

**Town of Urbanna
Town Council
Monthly Meeting
Council Chambers-390 Virginia St. Suite B
October 12, 2023**

CALL TO ORDER & ROLL CALL

Mayor Goldsmith called the meeting to order at 6:01pm

Present-Members of Council

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

Absent

Alana Courtney

Other Attendees

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

Members of press and public

All stood for the Pledge of Allegiance

APPROVAL OF AGENDA

Councilmember Austin made a motion to approve the agenda as presented

Councilmember Sturgill seconded

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

Motion passed 6-0

PRESENTATION

Ron Peake, Assistant Residency Administrator for VDOT-Saluda addressed Council to give an overview of the VDOT structure in our area, and current and upcoming VDOT projects

- Urbanna falls within the Fredericksburg district, in which there are 3 Residencies, the Saluda Residency includes 6 counties
- VDOT will be present during Oyster Festival to assist with traffic control
- 1.800.367.7623 is the number to call for VDOT customer service
- Schedules for paving projects are developed annually
 - Most Urbanna streets are on VDOT schedule for resurfacing in 2024
 - Cross Street will not be resurfaced, because it was recently done
 - Project will take place at some point between April and October
- A brochure regarding drainage was passed out to all in attendance
- Discussion took place regarding VDOT right-of-way granted by Middlesex County and their deeded maintenance responsibilities
- There is a Board of Supervisors manual Mr. Peaks will send to Mayor Goldsmith electronically

Councilmember Justice asked if VDOT does post-rain inspections and about getting speed bumps
 Mr. Peake responded they do post-rain inspections, but focus is on primary roads not secondary
 Speed bumps are difficult to get and expensive, with the local jurisdiction being financially responsible

MINUTES

Councilmember Austin made a motion to approve the minutes from the August 10, 2023 and August 24, 2023 meetings as presented.

Councilmember Sturgill seconded

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

Motion passed 6-0

REPORTS

Town Administrator

Mayor Goldsmith reported the following:

- Town of Urbanna’s DMV Select has had 600,000 views on Google
- Update on security camera bids
- Placer.ai a company that tracks visitor data using mobile phone apps, including distance traveled, age, household income, length of stay, etc...
 - Councilmember Austin informed Council, this type of information is available for free through the Virginia Tourism information
- Oyster Festival Foundation has given permission for Town to use logo on new street signs

Treasurer’s Report

Michele Hutton presented the September Treasurer’s Report:

- C&F Pool Fundraising checking account being closed due to UBI taking over fundraising for the pool
- Tax file from Middlesex received, and will be brought into the Edmunds system on the 19th

Treasurer’s Report			
The Balances Below, Reflect Bank Statements as Of Month’s End.			
Account Balance thru 09/30/2023	Prior Year 9/30/22	Prior Month 8/31/23	Statement Date 9/30/23
Primis Bank General Operating Bank Account	637,772.34	844,802.28	866,290.20
Renter Water Deposits	-16,551.66	-16,101.66	-16,101.66
Net Operating General Bank Account	635,222.66	846,151.62	859,297.27
C & F Bank Pool Replacement Account (new 2/28/23)	(Truist) 94,764.46	647,246.95	356,509.15
C&F Bank Historic Trust (new 3/1/2023)	(Truist) 28,314.72	38,033.041	44,001.25
C&F Bank Building Fund (new 6/8/23)	n/a	234,200.00	236,856.41
C & F Bank Pool Fundraising checking (new 8/4/23)	n/a	250.00	235.00
Primis Bank Water Fund Reserve	114,243.79	115,085.42	115,158.57
Primis Bank General Fund Reserve	94,884.25	95,320.58	95,358.45
Primis Bank Cares Local Recovery	475,343.79	239,030.61	239,182.54
Primis Bank DMV	7,628.20	2,971.21	100.00
Primis Bank USDA Well Replacement-new 10/14/22	n/a	2,506.65	2,507.25
Taber Trust – Account Value	1,205,718.35	877,052.37	846,246.84
Taxes listed below are collected for prior month(s)	9/30/22	8/31/23	9/30/23
Meals Tax collected in September	13,319.79	18,916.41	17,037.21
Lodging Tax collected in September	7,522.80	3,970.51	3,694.95
Cigarette Tax collected in September	1,310.85	759.70	968.24

