

**Town of Urbanna
Town Council
Work Session
Council Chambers-390 Virginia St. Suite B
August 10, 2023**

CALL TO ORDER & ROLL CALL

Members of Council

Present

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

Others Present

Roy Kime-Zoning Administrator
Martha Rodenburg-Town Clerk
Michele Hutton-Town Treasurer
Andrea Erard-Town Attorney
Members of the public and press

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

All present said the Pledge of Allegiance

APPROVAL OF AGENDA

Councilmember Austin made a motion to amend the agenda to remove Closed Meeting from the agenda

Councilmember Justice seconded

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

Motion passed 7-0

Councilmember Austin made a motion to approve the agenda as amended

Councilmember Chowning seconded

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

Motion passed 7-0

PUBLIC COMMENT & PUBLIC COMMENT RESPONSE

Tammy Putney spoke regarding

- Adding a second public comment at end of meeting
- Code enforcement
- Request to revisit ordinance allowing residential rentals in B-1
 - Parking could be hindered by this, affecting businesses
- Changes to 167 Cross Street did not get approval by HARB

Mayor Goldsmith responded

- B-1 issue would be addressed during Planning Commission report
- Code enforcement is currently being discussed

Roy Kime responded regarding 167 Cross St., there are exemptions within the ordinance that he can grant approvals, which he did.

MATTERS OF TOWN COUNCIL

Planning Commission Report

Councilmember Hanson reported

- Virginia Tourism Strategic Plan has been completed by Laura Messer of the Virginia Tourism Council and a gift was presented to her for her efforts
- Short Term Rentals (STR)
 - Planning Commission continues to work on recommendations for changes
 - Using resources including National League of Cities and neighboring communities
 - Need to clarify enforcement procedures
 - Presented their “Guiding Principles for Short Term Rental Policy”

Discussion took place regarding concerns in regard to STRs, permitting process, and the possible need for other guiding principles.

Councilmember Austin addressed need to revisit ordinance allowing rentals in the Historic District.

Councilmember Hanson responded that issue is being addressed.

Andrea Erard spoke regarding the process for creating/amending ordinances:

- Ordinance is referred from Town Council to Planning Commission for consideration
- Planning Commission can then choose to make a recommendation or not, or suggest changes
- Two public hearings required to take place with Planning Commission, then Town Council to allow public input into the process

Further discussion took place regarding the process for creating and revising ordinances and the need for Council and public input. Staff will write ordinance utilizing Council input.

ACTION ITEMS

Oyster Festival Master Plan

Bruce DeSimone, Chair of the Oyster Festival Foundation, presented the Oyster Festival Master Plan to Council for their approval.

Councilmember Courtney requested the Oyster Festival Foundation make their accounting available for review, and expressed concern regarding the inconvenience to the town.

Discussion took place regarding the purpose of the Oyster Festival, to raise money for local charities, as well as the economic benefits to the community at-large. The event is not an income producer for the Oyster Festival Foundation.

**Councilmember Austin made a motion to approve the 2023 Oyster Festival Master Plan as presented
Councilmember Sturgill seconded**

Councilmember Chowning asked for and received clarification that the Virginia State Police do not charge for their time working Oyster Festival.

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

Motion passed 7-0

66th URBANNA OYSTER FESTIVAL MASTER PLAN

November 2nd, November 3rd & 4th, 2023

PROPOSED

PROPOSED

**66th Urbanna Oyster Festival
November 2nd, 3rd & 4th 2023
Urbanna, Virginia**

"The Official Oyster Festival of the Commonwealth of Virginia"

MASTER PLAN

I. Purpose:

The purpose of this 2023 Urbanna Oyster Festival Master Plan is to comply with the requirements of Chapter 7.1, Licenses and Business Taxes, of the Urbanna Town Code (1973), as amended. Specifically, Section 7.1-22(b) requires a written Master Plan that addresses non-profit civic status, proof of liability insurance coverage, special licensing procedures, and public safety plans. This Master Plan with addenda is designed to meet the applicable provisions of the Urbanna Town Code (1973), as amended, and the Code of Virginia (1950), as amended, regarding public festivals, and provides the written basis for obtaining approval of the Urbanna Town Council to conduct the 2023 Urbanna Oyster Festival on November 2nd, 3rd, 4th, 2023.

II. Organization:

The Urbanna Oyster Festival Foundation is a non-profit organization registered as such under the applicable provisions of the Internal Revenue Service. A copy of the organizational charter is included as Addendum 1.

