

**Town of Urbanna
Town Council Work Session Minutes
May 13, 2021
Meeting Held via Zoom**

CALL TO ORDER & ROLL CALL

Mayor Hartley called the meeting to order at 6:31pm

Present

Mayor Barbara Hartley

Councilmembers

Marjorie Austin

Bill Smith

Larry Chowning

Bill Goldsmith

Steve Hollberg

Merri Hanson

Garth Wheeler-Town Administrator

Roy Kime-Zoning Administrator

Martha Rodenburg-Town Clerk

Andy Bury-Town attorney

Multiple guests

Mayor Hartley began the meeting by paying tribute to former Mayor Diane Gravatt who passed away May 6, 2021

During her life in Urbanna, Diane made many generous contributions of time and effort to the community. She loved God's creatures, the dogs, the cats, the birds, lavishing affection her pets and dedicating herself to Urbanna's feral cat population, and their humane control and welfare. And even as we faced problems including buzzard invasions, she was always looking to find the most humane methods possible to deal with them. In the past, she was active in the Middlesex Art Guild, serving on the committee that yearly hosted Art on the Half Shell, the predecessor to today's Arts in the Middle. Later, she took it upon herself to assist, when Urbana last hosted, uh, the Chesapeake Bay Buy boat reunion at our town Marina, she was passionate about the preservation of our local history, holding active membership with the Middlesex County Museum and Urbanna's Historic and Architectural Review Board. Her home with her devoted and loving husband, AB was a testament of that love and passion for preservation. She spent two decades, not only restoring Lansdowne, but selflessly opening up to the public for countless events that benefited our town. As a council member, and then mayor of Urbanna, she labored many hours in town hall, striving to make it and keep it a viable historic community. Now hope each of you will take a moment to remember, thankfully, those contributions that she made for our combined benefit.

Mayor's Comments

The mayor commented on positive town efforts

- Historic and Architectural Review Board (HARB)
 - Resumed duties
 - Individuals & businesses moving forward to improve appearance and viability of historic district
- Pool committee
 - Preparing for work on a new swimming pool and revitalized Tabor Park
- Friends of Urbanna Museum
 - Town's advisory committee for museum and visitor's center
 - Making plans to revitalize museum
- Oyster Festival & Urbanna Business Association (UBA)
 - Partnering with Town staff for summer filled with family friendly events and farmer's market at Tabor Park
- Urbanna Beautification, Inc.(UBI)
 - Installation of new lampposts along Cross St.
- Town Hall
 - New town graphics on front windows
 - Interior repairs
 - Exterior repairs
- Elimination of standing water in front of Oyster Point condos

MINUTES

Minutes from the 2/11/21, 2/25/21, 4/8/21, and 4/22/21 meetings were presented to council. Corrections, edits, and future formatting changes were discussed

Councilmember Hanson made a motion to have the minutes approved as amended

Councilmember Goldsmith seconded

Councilmember Hollberg moved to amend the motion to approve everything but the April 8th minutes

Councilmember Goldsmith seconded

Vote was taken to accept the amendment to the motion

Chowning, Smith, Hollberg, Goldsmith, Hanson, and Austin voted yes

The amendment to the motion passed 6-0

Council voted to accept all the minutes except for April 8th

Chowning, Smith, Hollberg, Goldsmith, Hanson, and Austin voted yes

The motion passed 6-0

REPORTS

Town Administrator

Budget Proposal

21/22 Budget Proposal – The Finance Committee has completed its work on the budget proposal for the next fiscal year. Bill Goldsmith will be discussing this.

Memorial Day Celebration

- The Town of Urbanna has partnered with the Urbanna Oyster Festival Committee to host the "Urbanna May Days"
- Saturday, May 29th from 10:00 AM – 8:00 PM
 - 10:00 AM – Golf Cart Run
 - 11:00 AM – Arts & Crafts Show with food available for purchase
 - Classic Car Rally
 - 6:00 PM – 8:00 PM – Entertainment Eddie Sal from Virginia Beach will be performing.
- The Woman's Club -Arts and Crafts Show at their facility

Town planning to hold several events throughout the summer as The Oyster Festival plans are pending.

Memorial Day Service

- Monday, May 31
- Town Marina
- Service to include music by Jubal, laying of wreath, and proclamation to be read by the Mayor

Independence Day Celebration

- July 4th celebration
- July 2 with a July 5 rain date
- Food provided by fire department
- 6pm boat parade
- 9pm (approximate) fireworks

IT Services

- Franktronics has begun changing over our IT service
- Transfer should be completed by end of May
- NetInterop has been cooperative and provided necessary assistance

Board Meeting

- Historic Architectural Review Board (HARB) held its first meeting May 5, to review several projects in Town.