AUGUST EXPENDITURES: <ul style="list-style-type: none"> • 9/8/23 W/D \$302,981.80 for Pool 	REVENUE as of 9/30/2023 Notes: <ul style="list-style-type: none"> • C&F 9/7/23 Interest on Building Fund \$2,656.41 • 9/7/23 \$5,000.00 from MOM
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October 6, 2023
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Lodging Tax

Town of Urbana
2024 Revenue Summary by Month

Range of Accounts: 100-12100-0001 to 100-12100-0002 Start Month: July Start Year: 2023
 Type: Revenue Activity Includes Accounts with Zero Activity: N Year To Date As Of: 10/06/23
 Subtotal CAFR: No

Account No	Description	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr
100-12100-0001	Lodging Tax	4520.09	3970.51	3693.25	0.00	0.00	0.00	0.00	0.00	0.00	0.00
100-12100-0002	Lodging Tax Penalty & Interest	1.70	0.00	1.70	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Fund Total		4520.09	3970.51	3694.95	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Grand Total	Count: 2	4520.09	3970.51	3694.95	0.00	0.00	0.00	0.00	0.00	0.00	0.00

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Meals Tax

Town of Urbana
2024 Revenue Summary by Month

Range of Accounts: 100-12110-0001 to 100-12110-0002 Start Month: July Start Year: 2023
 Type: Revenue Activity Includes Accounts with Zero Activity: N Year To Date As Of: 10/06/23
 Subtotal CAFR: No

Account No	Description	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr
100-12110-0001	Meals Tax - Local	25538.77	18916.41	17037.21	0.00	0.00	0.00	0.00	0.00	0.00	0.00
100-12110-0002	Penalty Meals Tax	841.68	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Fund Total		26380.45	18916.41	17037.21	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Grand Total	Count: 2	26380.45	18916.41	17037.21	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Water Sales

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Town of Urbana
2024 Revenue Summary by Month

Range of Accounts: 500-17010-0001 to 500-17010-0001 Start Month: July Start Year: 2023
 Type: Revenue Activity Includes Accounts with Zero Activity: N Year To Date As Of: 10/06/23
 Subtotal CAFR: No

Account No	Description	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr
500-17010-0001	Water Sales Charges	6051.18	54319.81	20768.56	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Fund Total		6051.18	54319.81	20768.56	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Grand Total	Count: 1	6051.18	54319.81	20768.56	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Pool Committee

Barbara Hartley reported the following:

- Pool construction progressing
- Volunteer has come forward to paint the snack shack
- Interior of bath house almost complete
- Weather permitting, pool will be filled on October 18th
- Catchment pond and surrounding landscaping almost complete

Project Funding Committee

Councilmember Sturgill reported the following:

- Current pledges for pool
 - Bristow family-\$10,000
 - Montague family-\$15,000
- \$43,500 has been deposited into the UBI account
- 300 mailers have been sent out requesting donations
- \$36,000 has been received for charter memberships

Water Committee

Roy Kime reported the following:

- New well has been drilled completely and is very productive
- Land on hill has been graded and grass seeded
- Phase 2 of construction includes installing a pump and associated plumbing to pumphouse has yet to be bid
 - Enough funds in USDA loan to take pay for Phase 2

Planning Commission

Councilmember Hanson reported the following from their October 10, 2023 meeting:

- Discussed and reviewed revision of the Comprehensive Plan pertaining to the Chesapeake Bay Preservation Act (CBPA)
 - Legal mandate to have completed by December 31, 2023
 - Should be updated every 2 years, has not been done since 2012
- Reviewed and discussed changes for the B1 ordinance
- Discussed short term rental ordinance changes
- Discussed upcoming issues including possible HARB application and the street sign replacement project