III. Festival Dates and Hours:

Thursday, November 2, 2023	8:00 AM - 6:00 PM
(Setup and School Education Day)	
Friday, November 3, 2023	8:30 AM - 12:00 AM
Saturday, November 4, 2023	8:30 AM - 6:00 PM

**FESTIVAL OFFICIALLY CLOSSES AT 6:00 PM ON SATURDAY,
NOVEMBER 4, 2023 - NO EXCEPTIONS**

IV. Public Safety (Unified Command Structure)

The Public Safety Functions of the event will be managed through a Unified Command of the Middlesex County, VA Sheriff's Office, and Town of Urbanna Administrator in his capacity as the Town of Urbanna Emergency Services Coordinator.

An Incident Action Plan will be developed for the event, which will outline the Command and General Staff functions, as well as the deployment of all Fire, Emergency Medical and Law Enforcement resources for the duration of the event.

V. Public Safety (Law Enforcement):

15.2-1730.1 In counties where no police department has been established and the Sheriff is the Chief Law Enforcement Officer, the Sheriff may enter into agreements with any other governmental entity providing law-enforcement services in the Commonwealth and may furnish and receive inter-jurisdictional law enforcement assistance for all law enforcement purposes, including those described in this Chapter, and for purposes for Chapter 3.2 (44-146.13 et seq.) for Title 44.

Crowd and traffic control will be provided through a joint public safety effort by the Town of Urbanna, the Oyster Festival Foundation, Middlesex County Sheriff's Office, Virginia State Police, The Department of Transportation, and the Virginia Department of Alcoholic Beverage Control. The Sheriff shall exercise 15.2-1730.1 entering agreements with other law enforcement agencies to ensure adequate crowd control, pedestrian safety emergency health care, motor vehicle parking traffic flow, and parade control.

VI. Public Safety (Emergency Services):

Emergency service functions, to include Emergency Medical Services and Fire Protection, will be managed by the Town of Urbanna, VA, Emergency Service Coordinator. The primary resources required to complete these responsibilities will be provided by the Middlesex Volunteer Rescue Squad and the Middlesex Volunteer Fire Department. Additional Rescue Squad and Fire Department resources from Middlesex County, VA and surrounding jurisdictions will be utilized to supplement the primary resources.

Emergency Medical Aid Stations will be strategically located throughout the Festival Area, and additional Emergency Medical personnel will be moving throughout the Festival Area. Transport Resources will be strategically located throughout the Festival Area, predominantly on the perimeters, as not to cause a hazard to citizens. Patients will be moved from the interior to the Festival Areas on "Gator Type" vehicles and transported to a hospital or

Medivac Landing Area. Medivac Helicopter Landing Area(s) will be located as designated by the Sheriff's office.

VII. Public Safety (In Town Parking and Vehicle Movement):

Most unrestricted streets and private properties within the corporate limits of the Town of Urbanna will be available for parking on Friday, November 3, 2023 and until 8:30 AM on Saturday, November 4, 2023.

The following street closures are made pursuant to a resolution passed by the "Town Council" of the Town of Urbanna, and in accordance with the 2023 Urbanna Oyster Festival Permit, as issued by the Virginia Department of Transportation.

On Friday, November 3, 2023, Virginia Street from Cross Street to the Waterfront and from Cross Street to Grace Street, Rappahannock Avenue from Marston Avenue to Virginia Street, and a portion of Prince George Street will be closed to vehicular traffic as required by public safety officials. Notwithstanding the foregoing, various streets and locations may be closed at any time on Friday, November 3, 2023 to insure public and/or pedestrian safety as determined by public safety officials.

On Friday, November 3, 2023 vehicular traffic entering or leaving the town will be prohibited from 5:00 PM to 9:00 PM on the West side (Route 602) and from 6:00 PM to 9:00 PM on the East side (Rosegill) for the Fireman's Parade. During this time, the movement of traffic within the town will be limited. Vehicular traffic, except for parade participants, will be strictly prohibited along the Fireman's parade route.

At 9:00 AM, or earlier if deemed necessary by State Police, on Saturday, November 4, 2023, State Route 227 (Urbanna Road) will be closed to all vehicular traffic, except law enforcement, fire and rescue vehicles, with a police-manned barricade at Molly's Way. Vehicles will be directed to park in the "official" festival parking lots, or they will be allowed to turn around and leave the area.

At 9:00 AM, or earlier if deemed necessary by State Police, on Saturday, November 4, 2023, State Route 602 (Old Virginia Street) will be closed to all vehicular traffic, except law enforcement, fire and rescue vehicles, with a police-manned barricade at Route 1011 (Red Hill Drive). The only exceptions for further entrance past the police barricade will be vehicles that display an "Official 2023 Urbanna Oyster Festival" vehicle permit, issued by the Urbanna Oyster Festival Foundation. The issuance of these permits will be regulated to vehicles for festival sponsors, dignitaries, medical personnel and "parade participants". Vehicles that do not have a permit will be directed to park in the "official" festival parking lots or they will be allowed to turn around and leave the area.

