



**Urbanna Town Council
Monthly Meeting
AGENDA
Town Council Chambers
45 Cross Street
Thursday, August 26, 2021 7:00 PM**

- 1) Call to Order – Mayor Hartley
- 2) Roll Call
- 3) Pledge of Allegiance
- 4) Minutes
 - a. August 12, 2021-Special Meeting
 - b. August 12, 2021-Work Session
- 5) Reports
 - a. Town Administrator
 - b. Treasurer's Report
 - c. Finance Committee
 - d. Water Committee
 - e. Planning Commission
 - f. Pool Committee
- 6) Old Business
- 7) New Business
 - a. Council and staff retreat
 - b. Electronic participation-meetings policy
 - c. FOIA Officer
- 8) Public Comment
- 9) Public Comment Response Period
- 10) Announcements
- 11) Adjourn

**Town of Urbanna
Town Council Public Meeting-HRSD-Linden Ave.
Meeting Minutes
Council Chambers-45 Cross St
August 12, 2021**

CALL TO ORDER & ROLL CALL

Mayor Hartley called the meeting to order at 6:00pm

Present

Mayor Barbara Hartley
Council Members
 Marjorie Austin
 Larry Chowning
 Bill Goldsmith
 Merri Hanson
 Bill Smith
Garth Wheeler-Town Administrator
Roy Kime-Zoning Administrator
Martha Rodenburg-Town Clerk
Andrea Erard-Town Attorney
Jeremiah Burford-HRSD-Project Manager
Eddie Abisaab-HRSD-Chief of Design & Construction
Members of the public

Summary of Purpose for Meeting

Mayor Hartley read the summary of purpose for meeting

Introductions

Mayor Hartley introduced Jeremiah Burford and Eddie Abisaab

Presentation by HRSD

Jeremiah Burford of HRSD presented HRSD's proposed plan for the redesign of the Urbanna sewage treatment process, including a proposed pumping station to be located at 215 Linden Avenue.
MP013730 Middlesex Interceptor System Program Phase II –Transmission Force Main

Council and Staff Comment/Question

Mayor Hartley, Town Council, Mr. Wheeler, and Mr. Kime made statements and exchanged in a dialogue with Mr. Burford.

Guidelines for Public Comment

Mayor Hartley presented the guidelines for public comment

Public Comment/Questions

The following members of the public spoke

Anne Woodard

James Ward (attorney representing Ms. Woodard)

Walter Bareford (did not speak from the podium and comments were unable to be properly recorded)

Tammy Putney

Danny Viers

Sara Goode

HRSD Response

Eddie Abisaab and Jeremiah Burford of HRSD responded to questions presented by Town Council, Town Staff, and members of the public

ADJOURN

Mayor Hartley adjourned the meeting at 7:00pm

Submitted by:

Martha J. Rodenburg
Town Clerk

Approved by Town Council xx/xx/xxxx

**Town of Urbanna
Town Council
Working Session
Council Chambers-45 Cross St
August 12, 2021**

CALL TO ORDER & ROLL CALL

Mayor Hartley called the meeting to order at 7:06pm

Present

Mayor Barbara Hartley
Council Members
 Marjorie Austin
 Larry Chowning
 Bill Goldsmith
 Merri Hanson
 Bill Smith
Garth Wheeler-Town Administrator
Roy Kime-Zoning Administrator
Martha Rodenburg-Town Clerk
Andrea Erard-Town Attorney
Members of the public

All present said the Pledge of Allegiance

Mayor Hartley made a statement to include updates on projects, town pool replacement, water pump repairs, proper means of communicating to with Town Council and Town Staff.

MINUTES

Councilmember Austin made a motion to approve the July 22, 2021 meeting minutes.

Councilmember Smith seconded

Austin, Chowning, Goldsmith, Hanson, Smith, and Hartley voted yes.

Motion passed 6-0

REPORTS

Town Administrator

- Garth Wheeler presented his report to include the following topics
- Water issues
- Trash pick-up
- Founder's Day
- Chesapeake Bay Buyboats reunion
- Cross St. light project
- Pier project at the Old Payne Crab House site project

- BIG Grant for Town Marina update

Treasurers Report

Garth Wheeler presented the Treasurer's report

(not on agenda)

Councilmember Austin made a motion that [Councilmember Chowning] be the [Town's representative on the Chesapeake Bay Region Cigarette Tax Board]

Councilmember Hanson seconded

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

Motion passed 6-0

Mayor Hartley made a motion to amend the agenda to insert after item IX -Public Comment and Response to go into a brief executive session to discuss personnel issues