Town Marina

- Docks of the Bay has been advised that Council wishes to move forward with project
- To be discussed under Old Business

Pool Committee

- Met May 11
- Future meetings with LPDA and county planned to discuss support
- To be discussed under Old Business

CARES Act Funding

- Town has received approximately \$10,000.00 for town residents with water/sewage bill arrearages from March 2020 to present.
 - 75 residents identified as possibly being eligible

- Letter & application mailed May 4.
 - Seven (7) returned as undeliverable
 - One (1) application received

Town Museum

- “Friends of Urbanna” had a historian who specializes in Scottish Factor buildings visit. He was very impressed with the shape of the building. Members described his visit as being very enlightening and educational. Plans are to bring him back for a presentation and recommendations for museum displays.

Town Marina

- Joyce and her crew busy making repairs and getting ready for the summer.

Town Office

- Contractor scheduled to paint and make necessary repairs to the exterior of the Town Office
 - Should be completed by Memorial Day

Ad Hoc Volunteer Committee

Councilmember Austin reported

- Met with Ann Hayes, Sandy Hayes, and Mrs. Payne on May 11, 2021
 - After meeting, they weeded at the marina
 - Getting marina ready for a wedding reception to be held in June
 - Preparing to add lighting to the sign coming into town from Townbridge Rd

Water Committee

Councilmember Smith reported

Committee met May 3, 2021

- Tank fencing and drainage will be included in the well feasibility report
- Roy Kime, Bill Goldsmith, and Bill Smith have completed 6 hours of Cartegraph (water system maintenance program) training about requirements for information gathering on town water system
- Cartegraph has asked for information to be sent to them from AH Environmental to populate the custom program for Urbanna
- Sent work assignment to AH for quote to upload information necessary
 - Quote has been received and will be discussed during executive session
- Five (5) seats in Cartegraph program, currently only sitting in three (Smith, Goldsmith, Kime)
 - Councilmember Smith would like the remaining two seats to be filled by town staff, and recommends Garth Wheeler and Martha Rodenburg
 - Will send overview information to them to begin training and have Cartegraph included them in future weekly meetings (Tuesdays)
 - By included staff, there remains continuity, should the elected officials currently seated be unavailable
- Kimley-Horn well feasibility study completed, committee has reviewed and will be discussed further in executive session

Grants & loans

- Town has received \$5,000 reserve from Department of Housing and Community Development (DHCD) for an income survey.
 - This is a reimbursable grant to cover cost of doing survey
 - Steps needed to be taken and completed by June 30th
 - Requested Garth Wheeler to involved needed participation by Middle Peninsula Commission
 - Project management team of stakeholders needed
 - Councilmember Smith is in process of drafting survey
 - Statistically, a 90% confidence level with a margin of error of 10% is required for the survey to be viable
 - Town's Low-Median Income (LMI) currently 48%, LMI is required to be 51%
- Bowman assisting in Virginia Department of Health (VDH) application for hydrological study for \$35,000 grant
 - In beginning stages
 - Study would allow town to understand where pressures are
 - Important for fire safety, to insure correct amount of pressure goes to hydrants

Councilmember Hollberg commented on a concern regarding the Methodist Church's pumping of water from their basement for past month. Councilmember Smith has looked into this and the cause is sand layer from the point down to church, which is the end point.

- Councilmember Smith added one of the questions in DHCD survey is regarding storm water run-off. There are grants available for storm water mitigation.

Councilmember Chowning asked for clarification as to why LMI percentage is critical.

Councilmember Hanson asked how LMI was calculated.

- Intricate calculation by HUD that takes into account not only income, but number of residents in home
 - During tabulation, businesses will need to be excluded from LMI calculation
 - Multiple households dependent on one water meter (e.g. condos) will need to be calculated differently
 - Percentage of population that fits into low and moderate income
 - Data will come from survey/individual disclosure
- Regarding survey confidentiality
 - Completed surveys will come to staff
 - Survey will come with cover letter that includes an ID number that will be on survey form
 - Only cover letter will have name and address, returned surveys will only have ID number
 - Survey is voluntary

Importance of survey participation was reemphasized

Previously mentioned 5 steps were stated

- Initial management team meeting
- Completion of neighborhood surveys
- Completion of infrastructure assessment

- Completion of second management team meeting

Pool Committee

- Councilmember Goldsmith reported the new committee is engaged and ready to move forward, needed are:
 - 1) Comprehensive site plan to include soil study
 - 2) Construction details-estimates
- There is a design for the park that can be done in stages that are interlocking blocks. It will be cost-effective to determine infrastructure placement and soil structure for entire project.
- Funding sources such as grants and CARES act money; community fundraising efforts are a possibility
- Contractor in place, funding needed for initial soil study & site plan
 - If we are going to have a pool at all, we need to get on the docket and get the initial study done

Council Member Hollberg brought up concerns related to the \$1.6 million estimated cost for the entire project, which, if financed privately at 4% over 40 years would create a \$80K per year debt service for the entire rebuild. Add to that the \$20K to \$30K operating cost and that brings the project to \$110K commitment per year. To put that in perspective, that consumes the lion's share of annual meals tax, which runs about \$130K per year. Alternatively, to fund the debt service, real estate taxes would increase 32%. Council has to come up with a financing plan to cover that increased obligation or find grants or gifts to lessen the burden on the taxpayers.