On Saturday, November 4, 2023, beginning at 8:00 AM, Virginia Street from Cross Street to Grace Street, Rappahannock Avenue from Marston Avenue to Virginia Street, and all of Prince George Street will be closed to vehicular traffic, except law enforcement, fire, and rescue vehicles.

On Saturday, November 4, 2023, motor vehicles located within the corporate limits of the Town of Urbanna will not be allowed to leave town, until approximately 8:00 PM or earlier as deemed appropriate by law enforcement.

Vehicular traffic shall include, but not be limited to, all golf carts as defined under Chapter 14, Article 4, Sections 14-38 et seq. of the Town Code (except "official golf carts" defined under S14-45 of the Town Code). All golf carts, except for "official golf carts" operating within the Town of Urbanna boundaries as may be expanded for this event shall be properly licensed under S14-38 et seq. of the Town Code and properly display a Town of Urbanna vehicle license sticker.

VIII. Public Safety (Outlying Parking Areas):

On Saturday, November 4, 2023, traffic approaching Urbanna from the east will be directed by Oyster Festival parking concessionaires into "official" parking areas on private property (Rosegill Farm) on the east and west side of State Route 227 (Urbanna Road). Vehicles reaching the Virginia State Police barricade and/or traffic control point will be directed to turn around and will not be allowed to enter the town.

On Saturday, November 4, 2023, traffic approaching Urbanna from the west will be directed by Oyster Festival parking concessionaires into "official" parking areas on private property on the north and south sides of State Route 602 (Old Virginia Street). The "official" parking lots at Lord Mott corner and Knapps Hill, closest to Town will be filled first. After these lots have been filled, as determined by the Virginia State Police, the "official" parking lot at Hewick Plantation may be opened for parking. Vehicles reaching the Virginia State Police barricade and/or traffic control point will be directed to turn around and will not be allowed to enter the town.

IX. Public Safety (No Parking Areas):

Pursuant to Resolution of The Urbanna Town Council and Virginia Department of Transportation Parade Permit approval, the following streets are designated "no parking" areas within the corporate limits of the Town of Urbanna between the dates and times indicated to ensure pedestrian safety, expedient movement of fire and rescue vehicles, and safe parade operations:

A. Between 2:00 AM Friday, November 3, 2023 and 11:00 PM Saturday, November 4, 2023 major “No Parking Tow Away Zones” within the corporate boundaries of the Town of Urbanna shall be prominently marked and shall include;

1. Urbanna Road (State Route 227) from the Urbanna Bridge to the Watling Street (State Route 227 and State Route T1015) intersection, both sides of the street;
2. Watling Street (State Route 227) from its intersection with Urbanna Road (State Route 227) at the traffic triangle to Cross Street (State Route 227), both sides of the street;
3. Cross Street (State Route 227 and State Route T1005) from its intersection with Watling Street (State Route 227) all the way past the Marston Avenue (State Route T1006) intersection, both sides of the street;
4. Prince George Street (State Route T1003) from Cross Street (State Route 227) to Virginia Street (State Route 227), both sides of the street;
5. Virginia Street (State Route 227), east from Waverly Road (State Route 1010) to Oyster Road (T1002) on the waterfront, both sides of the street;
6. Marston Avenue (State Route T1006) from Cross Street (State Route T1005) to Rappahannock Avenue (State Route T1001), both sides of the street; Rappahannock Avenue (State Route T1001) south from the Marston Avenue (State Route T1006) intersection to Virginia Street (State Route 227), both sides of the street; Marston Avenue (State Route T1006) east from Cross Street (State Route T1005) to first house on each side of street (excludes Sears house).
7. Bonner Street (State Route T1020) west from Rappahannock Avenue (State Route T1001) to Linden Avenue (State Route T1021), both sides of the street; Grace Avenue (State Route 1010) from Bonner Street (State Route T1020) to Virginia Street (State Route 227), both sides of the street; Park Street (State Route T1019) from Rappahannock Avenue (State Route T1001) to Linden Avenue (State Route T1021), both sides of the street;
8. Upton Lane (State Route T1017) in its entirety, both sides of the street. Post Office patron 10-minute parking will be authorized on Friday until the road is

closed by the Sheriff.

