda as presented

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Agenda Item Summary July 13, 2023

Agenda Item: 7-Matters of Town Council

7a) Administrator's Report

Garth Wheeler will provide an update on the following:

- Drainage issues on Colorado & Kent Street area
- 2023 BIG Grant
- Town insurance (VRSA) policy

7b) Planning Commission Report

Councilmember Hanson will provide an update on the Planning Commission's most recent meeting

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Agenda Item Summary July 13, 2023

Agenda Item: 8a-FOIA Policy

Background: The Town's current FOIA request policy does not include charges for records requests. This policy update will allow that to occur.

Fiscal Impact: TBD

Staff Recommendation: Approve

Council Action Requested: Yes

Sample Motion(s):

Motion to approve the policy relating to charges for record requests to be approved as presented.

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Policy Relating to Charges for Records Requests

The Urbanna Town policy on charges for accessing or searching for requested records as required by Virginia Code § 2.2-3704.1, 1950, as amended. The Town does not have a fixed charge for accessing or searching for requested records. Charges for accessing or searching for requested records are based on the actual cost of responding to the request for records and may include the hourly rate of the person searching for the records in question, less benefits. To keep costs down, the Town attempts to use the lowest paid staff members capable of retrieving the requested records in responding to a request. However, in situations where a staff member is required to search through his or her own email and files, the staff member will search for the requested records and the search charge will be based on that employee's hourly rate, less benefits.

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**Agenda Item Summary
July 13, 2023**

Agenda Item: Minutes-May 25, 2023

Background: Draft minutes attached

Fiscal Impact: NA

Staff Recommendation: Approve

Council Action Requested: Yes

Sample Motion(s):

Note: If changes are requested at the meeting, approval of the minutes will be postponed to the next meeting.

Motion to approve the minutes from the May 25, 2023 meeting as presented.

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**Town of Urbanna
Town Council
Public Hearing
Monthly Meeting
Council Chambers-390 Virginia St. Suite B
May 25, 2023**

CALL TO ORDER & ROLL CALL

Mayor Goldsmith called the meeting to order at 7:00pm

Present-Members of Council

Mayor Bill Goldsmith
Marjorie Austin
Larry Chowning
Alana Courtney
Merri Hanson
Beth Justice
Sandy Sturgill

Other Attendees

Garth Wheeler-Town Administrator
Roy Kime-Zoning Administrator
Andrea Erard-Town Attorney
Michele Hutton-Town Treasurer
Martha Rodenburg-Town Clerk

All stood for the Pledge of Allegiance

APPROVAL OF AGENDA

Councilmember Austin made a motion to approve the agenda as presented

Councilmember Hanson seconded

Austin, Chowning, Courtney, Hanson, Justice, Sturgill, and Goldsmith voted yes

Motion passed 7-0

JOINT PUBLIC HEARING-ORDINANCE NO. 2023-01

Mayor Goldsmith called the meeting to order for the purpose of conducting a joint public hearing with the Planning Commission regarding Ordinance No. 2023-01, established a quorum was present, and asked the Chair of the Planning Commission to Call the Planning Commission to order.

Councilmember Hanson, Chair of the Planning Commission called to order the special meeting of the Urbanna Planning Commission, and stated a quorum was present.

Members of the Urbanna Planning Commission present were:

Councilmember Merri Hanson
Councilmember Marjorie Austin
Don Drayer
Gari Lister
Carol Williams

Mayor Goldsmith opened the joint public hearing.

Staff Report

Roy Kime, Zoning Administrator presented the staff report which recommended the approval of Ordinance 2023-01, amending Chapter 17, Zoning, Section 17-4.6.2, Permitted Uses, paragraph (21) to allow no more than 6 residential apartments or condominium dwelling units per lot by right within the B-1 district. He added the amendment would allow other options for vacant/underutilized buildings, without having to go through the process of obtaining a Special Use Permit. There would be no cost to the Town, and may increase tax revenue.

Public Hearing-Public Comment

Mayor Goldsmith opened the joint public hearing and invited members of the public to speak.

- William Mayo of Rappahannock Avenue spoke against the ordinance, in favor of bringing more businesses to the business district, not “condos”.
- Martha Rodenburg, Town Clerk, read a letter on behalf of town resident John Anzivino in favor of the ordinance. The ordinance conforms to the general tenants of the Town’s Comprehensive Plan, municipalities throughout Virginia are expanding housing in business districts, and a ‘by right’ versus special use approval removes an unnecessary level of review of the process.

Mayor Goldsmith closed the joint public hearing and turned the meeting to the Planning Commission Chair.