Councilmember Austin seconded

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

Motion passed 6-0

Finance Committee

Councilmember Goldsmith presented the Finance Committee report to include the following topics

- Cross St. light project overage
- Meals tax

Pool Committee

Councilmember Goldsmith presented the Pool Committee report to include the following topics

- Town Attorney's involvement with assisting in process

Water Committee

Councilmember Smith presented the Water Committee report to include the following topics

- Financing for well
- Fire hydrant flow testing
- Water system maintenance program-Cartegraph update
- Revision of water code
- Grants and loans

Planning Commission

Councilmember Hanson presented the Planning Commission report to include the following topics

- Virginia St. pier & dock permit
- HRSD pumping station
- Town beautification and maintenance
- Building sustainable and cooperative relationships

Councilmember Austin made a motion to allow Merri [Hanson] to open conversation with the adjacent neighbors [of the proposed Virginia St pier & dock project]

Councilmember Chowning seconded

Austin, Chowning, Hanson, and Hartley voted yes

Goldsmith and Smith voted no

Motion passed 4-2

OLD BUSINESS

Garth Wheeler presented a bid proposal from Docks of the Bay for building the Virginia St. pier & dock, to include history of project.

Discussion took place regarding the proposed project, the history of the project, and past actions of previous Councils.

Councilmember Goldsmith made a motion to try to hire John Gill on an hourly basis to help implement the already designated amount of money to proceed with the Blue Water Trail

Councilmember Smith seconded

Councilmember Hanson asked for clarification as to the history of Councilmember Goldsmith's motion. Council discussed the past approval of the Blue Water Trail project, and the reasons it had not progressed since initial approval

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

Motion passed 6-0

NEW BUSINESS

64th Oyster Festival Master Plan

Councilmember Austin made a motion to accept the Oyster Festival master plan

Councilmember Goldsmith seconded

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

Motion passed 6-0

PUBLIC COMMENT & PUBLIC COMMENT RESPONSE

- Bill Hight-spoke regarding the Virginia St. dock/pier project
- Gari Lister-spoke regarding the Virginia St. dock/pier project
- Latane Montague-spoke regarding Town communication, Virginia St. dock/pier project, condition of Town marina
- Martha Lowe-spoke regarding Virginia St. dock/pier project

ANNOUNCEMENTS

There were no announcements

EXECUTIVE SESSION

Councilmember Goldsmith made a motion to go into closed meeting pursuant to Va. Code section 2.2-3711(A)(1) for the discussion and consideration of the performance of the Town Administrator and the Zoning Administrator

Councilmember Austin seconded

Austin, Chowning, Goldsmith, Hanson, Smith, and Hartley voted yes
Motion passed 6-0

Councilmember Goldsmith 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
Austin, Chowning, Goldsmith, Hanson, Smith, and Hartley voted yes to certify
The council re-entered open session

OPEN SESSION

Councilmember Goldsmith made a motion to appoint Garth Wheeler, Town Administrator
Councilmember Austin seconded
Austin, Chowning, Goldsmith, Hanson, Smith, and Hartley voted yes
Motion passed 6-0

Councilmember Goldsmith made a motion to appoint Roy Kime, Zoning Administrator and Assistant Treasurer

Councilmember Austin seconded
Austin, Chowning, Goldsmith, Hanson, Smith, and Hartley voted yes
Motion passed 6-0

ADJOURN

Councilmember Austin made a motion to adjourn
Councilmember Goldsmith seconded
Austin, Chowning, Goldsmith, Hanson, Smith, and Hartley voted yes.
Motion passed 6-0

Meeting adjourned at 8:19pm

Submitted by:

Martha J. Rodenburg
Town Clerk
Approved by Town Council xx/xx/xxxx



TOWN OF URBANNA

45 CROSS STREET, PO BOX 179, URBANNA, VA 23175

PHONE: 804-758-2613, FAX: 804-758-0389

I am requesting to schedule a retreat for Town Council and office staff for some time in October. It would be a one-day event, and I recommend it be held outside of the Town.

Suggested discussion items include:

- FOIA Training
- Meeting protocol
- Social Media Policy
- Project Prioritization

I am asking Town Council to approve the concept and allow funding to be approved for this event. Thank you for your cooperation.

Garth L. Wheeler
Town Administrator
45 Cross Street
Urbanna, VA 23175
(804)758-2613

Electronic Participation in Meetings Policy

It is the policy of the Town of Urbanna that individual members of the Council may, with the approval of a quorum that is physically assembled, participate in meetings of the governing body by electronic communications means as permitted by Virginia Code Section 2.2-3708.2.