9. Hilliard Street in its entirety, both sides of the street.

10. Rappahannock Avenue in its entirety, Cross Street in its entirety, Kent Street in its entirety.

- B. Between 2:00 AM and 8:00 PM Saturday, November 4, 2023 there shall be a no parking area from the intersection of Virginia Street (State Route 602) and Lord Mott Road (State Route 615) to the intersection of Virginia Street (State Route 227 and State Route 602) and Waverly Road (State Route 1010) and Red Hill Road (State Route 1011).
- C. No parking signs will be placed on State Route 227 and State Route 602 outside the corporate limits of the Town of Urbanna by the Virginia Department of Transportation, Saluda Residency. Tow away zone signs will be placed accordingly.

Additional details of the no parking areas are contained in the VDOT 2023 Oyster Festival Permit. "No Parking" areas will be designated as tow away zones, and towing charges will be at the violator's expense.

X. Public Safety (Parking Permits and Vehicle Passes):

Parking permits and vehicle passes are not issued by the Town of Urbanna or the Urbanna Oyster Festival Foundation for passage into or out of Urbanna during the hours that routine vehicle traffic is restricted within the Town of Urbanna.

Also, please see Section VII of this document that also discusses parking permits and vehicle passes.

Parade and other Oyster Festival participants must follow published instructions in order to arrive, park, and meet scheduled activities.

XI. Parade Permit and Public Safety Agency Approval:

Pursuant to Section 7.1-22, Urbanna Town Code (1973), as amended, a Virginia Department of Transportation (VDOT) Application For A Parade Permit shall be submitted for approval to the Virginia Department of Transportation, District Resident Engineer for approval of the Friday, November 3, 2023 Fireman's Parade and the Saturday, November 4, 2023, Oyster Festival Parade in order to temporarily close affected streets and restrict parking. A copy of this Master Plan and its addenda shall be submitted to secure the coordination and approval of the Town of

Urbanna Administrator, Middlesex County Sheriff, the Virginia State Police, and the Virginia Department of Transportation. Copies of the Parade Permit applications are attached as addenda to this Master Plan. Final Parade Permit approval is required no later than seven days prior to the event.

XII. Fireman's Parade (Route and Time): The Fireman's Parade will begin at 7:00 PM, Friday, November 3, 2023 and commence east on Virginia Street (State Route 602) from the area of the Urbanna Professional Center (State Route 1011) left on Grace Street (State Route 1010), right on Bonner Street (State Route 1019), left on Rappahannock Avenue, right on Marston Avenue, right on Cross Street, right on Virginia Street to a disband area where the parade began, at the Urbanna Professional Center. The Fireman's Parade duration -approximately one (1) hour. The Fireman's Parade will be restricted to sixty-five (65) self-propelled units.

XIII. The Oyster Festival Parade (Route and Time):

The Oyster Festival Parade will begin at 2:00 PM, Saturday, November 4, 2023 and will commence east from the staging and formation area at the Waverly Commons Office Building on State Route 602 on Virginia Street, left on Grace Street, right on Bonner Street, left on Rappahannock Avenue, right on Marston Avenue, right on Cross Street, right on Prince George Street, left on Virginia Street to the disband area where the parade began. Oyster Festival Parade duration - approximately one (1) hour or less. Parade route information will be furnished by the Oyster Festival Foundation. The maximum number of parade units will be 80 with the slower marching units in front. Parade units may not stop to perform during the parade, except at the reviewing stand. The Oyster Festival Foundation agrees to provide reasonable funding to the Town of Urbanna for additional police officers. The Oyster Festival Foundation will be responsible for any damage along the parade route and returning the landscaped areas of Virginia Street back to pre-festival condition.

XIV. Parade (Safety):

Parade participants are instructed that no objects are to be thrown from any parade vehicle or floats or by any parade marchers. Parade participants will be instructed that no stopping will be allowed along the parade route. Parade officials will be located at critical areas and intersections along parade routes to establish and maintain roadblocks and barriers to keep the parade flowing smoothly at all times and to limit pedestrians from obstructing the parade route. Air cannons, explosive devices, and other objects to create excessive noise are prohibited. No sirens

to be blown if parade stops.

XV. Virginia Oyster Shucking Contest:

The Oyster Shucking Contest of the Official Oyster Festival of the Commonwealth of Virginia will be held at 11:00 AM, Saturday, November 4, 2023, at the Firehouse. Duration - approximately one and one-half (1½) hours.

