



**Urbanna Town Council
Monthly Meeting
AGENDA
Town Council Chambers
390 Virginia Street, Suite B
Thursday, October 27, 2022 7:00PM**

1. Call to Order
 2. Roll Call
 3. Pledge of Allegiance
 4. Approval of Agenda
 5. Minutes
 - a. September 8, 2022*
 6. Reports
 - a. Town Administrator
 - b. Treasurer's Report*
 - c. Finance Committee
 - d. Planning Commission
 - e. Water Committee
 7. Public Comment
 8. Public Comment Response Period
 9. Old Business
 - a. Pool Committee financing proposal*
 - b. Sale of Old Building
 10. New Business
 - a. Urbanna Creek Committee-recommendations to Council*
 11. Closed Meeting pursuant to Section §2.2-3711(A) (29), Code of Virginia for the following purpose:
Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body-pool architect and construction contract.
 12. Open Meeting
 13. Adjourn
- *Document included in meeting packet

This page intentionally left blank



**Agenda Item Summary
October 27, 2022**

Agenda Item: 4-Approval of Agenda

Fiscal Impact: NA

Staff Recommendation: Approve

Council Action Requested: Yes

Sample Motion(s):

Motion to approve agenda as presented

This page intentionally left blank



Agenda Item Summary October 27, 2022

Agenda Item: #7-Minutes

Background: Minutes of the September 8, 2022 Work Session

Fiscal Impact: NA

Staff Recommendation: Approve

Council Action Requested: Yes

Sample Motion(s):

Note: If changes are requested at the meeting, approval of the minutes will be postponed to the next meeting.

Motion to approve the minutes of the September 8, 2022 work session as presented.

**Draft minutes attached*

This page intentionally left blank

**Town of Urbanna
Town Council
Work Session
Council Chambers-390 Virginia St. Suite B
September 8, 2022**

CALL TO ORDER & ROLL CALL

Mayor Hartley called the meeting to order at 7:00pm

Present

Members of Council

Mayor Barbara Hartley

Council Members

Marjorie Austin

Larry Chowning

Bill Goldsmith

Merri Hanson

Steve Hollberg

Bill Smith

Garth Wheeler-Town Administrator

Roy Kime-Zoning Administrator

Martha Rodenburg-Town Clerk

Michele Hutton-Town Treasurer

Andrea Erard-Town Attorney via Zoom

Members of the public

All present said the Pledge of Allegiance

APPROVAL OF AGENDA

Councilmember Austin moved to approve the agenda as presented

Councilmember Goldsmith seconded

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

Motion passed 7-0

PRESENTATION

The presentation to Rosabeth Rennolds was rescheduled for the September 22, 2022 Town Council meeting

Mayor Hartley presented Assistant Chief David Rose and Ben Langford, from the Middlesex Volunteer Fire Department a \$15,000 check from the Department of Fire Programs from the Commonwealth of Virginia for fire prevention

PUBLIC COMMENT & PUBLIC COMMENT RESPONSE

No member of the public spoke

MATTERS OF TOWN COUNCIL

REPORTS

Administrator's Report

Garth Wheeler reported:

DMV

- DMV statistics from February 14, 2022-September 2, 2022
 - 2,703 transactions
 - 1,279 customers
 - Gross sales \$171,949.91
- Town receives 4.5% of gross up to \$500,000, 5% above that

Michele Hutton posted a Facebook update about Urbanna's DMV Select and Maribel Kimble-DMV Select Clerk. The post received 10.48k views and multiple shares

Discussion took place regarding break-even figures and the hidden return on investment from customers patronizing town businesses and restaurants

Boundary Line Adjustment Update

- Bay Design contacted to remove two parcels of land belonging to Thurston Properties at Red Hill from the initial proposal to Middlesex County Board of Supervisors
- Meeting held with Matt Walker and Heather Thomas from Middlesex
- Contacted Melissa Welch, Middlesex County Registrar
Her only concern was the Town was trying to get BLA completed prior to November elections
With that not being the case, she said there was no problem

Next steps

- Develop a presentation for Middlesex Board of Supervisors
- Both Middlesex County and Town of Urbanna will hold separate public hearings and take a vote
- If passed, submit proposal to the Virginia Attorney General's office

Old Town Hall

The person who had originally expressed interest in purchasing the property, withdrew his interest after receiving the appraiser's report.