Discussion was had addressing this.

- Councilmember Goldsmith stated a plan and study were needed to determine the physical and financial feasibility of the project.
- A plan is needed to determine what to do with old pool.

Treasurer's Report

Garth Wheeler reported the following:

Account balance through April 30, 2021

Sona Bank General Operating Bank Account-\$589,116.91
 Renter Water Deposits-\$14,511.66
 Net Operating General Bank Account-\$588,447.15
 BB&T Historic Trust Fund-\$17,614.07
 BB&T Pool Replacement Account-\$36,760.34
 SonaBank Water Fund Reserve-\$113,648.11
 SonaBank General Fund Reserve-\$94,549.14
 Meals tax collected in April-\$10,997.62
 Lodging tax collected in April-\$327.69

PUBLIC COMMENT

There was no public comment

Councilmember Hollberg commented regarding the HardiePlank siding installed at Town Hall. Warranty is void if steps aren't taken to keep water from siding, and suggested adding gutters. Discussion took place about past repairs made to building, and it was agreed Garth Wheeler would look into vendors for advice and quotes.

OLD BUSINESS

Street Light Project Update

- Councilmember Hanson reported the purchase of the solar street lamps for Cross St., approved by Council in 2020, was moving forward.
 - Town has entered into a Memorandum of Understanding (MOU) with the UBI
 - Once lamps have been purchased and installed, the UBI will donate \$15,000 towards costs
 - Anticipated completion in time for July 2nd celebration

Councilmember Hollberg reiterated his prior objection to project. He objected to the lights for the reason that it appeared to him they would produce insufficient light at night for the investment and, in particular in winter months when most needed and when short days reduced the charging hours available from sunlight. This is from his observation at night of the lighting at Dr. DeVries house, where the sample light was installed temporarily. He agreed that Council had previously made a commitment financially for lighting, but that insufficient research into lighting types did not support the solution.

Urbanna Boat Ramp Repair

Garth Wheeler reported he has sent Council quotes from Docks of the Bay with four different options

- Placing Riprap down and building on existing ramp-\$90,000+
 - Concerns about Riprap damaging boats
 - Life expectancy of only 4-5 years
- Install Flexamat product over Riprap extends ramp 16'-\$16,000
 - Flexamat has very long life expectancy

Councilmembers requested more information regarding the Flexamat product

- Type of infill used
- Deterioration caused by submersion in brackish water

Garth Wheeler will provide answers to those questions as well as identifying other projects they have done using the Flexamat

Councilmember Hollberg recommended placing signage at ramp warning boaters to not use their engines to propel boat onto trailer

Councilmember Smith made a motion to allow Garth Wheeler to move forward to get on the Docks of the Bay calendar, with the stipulation that Council's questions are adequately answered

Councilmember Austin seconded

Chowning, Smith, Goldsmith, Hollberg, Austin, Hanson voted yes

Motion passed 6-0

NEW BUSINESS

Budget for 21-22 Public Hearing

- Garth Wheeler reported he has sent Council the following recommended schedule for budget approval
 - Public hearing to be held June 10, 2021
 - Public notice to be published in Southside Sentinel on May 27 and June 3, 2021
 - Final approval of budget scheduled for June 24, 2021

Councilmember Hollberg made a motion to approve the schedule

Councilmember Austin seconded

Chowning, Smith, Goldsmith, Hollberg, Austin, Hanson voted yes

Motion passed 6-0

Cigarette Tax Proposal

Councilmember Chowning gave background on history of past consideration of imposing a cigarette tax in the Town of Urbanna. At the time, it wasn't feasible due to Urbanna Market being only place in Urbanna to sell cigarettes, and may have disadvantaged competitively with retailers outside Town limits. Also, it would have placed an administrative burden on Town staff.