XVI. Waterfront/Scottish Factor Store:

The Waterfront will provide opportunities to view the harbor, enjoy entertainment and view many displays. The Town of Urbanna hereby grants the use of portions of the docks designated slips 21, 22, 23, 24, 25 and 26 for the use of in water displays. On Thursday, the waterfront is used to further educate the children of the community about the heritage of the oyster industry. The Scottish Factor Store now houses the Town of Urbanna Visitor Center. Visitors may purchase Town of Urbanna souvenirs and listen to soft entertainment.

XVII. Sanitation:

Portable public sanitation facilities and supplies will be provided under contract by a private waste management firm, and the portable bathrooms will be positioned throughout the festival area to optimize utilization by festival participants. Handicapped facilities will be made available and conveniently located. Positioning of the portable sanitary facilities and solid waste dumpsters will be a coordinated effort between the Oyster Festival Foundation staff and the Town of Urbanna. Festival officials will contract for cleanup services and traffic control signs/devices with the Virginia Department of Transportation, Saluda Resident Engineer.

The Oyster Festival Foundation will provide trash cleanup and disposal services throughout the festival in coordination with, and in addition to, Middlesex County, the VDOT and private waste management contracted services. The Urbanna Oyster Festival Foundation, in coordination with the Town of Urbanna, shall obtain the approval of the Middlesex County Administrator for the private waste contractor and the Virginia Department of Transportation to dispose of permitted solid wastes in the Middlesex County solid waste transfer station, if required. The Oyster Festival Foundation shall guarantee to the citizens of the Town of Urbanna that the Town of Urbanna will be returned to pre-festival condition as soon as possible after the conclusion of the event.

XVIII. Virginia Department of Health Certification of Temporary Restaurants:

Pursuant to Section 7.1-22, Urbanna Town Code (1973), as amended, the Urbanna Oyster Festival Foundation shall require all food handlers and concessionaires to have a permit from the Middlesex County Health Department. The Oyster Festival Foundation shall provide each food vendor applicant a copy of the Virginia Department of Public Health Division of Sanitation Services regulations governing the permitting of temporary restaurants as part of the application for Special Business License process. Copies of the 2023 Urbanna Oyster Festival Foundation Concession Rules and Regulations, Special Business License application form, and Virginia Department of Health regulations governing temporary restaurants are included as addenda to this master plan.

XIX. Communications:

The Oyster Festival Foundation will maintain a communication capability with key staff personnel of the Oyster Festival through the use of a mobile radio net provided exclusively for the Oyster Festival. The command post will be the established communication during oyster festival operations. The command post will be located on the corner of Rappahannock and Virginia Street.

XX. Motorized Carts:

The Oyster Festival Foundation will utilize clearly identifiable golf carts or "street carts" for the transportation of key staff in and around the festival grounds. The carts will be maintained by the Oyster Festival Foundation or at the residence of the authorized festival staff member. Only authorized members of the Oyster Festival staff are allowed to operate the carts, and they remain responsible for the vehicle and its operation. Motorized carts for the handicapped will be permitted in the festival areas as crowd density permits. Golf carts or "street carts" motorized skateboards, scooters, or mopeds, operated by town citizens or festival attendees will not be permitted on any streets that are otherwise closed to motor vehicles. Any law enforcement officer witnessing an unsafe condition involving a motorized cart may terminate the use of the cart by the individual involved for the duration of the Oyster Festival.

XXI. Musical Entertainment:

The Oyster Festival Foundation shall provide entertainment during the festival.

XXII. Town of Urbanna Special Business Licenses:

Pursuant to Chapter 7, Article IV, Sections 7.1-17 through 7.1-29, both inclusive, Urbanna Town Code (1973), as amended, the Urbanna Oyster Festival Foundation, as the sponsoring organization, shall provide for the application and payment of Special Business Licenses by concessionaires. The Special Business Licenses issued by the Town of Urbanna is comprised of two parts; the first part which is payable to the Town of Urbanna and the second part which is payable to the Urbanna Oyster Festival Foundation as more fully described in the Urbanna Oyster Festival Foundation Concession Application attached hereto as Addendum 3 and incorporated herein by reference. Application forms, to include Special Business License fees, are included as an addendum to this Master Plan. The Special Business Licenses can only be obtained by concessionaires from the Oyster Festival Foundation. Any person or business entity which engages in or conducts any business, calling, profession, or concession in the Town of Urbanna solely or primarily during the Oyster Festival shall qualify for the Special Business License prior to engaging in any business activity. No Special Business License shall be issued to any such person or business entity unless they have entered into a reciprocal agreement with the Urbanna Oyster Festival Foundation to comply with the provisions of this Master Plan and the ordinances and regulations of the Town of Urbanna, the Virginia State Police, the Virginia Department of Health and the Virginia Department of Transportation. Any person or business entity which has obtained a regular Town of Urbanna business license and whose business activities within the Town of Urbanna are not limited to the Urbanna Oyster Festival shall be exempt from obtaining a Special License Permit provided that such person or business entity does not allow unlicensed parties to conduct any business activity ostensibly under the authority of their Urbanna business license during the annual Urbanna Oyster Festival. Notwithstanding the foregoing, all regular Town of Urbanna business licenses issued to a person or business entity engaged as a peddler or itinerant merchant with no definite place of business as defined in Section 7-1.2 of the Town Code shall be null and void during the Urbanna Oyster Festival. Pursuant to Section 7.1-17 of the Urbanna Town Code, any such person or business entity that does not receive remuneration for its activities shall not be required to pay the Town Special Business License fee.