Museum

- Interior walls repaired and painted
- 150 visitors for the month of August
- Total donations were \$124.40 (merchandise) and \$839.00 collected from the donations box

Cigarette Tax

- The Town received \$670.32 for the month of August

Pool Committee

- Soil sampling by Bay Design at pool site approved
- Committee working on presentation to Middlesex BoS on September 13 requesting financial assistance
- Mayor Hartley & Mr. Wheeler met with Mr. Fulk, VP for Commercial Finances, Primis Bank to discuss options
- Ward Hamilton with Paddock Pools is preparing a contract for Council's review

Wine & Oyster Stroll

- The Urbanna Business Association (UBA) has asked the Town to participate

- October 15 4pm-7pm

Councilmember Austin made a motion for use the museum for the Town to participate in the Oyster & Wine Stroll on October 15 from 4pm-7pm

Councilmember Goldsmith seconded

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

Motion passed 7-0

Treasurer's Report

Michele Hutton gave the Treasurer's report for July, due to the August monthly meeting being canceled

- Began follow-up on delinquent taxes, amounts as of September 8 are:
 - Real estate \$5658.92
 - Personal property \$8,162.70 (of that, \$2181.98 is owed by one account)
- Garth Wheeler and Michele Hutton, met with Traci Wright, Middlesex County Treasurer to review tax and billing procedures
 - Going forward, at no cost to the Town, the Middlesex County Treasurer's Department will put DMV stops on delinquent tax accounts
 - Taxpayers with delinquent accounts be unable to conduct DMV transactions until past due taxes are paid

Mrs. Hutton researched Town real estate tax accounts and created a report of real estate owned by residents and out-of-town property owners

Mr. Wheeler reported due to staffing and the small volume of tax bills that are generated, switching to tax billing two times a year would not be prudent.

The Town Treasurer's workload includes:

- April-Golf cart registrations
- July-Business taxes
- August-Past due account collections
- September-Oyster Festival business licenses and meals tax forms sent
- October-Real estate and personal property tax billing preparation
- Monthly-Meal and lodging tax collections

Staff has made arrangements to allow residents to make payments, including pre-payments, for real estate & property taxes. Mrs. Hutton demonstrated the process for making online payments to Council via the Town website.



Treasurer's Report

The Balances Below, Reflect Bank Statements as of Month's End.

Account Balance thru 8/31/2022	Prior Year 8/31/21	Prior Month 7/31/22	Statement Date 8/31/22
Primis Bank General Operating Bank Account	583,885.32	639,319.37	658,223.65
Renter Water Deposits	14,551.66	16,101.66	16,551.66
Net Operating General Bank Account	564,998.69	613,689.21	645,877.97
TRUIST Historic Trust	21,795.73	21,333.14	27,003.65
TRUIST Pool Replacement Account	36,761.57	36,764.91	94,765.68
Primis Bank Water Fund Reserve	113,782.20	114,133.07	114,189.82
Primis Bank General Fund Reserve	94,628.82	94,825.78	94,855.79
Primis Bank Cares Local Recovery	237,602.06	475,302.77	475,324.26
Primis Bank DMV	n/a	4,289.45	5,817.83
Taber Trust – Account Value	1,471,259.67	1,361,671.49	1,300,340.91
	8/31/21	7/31/22	8/31/22
Meals Tax collected in August	16,638.47	14,635.00	14,992.16
Lodging Tax collected in August	1,625.18	3,422.19	3,213.42
Cigarette Tax collected in August	n/a	1,150.72	670.32

AUGUST EXPENDITURES:

- \$4,600 painting museum

REVENUE as of 8/31/2022

- \$5,000.00 Grant from MOM deposited to Truist Historic Trust

Notes: Real Estate Past Due notices sent 8/11/22

Lodging Tax

September 1, 2022
10:13 AM

Town of Urbanna
2023 Revenue Summary by Month

Page No: 1

Range of Accounts: 100-12100-0001 to 100-12100-0001 Start Month: July Start Year: 2022
Type: Revenue Activity Includes Accounts with Zero Activity: N Year To Date As Of: 09/01/22
Subtotal CAFR: No

