

**Town of Urbanna
Town Council Monthly Meeting Minutes
May 27, 2021
Meeting Held via Zoom**

CALL TO ORDER & ROLL CALL

Mayor Hartley called the meeting to order at 7:02pm

Present

Mayor Barbara Hartley

Council Members

Marjorie Austin

Bill Goldsmith

Merri Hanson

Steve Hollberg

Bill Smith

Garth Wheeler-Town Administrator

Roy Kime-Zoning Administrator

Martha Rodenburg-Town Clerk

Andy Bury-Town Attorney

Multiple members of the public

All present said the Pledge of Allegiance

MINUTES

Councilmember Hollberg made a motion to approve the minutes of the April 8, 2021 Work Session

Councilmember Austin seconded

Vote was taken to accept the motion:

Austin, Smith, Hanson, Goldsmith, Hollberg voted yes

Motion passed 5-0

Councilmember Hollberg made a motion to approve the minutes of the May 13, 2021 Work Session

Councilmember Austin seconded

Councilmember Goldsmith commented on misspellings of names and words. These edits had already been brought to the attention of the Town Clerk and were corrected

Vote was taken to accept the motion:

Austin, Smith, Hanson, Goldsmith, Hollberg voted yes

Motion passed 5-0

REPORTS

Town Administrator

- Budget proposal made, public comment June 10th

- Public notice in paper in paper and on website
- Will be discussed further in Finance Committee report
- Memorial Day Celebration
 - Saturday, May 29th 10am-3pm
 - Live entertainment 6pm-8pm
 - In case of rain, entertainment will take place at fire station
 - Mayor Hartley commented the Golf Cart Run should not be referred to as a parade
- Memorial Day Service
 - Monday, May 31 at 11am
 - Held at Town Marina
 - Presentation of Colors, music by Jubal, reading of Town Proclamation by the Mayor
- Independence Day Celebration
 - Friday, July 2nd, rain date Monday, July 5th
 - Food provided by fire department
 - Boat parade at 6pm
 - Fireworks approx. 9pm
- IT Services
 - Franktronics continues work transferring service
 - Estimated completion by June 1
- Pool Committee
 - Scheduled to meet with LPDA Wednesday, June 2nd
 - Will be discussed further later in meeting by Councilmember Goldsmith
- Town Office
 - Paint contractor painting and repairing
 - After holiday weekend, staff will get information regarding gutters for building
- Town Museum
 - Friends of Urbanna Museum hosted reception and Mitchell Map presentation by Paul Malone for councilmembers and staff
 - Part of ongoing effort to increase awareness of historical importance of map, building, and town

Treasurers Report

Status of report the same as the meeting on May 13th

Finance Committee

Councilmember Goldsmith reported the budget is nearing finalization

- Public inspection needed
- To be voted on at meeting on June 24, 2021
- Based on past budgets and anticipated income and expenses for the period of July 1, 2021 through June 30, 2022

Garth Wheeler made a recommendation to amend the agenda to add two items, the mayor's right to vote, and an ordinance to allow the operation of utility vehicles

Councilmember Goldsmith made a motion to amend the agenda to add the items

Councilmember Austin seconded

Vote was taken to accept the motion:

Austin, Smith, Hanson, Goldsmith, Hollberg voted yes

Motion passed 5-0

Water Committee

Councilmember Smith reported the first public meeting regarding the income survey was held prior to the Council meeting.

Councilmember Smith reported he has directed Cartegraph to put training on hold for one month due to the water survey and grant application.

Pool Committee

Councilmember Goldsmith presented Council with a diagram developed by the committee that gives a guideline for what they are planning and ideas for funding. Goal is to create a park that benefits all the citizens. Some of these items include:

- Building pool with future maintenance costs in mind
- Avoid impacting tax structure
- Possible community block grants
- CARES funds
- Fundraisers
- Lessen possible debt
- Partnerships with businesses and other communities

At present, there are no pools in Middlesex County that are acceptable for competition

Councilmember Hollberg stated his commentary was to clarify the overall financial picture so that people can understand potential costs. He is confident there will be a solution. He understands the intent of the committee is to build a project that doesn't increase tax burden or raid Tabor Trust Fund.

Councilmember Goldsmith responded goal is to not burden taxpayers on acquisition or sustainability of project. Possible only use funds from Tabor Trust as regards to income generated not invading principle.

Committee is meeting with Bill Mechnick of LPDA to establish a timeline

Budget Proposal

Garth Wheeler reminded all of the public hearing to be held as a part of the June 10th Town Council Work Session, with final vote to take place on June 24th.

PUBLIC COMMENT

There was no public comment

Councilmember Hollberg thanked Garth Wheeler and staff for responding to trash concerns at playground.

Councilmember Hollberg noted there will be a delay in getting boots at the marina repaired due to delay in obtaining the specialized materials needed. Once the materials have arrived, the boots will be removed for repair, which may take a couple of weeks. Recommends placing a sign when the boots are removed that states they will be returned once repaired.