XXIII. Insurance and Indemnification Agreement:

Pursuant to Section 7.1-22, Urbanna Town Code (1973), as amended, the following insurance and indemnification agreement

shall be executed between the Town of Urbanna and the Urbanna Oyster Festival Foundation upon approval of the Master Plan by the Urbanna Town Council, but no later than thirty days prior to the date of the Oyster Festival. The duly executed Insurance and Indemnification Agreement shall be included as an Addendum to this Master Plan:

INSURANCE AND INDEMNIFICATION AGREEMENT

This Insurance and Indemnification Agreement is entered into this ____ day of _____, 2023 by and between the Town of Urbanna, Virginia, a Virginia municipal corporation, and the Urbanna Oyster Festival Foundation, a Virginia non-stock, not-for-profit corporation.

WHEREAS, the Urbanna Oyster Festival Foundation, and not the Town of Urbanna, but with the cooperation and support of the residents, businesses and the governmental authorities of the Town of Urbanna, sponsors an annual event known as the Oyster Festival within the municipal limits of the Town of Urbanna; and

WHEREAS, Section 7.1-22(5) of the Urbanna Town Code, 1973, as amended, requires, among other things, that the Urbanna Oyster Festival Foundation execute an Insurance and Indemnification Agreement that provides for an indemnity to the Town of Urbanna and a general liability insurance policy in an amount established by a resolution of the Urbanna Town Council (as herein described) as a condition precedent to holding the annual Oyster Festival; and

WHEREAS, it is the intent of the Town of Urbanna that the indemnity given in this Insurance and Indemnification Agreement be limited to those claims (as herein described) not covered by the insurance policy.

NOW THEREFORE, THE URBANNA OYSTER FESTIVAL FOUNDATION hereby agrees to save, indemnify and hold harmless the Town of Urbanna, Virginia against all liability claims, demands, losses, damages, judgments or actions of any nature whatsoever arising from acts, omissions, accidents or claims thereof, to persons or property occasioned in connection with the Oyster Festival Foundation and the agents, invitees, employees, volunteers, or others under the general aegis and control of the Urbanna Oyster Festival Foundation in its sponsorship of an annual event known as the Urbanna Oyster Festival (hereinafter "claims") not covered by the insurance policy.

Notwithstanding the foregoing, this indemnification shall be limited to any claim arising from the Oyster Festival (i.e. November 3rd and 4th, 2023) and a period thirty days prior to and thirty days after the Oyster Festival, but alleged to be in

connection therewith, and not otherwise covered by the insurance policy. In addition, this indemnification shall be subject to the following:

- 1) Any defenses the Urbanna Oyster Festival Foundation may have, if any, against the Town of Urbanna, for any claim; and
- 2) In the event that any act or omission by the Town of Urbanna shall cause a lack or failure of the coverage of the claim by the insurance carrier, the Urbanna Oyster Festival Foundation shall not be obliged to indemnify the Town of Urbanna for any claim otherwise covered or provided for by the insurance policy; and
- 3) In the defense of the Town of Urbanna under this indemnity, the Urbanna Oyster Festival Foundation shall have and may exercise all of the same or similar rights, duties, obligations and privileges which accrue to the insurance carrier under the insurance policy, including without limitation any defenses available to the Town of Urbanna as a municipal corporation and political subdivision of the Commonwealth of Virginia.
- 4) Any claims arising from any existing business operation, including any claims arising from the operation of the expanded business area(s) for the consumption of alcoholic beverages, shall be expressly excluded from this indemnity.

The URBANNA OYSTER FESTIVAL FOUNDATION shall provide a general liability policy which covers both bodily injury and property damage with a per occurrence limit of One Million Dollars, Five Million Dollars aggregate, to include products coverage, liquor legal liability endorsement, and personal and advertising injury. Such policy shall be provided by an insurance carrier with an A.M. Best rating of B+ or better.