A Council member who seeks to participate electronically must notify that the Mayor that:

1 – The member is unable to attend the meeting due to (i) a temporary or permanent disability or other medical condition that prevents the member's physical attendance (medical condition or disability need not be identified) or (ii) a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's physical attendance; or

2 – The member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter. Participation electronically is limited to each calendar year to two meetings or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

If a participation by a member through electronic communication means is approved by a vote of the quorum that is physically assembled (electronic participation may only be disapproved for failure to follow this policy), the minutes must record the remote location from which the member participated. (The remote location need not be open to the public.) However, if three or more members are gathered at the same remote location, then such remote location shall be open to the public.

If electronic participation is approved, the minutes must reflect that the member participated through electronic communication means due to (i) a temporary or permanent disability or other medical condition that prevented the member's physical attendance or (ii) a family member's medical condition that required the member to provide care for such family member, thereby preventing the member's physical attendance.

If the member participates electronically because of a personal reason, the minutes must reflect the specific nature of the personal matter cited by the member.

Whenever an individual member participates from a remote location that is open to the public there must be arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.

**FOIA OFFICER:
Martha Rodenburg
Town Clerk
Urbanna Town Office
45 Cross Street
P.O. Box 179
Urbanna, Virginia 23175
Phone 804-758-2613 Fax 804-758-0389**

**Rights & Responsibilities:
The Rights of Requesters and the Responsibilities of the Town of
Urbanna
Under the Virginia Freedom of Information Act**

The Virginia Freedom of Information Act (FOIA), located § 2.2-3700 et seq. of the Code of Virginia, guarantees citizens of the Commonwealth and representatives of the media access to public records held by public bodies, public officials, and public employees.

A public record is any writing or recording -- regardless of whether it is a paper record, an electronic file, an audio or video recording, or any other format -- that is prepared or owned by, or in the possession of a public body or its officers, employees or agents in the transaction of public business. All public records are presumed to be open, and may only be withheld if a specific, statutory exemption applies.

The policy of FOIA states that the purpose of FOIA is to promote an increased awareness by all persons of governmental activities. In furthering this policy, FOIA requires that the law be interpreted liberally, in favor of access, and that any exemption allowing public records to be withheld must be interpreted narrowly.

Your FOIA Rights

- You have the right to request to inspect **or** receive copies of public records, or both.

- You have the right to request that any charges for the requested records be estimated in advance.
- If you believe that your FOIA rights have been violated, you may file a petition in district or circuit court to compel compliance with FOIA. Alternatively, you may contact the FOIA Council for a nonbinding advisory opinion.

Making a Request for records from the Town of Urbanna

- You may request records by U.S. Mail, fax, e-mail, in person, or over the phone. FOIA does not require that your request be in writing, nor do you need to specifically state that you are requesting records under FOIA.
 - From a practical perspective, it may be helpful to both you and the person receiving your request to put your request in writing. This allows you to create a record of your request. It also gives us a clear statement of what records you are requesting, so that there is no misunderstanding over a verbal request. However, we cannot refuse to respond to your FOIA request if you elect to not put it in writing.
- Your request must identify the records you are seeking with "reasonable specificity." This is a common-sense standard. It does not refer to or limit the volume or number of records that you are requesting; instead, it requires that you be specific enough so that we can identify and locate the records that you are seeking.
- Your request must ask for existing records or documents. FOIA gives you a right to inspect or copy **records**; it does not apply to a situation where you are asking general questions about the work of the Town, nor does it require the Town to create a record that does not exist.
- You may choose to receive electronic records in any format used by the Town in the regular course of business.
 - For example, if you are requesting records maintained in an Excel database, you may elect to receive those records electronically, via e-mail or on a computer disk, or to receive a printed copy of those records
- If we have questions about your request, please cooperate with staff's efforts to clarify the type of records that you are seeking, or to attempt to reach a reasonable agreement about a response to a large request. Making a FOIA request is not an adversarial process, but we may need to discuss your request with you to ensure that we understand what records you are seeking.

To request records from the Town, you may direct your request to Martha Rodenburg, Town Clerk. She can be reached through the Urbanna Town Office, 45 Cross Street, P.O. Box 179, Urbanna, Virginia 23175, or directly by calling phone 804.758.2613 or fax 804-758-0389 or by email at: m.rodenburg@urbannava.gov . You may also contact her with questions you have concerning requesting records from the Town of Urbanna. In addition, the Freedom of Information Advisory Council is available to answer any questions you may have about FOIA. The Council may be contacted by e-mail at foiacouncil@dls.virginia.gov or by phone at (804) 225-3056 or [toll free] 1-866-448-4100.