Councilmember Hanson asked if there was a motion regarding Ordinance 2023-01, enabling the Planning Commission to begin discussion.

Councilmember Austin made a motion that Chapter 17, Zoning, Section 17-4.6.2, Permitted Uses, Paragraph 21 be amended to read as follows: "Section 17-4.6.2 Permitted Uses: (21) a structure, or combination of structures, which contain no more than a total of 6 residential apartments or condominium dwellings units per lot. This use by right can be in combination with any other permitted use by right in the B-1 district or as a stand-alone use."

Ms. Williams seconded

- Ms. Lister stated her concerns the impetus for the ordinance was due to the sale of old Town Hall and would make it more difficult to find space for businesses.
- Councilmember Hanson stated her concerns the ordinance removes mixed-use development and would create more Air BnBs without protections.
 - Mr. Kime, responded Air BnBs are a separate issue the Planning Commission would be addressing
- Mr. Drayer asked if this ordinance was only for old Town Hall, and Councilmember Hanson clarified it would apply to the B-1 district, and further explained without the amended ordinance, the Town would still be able to grant exceptions.
 - Mr. Wheeler, stated this was not being done only because of the Town Hall sale, it was an opportunity to create more housing in the downtown area to alleviate the current housing crisis.
- Further discussion took place to include the amended ordinance would still allow mixed-use development.

Councilmember Hanson restated the motion
Drayer, Williams, and Austin voted yes
Lister voted no
Hanson abstained
Motion passed 3-1-1

Councilmember Hanson stated to the Mayor, the Planning Commission has voted to recommend Ordinance No. 2023-01
Councilmember Austin made a motion to adjourn Planning Commission
Ms. Williams seconded
Hanson, Austin, Drayer, Lister, and Williams voted yes
Motion passed 5-0
The Planning Commission adjourned

ACTION BY TOWN COUNCIL

Mayor Goldsmith informed Council the Planning Commission had voted to recommend Ordinance No. 2023-01.

Councilmember Austin made a motion that Chapter 17, Zoning, Section 17-4.6.2, Permitted Uses, Paragraph 21 be amended to read as follows: "Section 17-4.6.2 Permitted Uses: (21) a structure, or combination of structures, which contain no more than a total of 6 residential apartments or condominium dwellings units per lot. This use by right can be in combination with any other permitted use by right in the B-1 district or as a stand-alone use."
Councilmember Sturgill seconded

- Councilmember Chowning asked why if you can do this on a case-by-case basis, why aren't we doing it that way
 - Mr. Kime explained the process was burdensome and time consuming
- Ms. Erard clarified it is a text amendment to make changes as to the authorized uses in the B-1 zoning, it does not get rid of current uses and gives more flexibility
- Additional discussion took place

Austin, Chowning, Courtney, Justice, Sturgill, and Goldsmith voted yes
Hanson abstained
Motion passed 6-0-1

Mayor Goldsmith closed public hearing

REPORTS

Town Administrator

- Pool Committee
 - Contract with Heisler Construction signed and they have begun bringing in sub-contractors
 - Responses to DEQ inspection have been submitted by Bay Design
 - Pool Committee has begun a fundraising plan
 - Several community members have volunteered to assist with fundraising
- Boundary Line Adjustment
 - The required public hearings have been scheduled (Middlesex County Board of Supervisors-June 6th/Town of Urbanna-June 8th)
 - Letters have been sent to all property owners affected by the BLA.
 - Pending a positive outcome of the votes by the Middlesex Board of Supervisors and Town of Urbanna Town Council, the Voluntary Boundary Line Adjustment will then go the Circuit Court
- Sale of Old Town Hall

- Mr. Wheeler and Ms. Rodenburg will be signing the closing paperwork on May 26th at Wood-Bury Title Associates
- The closing is scheduled to be completed on June 1st
- Marina/BIG Grant
 - VMRC has approved the permit for the repairs to the Town Marina dock and shoreline erosion
 - Army Corps of Engineers scheduled to review and provide their response by the middle of June
 - Permit also includes a floating dock being placed on the dingy dock side of the boat ramp
- Memorial Day Service
 - Scheduled for 11:00 AM Monday, May 29th at the Town Marina
 - Guest speaker is Delegate Keith Hodges
 - Music provided by Jubal
- The Jazz Concert that was scheduled for Saturday evening in Taber Park has been moved to Something Different at 6pm
- Ware Neck Produce has requested to set up their truck at Virginia Street and Waverly Dr. starting May 27th
- Friends of Rappahannock has placed an oyster shell recycling container at the Town Marina, which will be used to replenish and build oyster reefs in Urbanna Creek

Mr. Wheeler invited Ann Miller, President of the UBI to update Council on the progress of the Bristow Pavilion. She informed Council the pavilion is under roof and the dedication is tentatively scheduled for July 1st at 11am.