PUBLIC COMMENT & PUBLIC COMMENT RESPONSE

- William Mayo-spoke regarding the lack of action regarding the kayak trail, purchase of the floating dock from Christchurch, and floating dock proposed to be installed at end of marina
 - Mayor Goldsmith responded the floating dock installation is contingent on the approval of the BIG grant
 - Councilmember Chowning spoke to the need for the kayak trail map to be accessible via the town website, it is currently available on the Middle Peninsula Planning District website
 - Discussion took place regarding the need for better signage, location of kayak rental kiosk, and better storage of resident kayaks
- Tammy Putney-offered to assist with delivery of floating dock, the need to clean up the area where kayaks are stored, and against having cameras installed at park due to difficulty to review recording

OLD BUSINESS

Proposed amendments to zoning ordinance and Comprehensive Plan relating to Chesapeake Bay Protection Act

Mayor Goldsmith provided the background on the topic and discussed the need to move forward

Councilmember Austin made a motion to refer the modification of the Chesapeake Bay Protection Act portion of the Town's Comprehensive Plan, including the amendment to Section 17-4.10.11 of the Town Code to the Planning Commission

Councilmember Sturgill seconded

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

Motion passed 6-0

Mr. Kime noted, in anticipation of Council's referral, the Planning Commission has scheduled a public hearing for 9:00am, October 13, 2023 to review this and bring their recommendation to Council, and discussed future steps.

Further discussion then took place regarding advertising dates, and it was determined, due to the current State Code regarding advertising dates for public hearings, the public hearing scheduled for October 13th could not take place. It was determined the Town Attorney would work with staff to coordinate the logistics of the required public hearings.

Proposed amendment to provisions of Section 17-4.6 the General Commercial District (B-1)

Mayor Goldsmith provided the background on the topic, including discrepancies regarding which uses are considered by-right, and which uses require a special use permit, that needed to be cleaned-up, including, but not limited to, Sec.17-4.6.2(2) and Sec.17-4.6.3(22). It was discussed that Sec.17-4.6.3(22) should be deleted, as it conflicted with Sec.17-4.6.2(2).

Other items were discussed, including the definitions for different types of lodging units. It was explained the locality determines the definition, and the need to clarify current definitions.

Town Attorney Andrea Erard asked Council to tell her what they would like to see in an ordinance, she would work with Mr. Kime on definitions and put an ordinance together.

Further discussion took place regarding ways to separate the B-1 district businesses from using the current ordinance, specifically Sec.17-4.6.2(16) as a work around for establishing Short Term Rentals (STRs) on their property. Ms. Erard suggested a better set of definitions/terms that define where transient people can stay, with a possible solution to define those transient uses as things that have two or more units

In general, Council is in agreement to remove Sec.17-4.6.2(16) by right, and working on a better replacement for Sec.17-4.6.3(22).

Proposed amendment to the Short-Term Rental Ordinance in the Town Code

Ms. Erard asked what problem is Council trying to solve.

Councilmember Hanson responded there are multiple problems they are trying to solve and read the guiding principles they would like to be used to develop a new STR ordinance. The list was developed using National League of Cities and the survey as resources:

1. Preserve the residential quality of neighborhoods
2. Allow economic gain for residents
3. Support tourism in a balanced way
4. Protect the character of Urbanna's historic area
5. Protect Urbanna's small commercial footprint
6. Prevent the loss of rental housing stock
7. Balance the needs and rights of property owners and neighbors
8. Ensure health and safety for guests and residents
9. Protect against overgrowth of STRs

Some of the current problems that need to be resolved are enforcement, unauthorized STRs, and low financial penalty which doesn't keep people from violating the current ordinance.

Ms. Erard explained how it should work with a zoning violation:

- Zoning Administrator receives complaint
- Does an investigation
- Sends a courtesy letter

- Sends a formal notice of violation
- If the violation not fixed, 30 days later go to court and file an injunction that the terms of the violation be enforced by the court

A lengthy discussion took place regarding various problems in the current ordinance, including who is eligible to have a permit, and the history behind the replacing the current STR ordinance.