Councilmember Smith reported Dominion Energy is replacing telephone poles. This may take remainder of year. Dominion is not moving Verizon and Atlantic Broadband lines to new poles, leaving many properties with two poles. Town should reach out to them to move lines to new poles so that the old poles can be removed.

OLD BUSINESS

Cigarette Tax Update

- Proposed ordinance has been drafted
- Will be posted on website
- Proposed \$ 0.40 per pack of cigarettes sold in Town of Urbanna
 - Same amount Middlesex and surrounding jurisdictions are charging
- Recommending public hearing July 8, 2021
- If approved, implementation to begin August 1, 2021

Town Marina

Ramp repair

- Council has received answers to questions about product being used in project
- Anticipated to begin in Fall, with company trying to begin earlier

Mayor's Voting Status

Per Council's previous instruction, Garth Wheeler contacted an attorney specializing in municipal law, Andrea Erard, to request an opinion on the mayor's right to vote. Based on Urbanna Town Code and Code of Virginia, it is Ms. Erard's opinion the Mayor of Urbanna does have the right to vote, but cannot veto.

There was discussion pertaining to Council's intent on a motion passed on February 11, 2021 giving the Mayor the right to vote based on the opinion of the attorney solicited by the Town Administrator.

Councilmember Goldsmith moved "[Urbanna Town Council] hold off doing any more with the controversy over the mayor's right to vote, pending the opinion of the Attorney General of Virginia."

Councilmember Smith seconded

Goldsmith, Smith, Hollberg, Hanson, Austin voted yes

Motion passed 5-0

NEW BUSINESS

Town Council-Live Meetings

COVID restrictions are being lifted regarding meetings as of July 1, 2021

- Meetings must be held live after that date

Council discussed their desire to allow for hybrid meetings to allow for all residents to participate in person and via an online platform

Garth Wheeler reported AV equipment can be purchased using CARES Act monies that will allow hybrid meetings

- Enhanced microphone system
- Large screen monitor
- Cameras
- Three bids required to meet CARES Act requirements
- Staff has received two bids
- Meeting scheduled to receive a third bid

Councilmember Hollberg commented the system would need to be tested prior to using in a live meeting

Councilmember Hanson noted the increased attendance of the public with the Zoom meetings and does not want to lose that momentum.

Resident Greg Chambers commented via Zoom chat that when Middlesex County Board of Supervisors began meetings in person and open to the public, they did not continue to use Zoom.

Garth Wheeler, Councilmember Hanson and Councilmember Austin responded that was not the case, Middlesex County was conducting hybrid meetings

Town Clerk, Martha Rodenburg commented per the AV technician she and Garth met with, the system staff is looking at allows the public to view the meetings live via the internet, but they cannot participate in the way Zoom allows.

Further discussion was had regarding Council's preference to allow as many residents as possible to participate via a hybrid system, if they are unable to physically attend meetings.

Council decided to continue the discussion at the next scheduled meeting

Additional Museum Staffing

Garth Wheeler reported the plan to open the museum at least 3 days a week

- Currently, 2 part time employees
- Need exists to hire an additional part time docent

Councilmember Austin motioned to give the Town Administrator the authority to hire a third part time docent

Discussion was had regarding the number of hours per week would staff be needed

Councilmember Goldsmith seconded

Smith, Goldsmith, Hollberg, Hanson, Austin voted yes

Motion passed 5-0

New Ordinance Regarding Utility Vehicles

Mayor Hartley reported there is interest in allowing the operation of "Gators" (utility vehicles) in town

Roy Kime, Zoning Administrator, commented Town Code currently only allows golf carts operations in town limits

- Based on Virginia State Code, which at the time only mentioned golf carts
- Virginia State Code has since been amended to include utility vehicles
 - Utility vehicles are defined as motor vehicle designed for off road use, powered by an engine of no more than 25 horsepower
 - Used for general maintenance, security, agricultural, and horticultural purposes
 - Not an all-terrain vehicle (ATV)

Andy Bury, Town Attorney, stated Mr. Kime’s statement was partially incorrect in that the Virginia State Code did allow utility vehicles at that time, but the Urbanna Town Council seated at that time chose to only allow golf carts and not utility vehicles

- Allowing utility vehicles to operate within town limits would only require a public hearing and a vote by Council to amend the ordinance

There was discussion as to reasons for and against amending the ordinance.

Garth Wheeler suggested gathering further information and feedback before moving ahead to change ordinance

- Safety information
- Speak to Sheriff

Council agreed to table the discussion until the next meeting

ADJOURN

Councilmember Austin made a motion to adjourn

Councilmember Smith seconded

Smith, Goldsmith, Hollberg, Hanson, Austin voted yes

Motion passed 5-0

Meeting adjourned at 8:25pm

Submitted by:



**Martha J. Rodenburg
Town Clerk**