Councilmember Justice reported Urbanna Lumber has donated wood to build a stage for events

Treasurer's Report

Michele Hutton presented the April 2023 Treasurer's Report

- 71 golf carts have been registered in 4 months
- Business license applications mailed out and due July 1
- 4 short term rentals are non-compliant
- Continuing efforts to ensure golf carts are properly registered
- Banner dedication to take place on June 23rd at 5pm at the firehouse, with a golf cart parade to honor veterans on June 24th

Ms. Erard informed Council she is working with Ms. Hutton on revamping forms (Short-term rental, business licenses, water service, etc...) and collections systems, so they are consistently and fairly enforced and integrate with current ordinances



Treasurer's Report

The Balances Below, Reflect Bank Statements as of Month's End

Account Balance thru 04/30/2023	Prior Year 4/30/22	Prior Month 3/31/23	Statement Date 4/30/23
Primis Bank General Operating Bank Account	661,108.90	799,760.39	769,420.31
Renter Water Deposits	14,651.66	-15,386.66	15,361.66
Net Operating General Bank Account	650,959.12	791,354.71	768,314.63
C & F Bank Pool Replacement Account (new 2/28/23)	36,763.99	832,487.30	847,717.01
C&F Bank Historic Trust (new 3/1/2023)	27,799.07	32,903.96	33,566.84
Primis Bank Water Fund Reserve	114,021.98	114,700.27	114,770.66
Primis Bank General Fund Reserve	94,765.66	95,121.06	95,157.54
Primis Bank Cares Local Recovery	237,680.51	238,230.65	238,376.85
Primis Bank DMV	464.31	1,439.46	2,901.50
Primis Bank USDA Well Replacement-new 10/14/22	n/a	2,503.49	2,504.07
Taber Trust – Account Value	1,476,014.25	857,356.55	
Taxes listed below are collected for prior month(s)	4/30/22	3/31/23	4/30/23
Meals Tax collected in April	5,405.25	7,459.65	3,862.77
Lodging Tax collected in April	0.00	1,298.55	1,982.71
Cigarette Tax collected in April	700.11	618.19	662.88

APRIL EXPENDITURES:

- Business as usual

REVENUE as of 4/30/2023

Notes:

- C&F Bank accounts - interest accrues and posts quarterly. Balance increases due to deposits.

May 3, 2023
10:57 AM

Town of Urbanna
2023 Revenue Summary by Month

Range of Accounts: 100-12100-0001 to 100-12100-0001 Start Month: July Start Year: 2022
 Type: Revenue Activity Includes Accounts with Zero Activity: N Year To Date As Of: 05/03/23
 Subtotal CAFR: No

Account No	Description											
Total	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	
100-12100-0001	Lodging Tax											
29232.03	3422.19	3213.42	7522.80	1945.30	3711.39	2527.39	756.10	2851.18	1258.55	1982.71	0.00	
Fund Total												
29232.03	3422.19	3213.42	7522.80	1945.30	3711.39	2527.39	756.10	2851.18	1258.55	1982.71	0.00	
Grand Total	Count: 1											
29232.03	3422.19	3213.42	7522.80	1945.30	3711.39	2527.39	756.10	2851.18	1258.55	1982.71	0.00	

May 3, 2023
10:58 AM

Town of Urbanna
2023 Revenue Summary by Month

Range of Accounts: 100-12110-0001 to 100-12110-0001 Start Month: July Start Year: 2022
 Type: Revenue Activity Includes Accounts with Zero Activity: N Year To Date As Of: 05/03/23
 Subtotal CAFR: No

Account No	Description	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May
100-12110-0001	Meals Tax - Local											
184925.82		14635.00	14992.16	13319.79	10045.11	9883.46	14659.22	6727.91	5027.44	7459.65	8176.03	0.00
Fund Total		14635.00	14992.16	13319.79	10045.11	9883.46	14659.22	6727.91	5027.44	7459.65	8176.03	0.00
Grand Total	Count: 1	14635.00	14992.16	13319.79	10045.11	9883.46	14659.22	6727.91	5027.44	7459.65	8176.03	0.00