The Town of Urbanna's Responsibilities in Responding to Your Request

- The Town must respond to your request within five working days of receiving it. "Day One" is considered the day after your request is received. The five-day period does not include weekends or holidays.
- The reason behind your request for public records from the Town is irrelevant, and you do not have to state why you want the records before we respond to your request. FOIA does, however, allow the Town to require you to provide your name and legal address.
- FOIA requires that the Town make one of the following responses to your request within the five-day time period:
 - 1) We provide you with the records that you have requested in their entirety.
 - 2) We withhold all of the records that you have requested, because all of the records are subject to a specific statutory exemption. If all of the records are being withheld, we must send you a response in writing. That writing must identify the volume and subject matter of the records being withheld, and state the specific section of the Code of Virginia that allows us to withhold the records.
 - 3) We provide some of the records that you have requested, but withhold other records. We cannot withhold an entire record if only a portion of it is subject to an exemption. In that instance, we may redact the portion of the record that may be withheld, and must provide you with the remainder of the record. We must provide you with a written response stating the specific section of the Code of Virginia that allows portions of the requested records to be withheld.
 - 4) We inform you in writing that the requested records cannot be found or do not exist (we do not have the records you want). However, if we know that another public body has the requested records, we must include contact information for the other public body in our response to you.

- 5) If it is practically impossible for the Town to respond to your request within the five-day period, we must state this in writing, explaining the conditions that make the response impossible. This will allow us seven additional working days to respond to your request, giving us a total of 12 working days to respond to your request.
- If you make a request for a very large number of records, and we feel that we cannot provide the records to you within 12 working days without disrupting our other organizational responsibilities, we may petition the court for additional time to respond to your request. However, FOIA requires that we make a reasonable effort to reach an agreement with you concerning the production of the records before we go to court to ask for more time.

Costs

- A public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records. No public body shall impose any extraneous, intermediary, or surplus fees or expenses to recoup the general costs associated with creating or maintaining records or transacting the general business of the public body. Any duplicating fee charged by a public body shall not exceed the actual cost of duplication. All charges for the supplying of requested records shall be estimated in advance at the request of the citizen as set forth in subsection F of § 2.2-3704 of the Code of Virginia.
- You may have to pay for the records that you request from the Town of Urbanna. FOIA allows us to charge for the actual costs of responding to FOIA requests. This would include items like staff time spent searching for the requested records, copying costs, or any other costs directly related to supplying the requested records. It cannot include general overhead costs.
- If we estimate that it will cost more than \$200 to respond to your request, we may require you to pay a deposit, not to exceed the amount of the estimate, before proceeding with your request. The five days that we have to respond to your request does not include the time between when we ask for a deposit and when you respond.
- You may request that we estimate in advance the charges for supplying the records that you have requested. This will allow you to know about any costs upfront, or give you the opportunity to modify your request in an attempt to lower the estimated costs.
- If you owe us money from a previous FOIA request that has remained unpaid for more than 30 days, the Town may require payment of the past-due bill before it will respond to your new FOIA request.

Types of records

The following is a general description of the types of records held by the Town of Urbanna:

- Personnel records concerning employees and officials of the Town
- Records of contracts which the Town has entered into
- Bank transactions and financial records

If you are unsure whether the Department has the record(s) you seek, please contact Martha Rodenburg, Town Clerk. She can be reached through the Urbanna Town Office, 45 Cross Street, P.O. Box 179, Urbanna, Virginia 23175, or directly by calling phone 804.758.2613 or fax 804-758-0389 or by email at: m.rodenburg@urbannava.gov

Commonly used exemptions

The Code of Virginia allows any public body to withhold certain records from public disclosure. The Town of Urbanna commonly withholds records subject to the following exemptions:

- Personnel records (§ 2.2-3705.1 (1) of the Code of Virginia)
- Records subject to attorney-client privilege (§ 2.2-3705.1 (2)) or attorney work product (§ 2.2-3705.1 (3))
- Vendor proprietary information (§ 2.2-3705.1 (6))
- Records relating to the negotiation and award of a contract, prior to a contract being awarded (§ 2.2-3705.1 (12))

Policy regarding the use of exemptions

- The general policy of the Town of Urbanna is to invoke the personnel records exemption in those instances where it applies in order to protect the privacy of employees and officials of the Town.
- The general policy of the Town of Urbanna is to invoke the contract negotiations exemption whenever it applies in order to protect the Town's bargaining position and negotiating strategy.