Account No	Description	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Total													
100-12100-0001	Lodging Tax												
6635.61	3422.19	3213.42		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Fund Total													
6635.61	3422.19	3213.42		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Grand Total	Count: 1												
6635.61	3422.19	3213.42		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Meals Tax

September 1, 2022
10:12 AM

Town of Urbanna
2023 Revenue Summary by Month

Page No: 1

Range of Accounts: 100-12110-0001 to 100-12110-0001 Start Month: July Start Year: 2022
Type: Revenue Activity Includes Accounts with Zero Activity: N Year To Date As Of: 09/01/22
Subtotal CAFR: No

Account No	Description	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Total													
100-12110-0001	Meals Tax - Local												
29627.16	14635.00	14992.16		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Fund Total													
29627.16	14635.00	14992.16		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Grand Total	Count: 1												
29627.16	14635.00	14992.16		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Water Sales

September 1, 2022
10:05 AM

Town of Urbanna
2023 Revenue Summary by Month

Page No: 1

Range of Accounts: 500-17010-0001 to 500-17010-0001 Start Month: July Start Year: 2022
Type: Revenue Activity Includes Accounts with Zero Activity: N Year To Date As Of: 09/01/22
Subtotal CAFR: No

Account No	Description	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Total													
500-17010-0001	Water Sales Charges												
68709.34	2878.78	65830.56	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Fund Total													
68709.34	2878.78	65830.56	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Grand Total	Count: 1												
68709.34	2878.78	65830.56	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

September 1, 2022
10:14 AM

Collected RE Tax - Delinquent

Range of Accounts: 100-11010-0002 to 100-11010-0002
Type: Revenue Activity Includes
Subtotal CAFR: No

Account No	Description	Jul	Aug	Sep
Total				
100-11010-0002	Real Estate Tax - Delinquent			
2356.93	1029.48	1327.45	0.00	
Fund Total				
2356.93	1029.48	1327.45	0.00	
Grand Total	Count: 1			
2356.93	1029.48	1327.45	0.00	

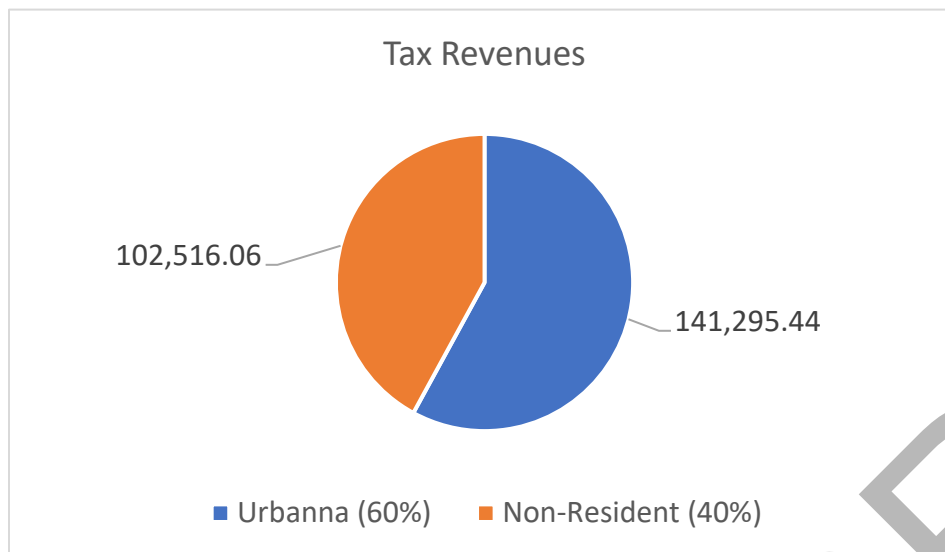
September 1, 2022
10:15 AM

Collected PPT - Delinquent

Range of Accounts: 100-11030-0002 to 100-11030-0002
Type: Revenue Activity Includes
Subtotal CAFR: No