May 3, 2023
10:52 AM

Town of Urbanna
2023 Revenue Summary by Month

Range of Accounts: 500-17010-0001 to 500-17010-0001 Start Month: July Start Year: 2022
 Type: Revenue Activity Includes Accounts with Zero Activity: N Year To Date As Of: 05/03/23
 Subtotal CAFR: No

Account No	Description	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May
500-17010-0001	Water Sales Charges											
264234.78		2878.78	65830.56	17448.96	37734.22	16187.37	37839.77	11922.27	30520.16	28966.81	14905.83	0.00
Fund Total		2878.78	65830.56	17448.96	37734.22	16187.37	37839.77	11922.27	30520.16	28966.81	14905.83	0.00
Grand Total	Count: 1	2878.78	65830.56	17448.96	37734.22	16187.37	37839.77	11922.27	30520.16	28966.81	14905.83	0.00

Finance Committee

Councilmember Sturgill, Finance Committee Chair reported the following:

- Met May 19th
- Proposed FY2023-2024 Budget
 - Public hearing scheduled for June 8th
 - Vote on budget will be held June 22, 2023
 - Committee recommends increases in in-town water rates and slip rates at Town Marina
- Town Marina Slip Rates
 - After review of rates at other marinas on the Middle Peninsula, the Committee recommends increasing daily, weekly, monthly, and annual slip rates
 - A public hearing will take place on this non-codified ordinance on June 8, 2023
- Water Rate Increase
 - The Finance Committee recommends an increase to in-town water rates, based on the recommendation of the Water Committee
 - A public hearing will take place on this non-codified ordinance on June 8, 2023
- Taber Fund
 - Per a recommendation by Davenport Investments, the Committee requested Council approve the suggested diversification of the fund by transferring \$100,000 into two other accounts

Water Committee

Councilmember Justice, Chair of the Water Committee reported the following

- Committee met Monday, May 23rd
- Production well is proceeding and is near completion depth at more than 600 feet

- Meeting scheduled with Kimley Horn for June 6th to discuss phase 2 of the new well, in particular the electrical utilities
- Cartegraph and AH Environmental have been coordinating to provide requested information to VDH as the grant application for infrastructure upgrades moves forward
- Water line on Meadow Lane has been extended to 2 new customer and to provide future access to a third lot

Mr. Kime

- Informed Council of the status of water report being submitted to the Virginia Department of Health-Drinking Water office
 - Will be submitted by July 1
 - No violations reported
 - Required announcement will be published in the Southside Sentinel
- Well 6 has been drilled and the casing is now being poured
 - Phase 2 is installing the pump

Planning Commission

There was no report

PUBLIC COMMENT & PUBLIC COMMENT RESPONSE

- Jeff Beekhoo, President of Broadband Telecom gave a brief overview of his company and will schedule a time to speak with staff and address Council at a date in the future
- Dana Longest-addressed Council to draw attention to problems with the business license applications
 - Andrea Erard responded it's not as simple as it appears on the ground and is a complicated process. She is working with Ms. Hutton to make sure the application and ordinance interface.

OLD BUSINESS

There was no Old Business

NEW BUSINESS

Taber Fund Transfers

Mayor Goldsmith reported, based on the recommendation of Brian Manetz (VP of Davenport) to diversify the funds the Taber Fund is invested in, the Finance Committee was recommending to Council they approve the transfer \$100,000 into each of the following funds:

- American Funds-Washington Mutual Investors
- American Funds-Capital Income Builder
- Davenport-Davenport Equity Opportunities Fund

Councilmember Austin made a motion to transfer \$100,000.00 funds from the Taber Funds Account into the newly established account, Transfer \$100,000.00 into the second established account and leave the remaining funds in the current account. Transfer would go to the American Funds-Washington Mutual Investors, American Funds-Capital Income Builder, and the Davenport-Davenport Equity Opportunities fund.

Councilmember Hanson seconded

Austin, Chowning, Courtney, Hanson, Justice, Sturgill, and Goldsmith voted yes

Motion passed 7-0

ANNOUNCEMENTS

Garth Wheeler informed Council the potholes on Prince George Street were filled after Martha Rodenburg went to the VDOT website and submitted a request as a citizen. The potholes were filled within 2 days of making the request. VDOT has an online form that can be completed by the public for road repairs.

ADJOURN

Councilmember Austin made a motion to adjourn

Councilmember Hanson seconded

Austin, Chowning, Courtney, Hanson, Justice, Sturgill, and Goldsmith voted yes

Motion passed 7-0

Meeting adjourned at 8:09pm

Submitted by:

Martha J. Rodenburg

Town Clerk

Approved by Town Council xx/xx/xxxx

DRAFT