Said insurance shall insure against any and all liability of the Town of Urbanna with respect to the Urbanna Oyster Festival, in any connection therewith, whether thirty days before, during, or thirty days after the actual event. Any such policy of insurance shall be issued by a company reasonably acceptable to the Town of Urbanna and the Urbanna Oyster Festival Foundation, shall provide the Town Administrator a certificate of such insurance, without demand therefor, dated not more than thirty days prior to the date of the event showing evidence of current insurance as above stipulated with the Town of Urbanna as an additional insured. Such policy shall provide therein that such policy shall not be canceled

or terminated without thirty days prior notice from the insurance company to the Town of Urbanna (the 'insurance policy').

The Executed Insurance and Indemnification Agreement is included as Addendum 5 to this Master Plan.

XXIV: SERVICE MARK:

All participants in the Urbanna Oyster Festival under this Master Plan, hereby acknowledge and agree, as a condition to participate in the festival:

1. That the Urbanna Oyster Festival Foundation (the "Foundation") is the sole and exclusive owner of all right, title and interest in and to the Service Mark, i.e. oysters logo and/or the words, "Urbanna Oyster Festival", (the "Mark") and any colorable imitations, designations, counterfeits or copies of the Mark; and
2. That the Mark has become distinctive of the Foundation's services and has become famous under 15 U.S.C. Section 1125; and
3. The Foundation has registered the Mark in the United States Patent and Trademark office (Registration Nos. 2,198,679 and 2,208,800) and any use of the Mark, without the expressed written consent of the Foundation shall constitute an infringement on this Foundation's federally registered service mark in contravention of 15 U.S.C. Section 1114(1)(a).; and
4. Not to engage in any conduct in violation of this Section XXIV; and
5. That if the Foundation determines, in its sole discretion, that a participant has used the Mark without the expressed written authorization or license from the Foundation, then the participant after receiving a demand, whether written or oral, from the Foundation to cease and desist from any further use of the Mark, hereby consents to the following actions:
 - a) The chief law enforcement officer and his deputies or officers may close any activity in violation of this Section XXIV upon written notice from the Foundation; and

- b) The person or entity in violation of this provision of the Master Plan consents to the entry of an ex parte order granting injunctive relief to the Foundation to enjoin any unauthorized use of the Mark; and
- c) The person or entity in violation of this provision of the Master Plan hereby acknowledges that the Foundation is entitled to recover all of the profits earned as a result of the use of the Mark; together with other damages that the Foundation has suffered, which shall be trebled, including but not limited to actual attorney fees.

XXV: Controlled Consumption of Alcoholic Beverages:

The Virginia Alcoholic Beverage Control Board ("ABC") has recommended the establishment of controlled areas for the consumption of alcoholic beverages during events such as the Urbanna Oyster Festival ("Expanded Area"). In accordance with that recommendation and to accommodate certain existing businesses operating within the Town of Urbanna, such businesses shall, in addition to complying with any existing laws and regulations in the Commonwealth of Virginia, agree to the following terms and conditions, which must be included and made a part of their application to the ABC for an administrative expansion to their existing license during this event:

1. Provide adequate security within the expanded area to the satisfaction of the appropriate government authorities of the Town of Urbanna and the Urbanna Oyster Festival Foundation; and
2. Provide a general liability insurance policy which covers both bodily injury and property damage with an occurrence limit of One Million Dollars and include products coverage, a liquor legal liability endorsement, and personal and advertising injury. Said policy shall be provided by an insurance carrier with an A.M. Best rating of B+ or better. In addition, the business shall name the Urbanna Oyster Festival Foundation and the Town of Urbanna as an additional insured; and
3. Agree to operate within the hours prescribed by the Urbanna Oyster Festival Foundation and the appropriate governmental authorities of the Town of Urbanna; and

4. **Agree to abide by all of the rules and regulations promulgated by the Urbanna Oyster Festival Foundation.**

All businesses authorized to operate an Expanded Area hereby acknowledge, as evidenced by their application to the ABC, that this business activity is a privilege agreed to by the Town of Urbanna under this Master Plan and not a right under any existing business license issued by the Town of Urbanna. The failure of any business operating an Expanded Area to comply with one or more of the conditions contained in this Master Plan shall constitute a default under this Master Plan and result in the automatic termination of the privilege to operate an Expanded Area.