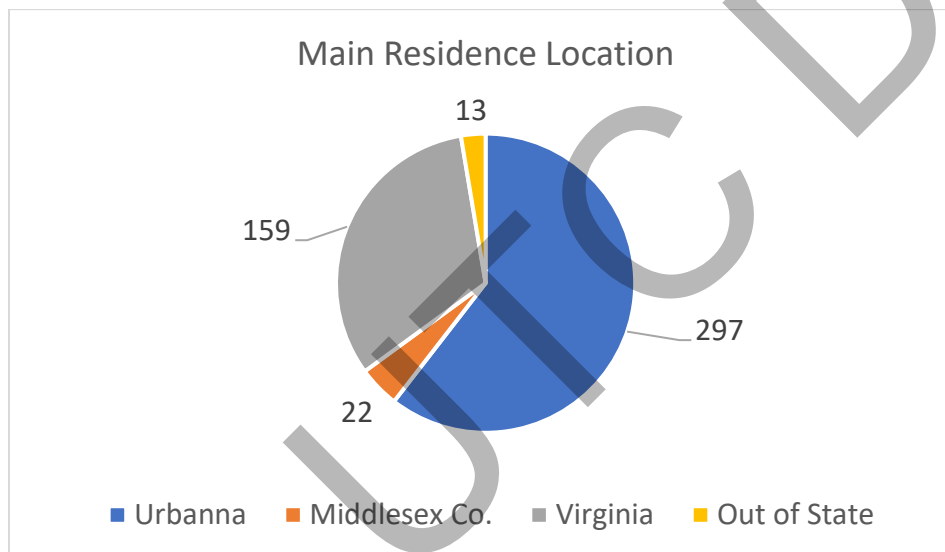
Account No	Description	Jul	Aug	Sep
Total				
100-11030-0002	Delinquent Personal Property			
58.31	1.84	56.47	0.00	
Fund Total				
58.31	1.84	56.47	0.00	
Grand Total	Count: 1			
58.31	1.84	56.47	0.00	

Net Value Range	Total Net Value	Avg. Net Value	Number of Properties	Tax Range	Total Taxes	Avg. Tax paid	Urbanna Resident	Non-Resident
\$0 – 49,999	\$820,800	\$13,456	61	\$0 – 79.35	\$1,887.84	\$30.95	35	26
\$50,000 – 99,999	\$3,139,600	\$68,252	46	\$115.00 – 229.77	\$7,221	\$157.00	29	17
\$100,000 – 199,999	\$24,891,800	\$155,574	160	\$230.00 - 459.08	\$57,251	\$358.00	110	50
\$200,000 – 299,999	\$26,730,500	\$245,234	109	\$460.46 – 689.31	\$61,480	\$564.00	67	42
\$300,000 - 399,999	\$22,265,800	\$332,325	67	\$690.92 - 917.24	\$51,211	\$764.00	30	37
\$400,000 – 499,999	\$8,103,000	\$450,167	18	\$944.15 - 1,144.25	\$18,637	\$1,035	9	9
\$500,000 – 599,999	\$7,571,200	\$540,800	14	\$1,173.46 – 1,372.18	\$17,414	\$1,244	7	7
\$600,000 – 699,999	\$3,254,000	\$650,800	5	\$1,420.25 - 1,605.40	\$7,484	\$1,497	4	1
\$700,000 – 799,999	\$3,799,300	\$759,860	5	\$1,641.74 - 1,836.32	\$8,738	\$1,748	3	2
\$800,000 – 899,999	\$3,407,700	\$851,925	4	\$1,878.87 - 2,019.40	\$7,838	\$1,959	2	2
\$900,000 +	\$2,021,300	\$1,010,650	2	\$1173.46 - 2,384.87	\$4,649	\$2,324	1	1
Totals	\$106,005,000.00	\$1,933,458.00	491		\$243,810.84	\$4,445.95	297	194



Average Urbanna Resident tax = \$475.74

Average Non-resident tax = \$528.43



Planning Commission

Councilmember Hanson reported

- Commission held a Special Use Permit public hearing for the Lewis property on Oyster Road
 - Commission recommends approval by Council
 - A public hearing held and a vote taken by Town Council on September 22
- The 48 Hours in Urbanna winner will be announced at a future meeting

Pool Committee

Councilmember Goldsmith reported the following

- Marnie Harte will make a presentation to the Middlesex County Board of Supervisors requesting support and financial assistance for the pool
- Presentation will be made September 13th at 4pm

ACTION ITEMS

There were no action items

ANNOUNCEMENTS

- Hometown Hero banners will be removed and Oyster Festival banners will be installed in September
- Final Farmer's Market and 2nd Saturdays to take place September 10 with Tom Euler performing
 - Many thanks to all participants and volunteers