Recent changes to the law by the Virginia Legislature have changed the powers of counties to tax cigarettes, so that only a public hearing and majority vote by Board is required

To overcome collection and administrative burden, several Northern Neck counties, and the town of Montross have formed the Chesapeake Bay Cigarette Tax Commission, funded by 5% of taxes collected. Middlesex County is considering joining commission

- Councilmember Chowning recommends the Town of Urbanna join the Chesapeake Bay Cigarette Tax Commission and consider voting to begin charging a tax on cigarettes.
- Collection & administrative duties would be done by the Commission
- At present, there are two locations in Urbanna that sell cigarettes
- The proposed cigarette tax in Middlesex County would remove disadvantage with retailers outside of Town limits

The matter was discussed by Council

- Estimated revenue--\$5,000
- Current agreement in place with the Commission states participating counties will not tax the towns also in the Commission
- Garth Wheeler spoke with Matt Taylor of Middlesex County-Middlesex County is not opposed to Urbanna participating
- Middlesex County is moving forward with plan to join Commission and charge cigarette tax with anticipated date of implementation of January 20, 2022
- King & Queen, West Point, Tappahannock, and Essex are other localities that are considering participation
- Town of Urbanna can determine the amount of tax

Andy Bury read effective July 1, 2021 under Section 58.1.38-30 any county, city, or town is authorized to levy the tax upon the sale or use of cigarettes. Under Section B-any county cigarette tax imposed shall not apply within the limits of any town located in such county where such town now or hereafter imposes a town cigarette tax. However, if the governing body of such towns shall provide that a county cigarette tax, as well as the town cigarette tax shall apply within the limits of the town then such cigarette tax shall be imposed by the county within the town

Even if the county were to impose tax before the town and town were to subsequently impose tax, the county tax wouldn't apply unless the town governing body decided both taxes would apply.

Additional discussion took place

Councilmember Hollberg made a motion for the Town of Urbanna to join the Chesapeake Bay Cigarette Tax Commission.

Councilmember Austin seconded

Austin, Smith, Chowning, Goldsmith, Hollberg, Hanson voted yes

The motion passed 6-0

Tabor Park Pool

Councilmember Goldsmith made a motion to engage LPDA to complete the site plan for Tabor Park, including the studies associated with task one necessary for going forward with Tabor Park, as it is economically feasible

Councilmember Smith seconded

Chowning, Smith, Goldsmith, Hanson, Austin voted yes

Due to technical difficulties, Councilmember Hollberg was unable to vote

Motion passed 5-0

EXECUTIVE SESSION

Mayor Hartley made motion to go into executive session pursuant to Section §2.2-3711(A) (29), *Code of Virginia* for the following purpose: Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

AND

Section §2.2-3711(A)(1), *Code of Virginia* 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 Town of Urbanna.

Councilmember Austin seconded

Austin, Smith, Chowning, Goldsmith, Hollberg, Hanson voted yes

The council entered executive session

Mayor Hartley made motion to go back into open session

Councilmember Austin seconded

Hanson, Austin, Smith, Chowning, Goldsmith, Hollberg voted yes

Mayor Hartley read the certification of executive session:

Whereas, the Urbanna Town Council has convened an Executive Session meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and Whereas, Section 2.1-344.1 of the Code of Virginia requires a certification by the Urbanna Town Council that such executive meeting was conducted in conformity with Virginia law; Now, Therefore Be It Resolved that the Urbanna Town Council hereby certifies that to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies, and (i) only such public business matters as were identified in the motion convening the executive session were heard, discussed or considered by the Urbanna Town Council.

Councilmember Austin seconded

Hanson, Austin, Smith, Chowning, Goldsmith, Hollberg voted yes

The council re-entered open session

OPEN SESSION

Councilmember Smith made a motion to accept estimate from AH Environmental for \$2,708 to upload data to Cartegraph and change everything over to shape files, etc. and permission to allow release for them to move forward

Councilmember Hollberg seconded

Hanson, Austin, Smith, Chowning, Goldsmith, Hollberg voted yes

The motion passed 6-0

Councilmember Hanson made a motion for the Town Manager to issue an RFP to procure town attorney services by someone who specializes in municipal law, and such services would be subject to contract, annual review and possible renewal.

Councilmember Hollberg seconded

Hanson, Goldsmith, Hollberg, Austin, Chowning voted yes.

Smith abstained

The motion passed 5-0

Councilmember Smith motioned to adjourn

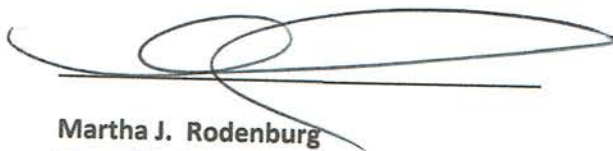
Councilmember Hollberg seconded

Hanson, Austin, Smith, Chowning, Goldsmith, Hollberg voted yes

The motion passed 6-0

Meeting adjourned at 9:38pm

Submitted by:



Martha J. Rodenburg
Town Clerk