XXVI: Raffles:

The Urbanna Oyster Festival Foundation (Foundation) has not permitted raffles and other games of chance at the Urbanna Oyster Festival because these activities were thought to conflict with the family-oriented nature of the Urbanna Oyster Festival. However, the Foundation recognizes that some bona fide non-profit organizations utilize raffles as a fundraising tool for the benefit of the community that they serve as part of their non-profit mission. This shall not apply to the Virginia Lottery. Therefore, the Foundation may permit raffles during the Urbanna Oyster Festival for which the Foundation receives an advance application for review and approval, and which includes evidence of the sponsoring organization's tax-exempt status granted by the U.S. Internal Revenue Service as well as evidence of compliance with the Commonwealth of Virginia's charitable gaming regulations, as amended. Approval of such raffle applications shall be at the sole discretion of the Urbanna Oyster Festival Foundation.

XXVII: Financial Responsibility:

The Urbanna Oyster Festival Foundation agrees to fully fund any short fall in revenues that would result in any financial loss to the Town of Urbanna.

XVIII. Addenda:

1. Urbanna Oyster Festival Foundation Charter.
2. Urbanna Oyster Festival Foundation Concession Rules and Regulations.
3. Urbanna Oyster Festival Foundation Concession Applications.
4. The Virginia Department of Health Guidelines And Checklist For Temporary Food Events, and Application For Temporary Restaurant Permit.
5. Executed Insurance and Indemnification Agreement.
6. Ordinance of the County of Middlesex authorizing the Town of Urbanna to apply its Master Plan to certain portions of Middlesex County during Oyster Festival weekend, Friday, November 3, 2023 and Saturday, November 4, 2023.
7. VDOT Permit Application for Oyster Festival 2023.
8. VDOT Permit for Oyster Festival 2023.

PROPOSED

Project Funding Committee

Mayor Goldsmith gave background on the rationale for the proposed appointees to the Project Funding Committee. Councilmember Austin asked for clarification on the motion made on June 22nd, establishing the Project Funding Committee, that the Committee would not be able to take out loans without Council approval.

It was established the Committee would not take out loans or spend money to write grants without Council approval.

Councilmember Austin made a motion to approve the appointments of Marnie Harte, Sarah Jane Wyatt, and Mickey Clay to the Project Funding Committee

Councilmember Sturgill seconded

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

Motion passed 7-0

“Dry Hydrant”-Town Pool

Mayor Goldsmith gave the background on the motion, explaining David Layman, Middlesex County Emergency Services coordinator, and Ray Burch, Urbanna VFD Chief, approached the Town requesting dry hydrant access to the new pool.

This access would provide extra capacity to the Town’s ability to fight fires. In emergency circumstances, pool water could be used for fire suppression. Since the purpose is for the benefit of Town safety, monies are to be taken from the capital improvement budget of the water system. The timing of the request required a rapid answer from council because the part of pool construction involved was in process. A member-by-member individual opinion was sought by the mayor and provided overwhelming support. He asked for a formal recognition by vote of that contract.

Councilmember Austin made a motion to officially record the vote to approve the Potential Change Order (PCO) and costs associated with the PCO, in the amount of \$27,097.

Councilmember Justice seconded

Mayor Goldsmith clarified that, since this augmented the water system, it is coming out of the water system budget, not the pool budget.

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

Motion passed 7-0

Public Access Authority (PAA) appointment

Mayor Goldsmith gave the background on this motion. The Public Access Authority by-laws state the primary seat holder “shall be a member of the appointing governing body or its chief operating officer.”

Councilmember Austin made a motion to appoint Mayor Goldsmith as primary seat holder on the Public Access Authority until such time as a new Town Administrator has been hired.

Councilmember Sturgill seconded

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

Motion passed 7-0

Minutes

Councilmember Austin made a motion to approve the June 8, 2023 minutes as presented

Councilmember Hanson seconded

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

Motion passed 7-0

ANNOUNCEMENTS

Michele Hutton announced a group of volunteers has met to work on the Christmas Parade, due to the death of the former organizer, Lois Jean Brooks.

- Asking for volunteers
- May change to Saturday
- Group will meet on Wednesday, August 16th at 10:00am
- Various activities throughout the day proposed

Roy Kime updated Council on the following projects

- New well
 - Almost complete
 - 72-hour test is required which will involve pumping water during that time
- Pool
 - Concrete to be poured next week

Mayor Goldsmith announced signage regarding golf cart permitting regulations has been ordered

Councilmember Austin reminded all in attendance of the upcoming Farmer's Market and Second Saturday event on Saturday, August 12th

ADJOURN

Councilmember Austin made a motion to adjourn

Councilmember Sturgill seconded

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

Motion passed 7-0

Meeting adjourned at 8:00pm

Submitted by:



Martha J. Rodenburg

Town Clerk

Approved by Town Council xx/xx/xxxx