ADJOURN

Councilmember Austin made a motion to adjourn

Councilmember Smith seconded

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

Motion passed 7-0

Meeting adjourned at 7:45pm

Submitted by:

Martha J. Rodenburg

Town Clerk

Approved by Town Council xx/xx/xxxx

This page intentionally left blank



**Agenda Item Summary
October 27, 2022**

Agenda Item: 6-Reports

Fiscal Impact: NA

Staff Recommendation: NA

Council Action Requested: No

The following reports are scheduled

Town Administrator-Garth Wheeler

Treasurer's Report*-Michele Hutton

Finance Committee-Bill Goldsmith

Planning Commission-Merri Hanson or Roy Kime

Water Committee-Bill Smith

**Documents attached*

This page intentionally left blank



Treasurer's Report

The Balances Below, Reflect Bank Statements as of Month's End.

Account Balance thru 9/30/2022	Prior Year	Prior Month	Statement Date
	9/30/21	8/31/22	9/30/22
Primis Bank General Operating Bank Account	543,394.28	658,223.65	637,772.34
Renter Water Deposits	14,326.66	16,551.66	16,551.66
Net Operating General Bank Account	540,032.04	645,877.97	635,222.66
TRUIST Historic Trust	21,795.91	27,003.65	28,314.72
TRUIST Pool Replacement Account	36,761.87	94,765.68	94,764.46
Primis Bank Water Fund Reserve	113,814.93	114,189.82	114,243.79
Primis Bank General Fund Reserve	94,648.26	94,855.79	94,884.25
Primis Bank Cares Local Recovery	237,611.82	475,324.26	475,343.79
Primis Bank DMV	n/a	5,817.83	7,628.20
Taber Trust – Account Value	1,488,465.53	1,300,340.91	1,205,718.35
	9/30/21	8/31/22	9/30/22
Meals Tax collected in September	15,450.08	14,992.16	13,319.79
Lodging Tax collected in September	2,123.60	3,213.42	7,522.80
Cigarette Tax collected in September	n/a	670.32	1,310.85

SEPTEMBER EXPENDITURES:

- \$15,000 Fire Grant to Middlesex FF

REVENUE as of 9/30/2022

Processed Oyster Fest Business Licenses \$16,150.00

Notes: none

Lodging Tax

Page No: 1

Range of Accounts: 100-12100-0001	to 100-12100-0001	Start Month: July	Start Year: 2022
Type: Revenue Activity	Includes Accounts with Zero Activity: N	Year To Date As Of: 10/07/22	
Subtotal CAFR: No			

[illegible]

Meals Tax

Page No: 1

Range of Accounts: 100-12110-0001	to 100-12110-0001	Start Month: July	Start Year: 2022
Type: Revenue Activity	Includes Accounts with Zero Activity: N	Year To Date As Of: 10/07/22	
Subtotal CAFR: No			

[illegible]

Water Sales

October 7, 2022
10:57 AM

Town of Urbana
2023 Revenue Summary by Month

Page No: 1

Range of Accounts: 500-17010-0001	to 500-17010-0001	Start Month: July	Start Year: 2022
Type: Revenue Activity	Includes Accounts with Zero Activity: N	Year To Date As Of: 10/07/22	
Subtotal CAFR: No			

[illegible]

This page intentionally left blank



Agenda Item Summary October 27, 2022

Agenda Item: 9a-Pool Committee financing proposal

Marnie Harte will give a presentation regarding options for pool construction

Fiscal Impact: \$1,100,000.00 (app.)

Staff Recommendation: Consider the recommendations made by the pool committee.

Council Action Requested: Go into closed session to consider the contracts presented by Paddock Pools for construction of the pool and Irby Architectural Firm.

Sample Motion(s): N/A

At the time of publication, a copy of the presentation was not available. As soon as the presentation is received by town staff, the packet will be updated and the presentation will be distributed to Town Council and members of the public.

The packet was amended on October 27, 2022 to add the presentation.