Ms. Erard explained a written document needs to be referred by Council to the Planning Commission for them to use in creating a new proposed ordinance for Council's approval.

Councilmember Austin suggested Council send Ms. Erard changes they would like made and have her create the document.

Further discussion took place about including items in the ordinance that will not put responsibilities on staff that are not feasible, and possible penalties.

Councilmember Chowning added he was looking at this issue from the viewpoint of the citizens, and the need for short-term rentals, but not too many.

Councilmember Hanson discussed some of the methods and research that had been done to determine how many STRs would be enough for them to succeed, but not so many that none can succeed.

Penalties were discussed, including for those who do not have permits and those who aren't properly reporting, as well as how to address residential homes that are in the B-1 district.

Ms. Erard suggest a first step be to determine in what districts will STRs be allowed, with Councilmember Hanson responding that had been addressed in the document developed by Mr. Kime, with the understanding that it needs to be clarified.

Ms. Erard explained the civil penalty in the proposed changes would limit the town from assessing a criminal penalty. It was decided Council would email Ms. Erard with their suggestions and questions, and Ms. Erard would write a proposal and next steps would be determined after that.

NEW BUSINESS

2021-2022 Audit

Mayor Goldsmith reported the audit for FY2021-2022 had been completed. There were no discrepancies found, and there was a surplus in the amount of approximately \$21,000. The audit will be uploaded to the Town website.

Pool Cover

Mayor Goldsmith reported when the pool contract was negotiated, one of the items left out was a pool cover. The project has stayed on budget, and pool maintenance will be decreased and safety increased with a cover.

Councilmember Austin made a motion to approve the purchase of a pool cover for the new pool for the amount of \$21,505.00

Councilmember Justice seconded

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

Motion passed 6-0

CLOSED MEETING

Councilmember Austin made a motion to go into closed meeting pursuant to Va. Code section 2.2-3711(A)(1) for the discussion of the hiring of a new Town Administrator and for the discussion of the salary and compensation of the Town Clerk and the Town Treasurer.

Councilmember Sturgill seconded

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

Motion passed 6-0

Councilmember Austion made a motion to reconvene and certify that only the matters identified in the motion to go into closed meeting were heard, discussed or considered.

Councilmember Hanson seconded

Austin, Chowning, Hanson, Justice, Sturgill, and Goldsmith certified

Councilmember Austion made a motion to go into closed meeting pursuant to Va. Code section 2.2-3711(A)(1) for the discussion of the salary and compensation of the DMV Operator.

Councilmember Chowning seconded

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

Motion passed 6-0

OPEN MEETING

Councilmember Austion made a motion to reconvene and certify that only the matters identified in the motion to go into closed meeting were heard, discussed or considered.

Councilmember Chowning seconded

Austin, Chowning, Hanson, Justice, Sturgill, and Goldsmith certified

Council Action

Councilmember Austin made a motion to move the Town Treasurer's position to an annual gross salary of \$57,000 per year.

Councilmember Hanson seconded

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

Motion passed 6-0

Councilmember Austin made a motion to move the Town Clerk to an hourly rate of \$23.28, annual gross salary of \$48,422.00.

Councilmember Sturgill seconded

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

Hanson abstained

Motion passed 5-0

Councilmember Austin made a motion to increase the DMV Operator to an hourly rate of \$20.00.

Councilmember Hanson seconded

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

Motion passed 6-0

Councilmember Austin made a motion to make the salary increases for the Town Treasurer, Town Clerk, and DMV Operator retroactive to October 2, 2023

Councilmember Sturgill seconded

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

Motion passed 6-0

PUBLIC COMMENT

There was no public comment

ADJOURN

Councilmember Austin made a motion to adjourn

Councilmember Sturgill seconded

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

Motion passed 6-0

Meeting adjourned at 8:59pm

Submitted by:



Martha J. Rodenburg

Town Clerk

Approved by Town Council January 11, 2024