This page intentionally left blank

Urbanna Community Pool – Funding Options

Pool Committee
October 27, 2022



Executive Summary

- ❖ We have conducted additional research into what is permissible according to the language of Dr. Taber's will and the terms of the Taber fund as well as Virginia Law
- ❖ We believe that the use of the funds to build the Urbanna Town Pool is consistent with Dr. Taber's intent
- ❖ Our plan to fund the pool includes a combination of fundraising, CARES and other potential public revenue sources. We will also need to use funds from one of the several additional options we have analyzed, including:
 - Using/borrowing funds from the Taber fund
 - Borrowing more funds through a commercial organization
 - Conducting a special assessment of Urbanna citizens
- ❖ We recommend moving forward with plans to use \$500,000 of Taber funds to build the pool
- ❖ Next steps are to finalize a plan for funding, begin fundraising and enable construction activities to begin to allow a May 2023 opening

Timeline – Background

Taber Fund Formed

Taber fund was originally established from a grant from Dr. Taber's will upon his death (July 17, 1966). Will was entered into probate August 11, 1966

Original Funding

The original Taber fund was established with \$256,695 and as of May 18, 1970, had \$39,391.81 available for the Town to use as stated by the Bank Officer of the Bank of Middlesex (Urbanna's selected agent for the Taber funds)

Town Seeks Court Guidance

On November 6, 1967, the Urbanna Town Attorney informed Town Council that a suit was filed by the executor of Dr. Taber's will in Circuit Court seeking guidance and instruction in administering certain portions of the will

Court Issues a Decree

January 23, 1968, the Circuit Court decreed that the income from the fund may only be used for charitable purposes and that Urbanna may if it so desired continue to use the Court for guidance regarding the use of income from the fund

Council's Use of Funds

Through the years, Town Council has considered petitioning the Court for guidance on the use of trust funds for a variety of purposes including a medical clinic and a swimming pool, but no action was taken to file a petition with Circuit Court

Court Has Not Denied Urbanna

There is no record of the the Circuit Court ever denying the use of Taber Park funds for a public purpose

The First Pool

On March 4, 1968 as reflected in the Urbanna Town Council Meeting Minutes, Council made the decision to construct the original pool, and on April 23 of that same year, Council awarded the construction contract to Hodge and Stokes

Funding the Pool

On June 1, 1970, the matter of funding the pool was discussed and a motion was made and carried to transfer \$36,391.81 from the available Taber gift funds to the general fund to defray the swimming pool cost, already paid from town funds

Summary of Taber Fund Terms

- ❖ The Last Will & Testament of Charles Wellington Taber was signed on July 9, 1966, and Dr. Taber passed away on July 17, 1966 with the Will entering probate on August 11, 1966
- ❖ There are two relevant sections of the Will applicable to the Charles Wellington Taber Fund, including article Seventh and Ninth
- ❖ Article 7 establishes the fund and transfers the assets to the Mayor of Urbanna to administer as Trustee for the Benefit of the residents of Urbanna
 - It empowers the Trustee to use the **income** from the Trust
 - It empowers the Mayor to use the Circuit Court of Middlesex County, to disperse the income, but does not explicitly require it
 - It states that the income may be used **for the relief of poverty, the advancement of education, the promotion of health and any other purpose the accomplishment of which will be beneficial to the community that are exempt from inheritance or transfer taxes**
 - It states that **because conditions change with time** it is not Dr. Taber's intent to make any **specific designation of the type of community improvement for which this trust is established, or of the administrative machinery through which its purposes shall be accomplished**
- ❖ Article 9 grants the Trustee the powers of administration of the fund, including all those that are available to in common and statutory law
- ❖ On January 23, 1968, the Circuit Court issued a decree stating:
 - That the **"income** derived from the corpus of said trust is to be used by the Town of Urbanna, Virginia used for charitable purposes only."
 - That the matter would "remain upon the Chancery Docket of this court so that the Town of Urbanna, by proper petition and **if it so desires, may obtain** the Court's instruction, guidance and direction with regard to any questions which might arise from time to time apropos of the expenditure of the income of said trust, or other matter which the Court may deem proper."

How much of the Taber fund can be used?

- ❖ **The Taber fund enables the trustee to use the INCOME from the fund for the purposes stated in the will**
- ❖ **VA Code defines what is “income” and what is “principal”**
 - *“Income” means money or other property a fiduciary receives as current return from principal. “Income” includes a part of receipts from a sale, exchange, or liquidation of a principal asset, to the extent provided in Articles 4 (§ 64.2-1048 et seq.), 5 (§ 64.2-1051 et seq.), and 6 (§ 64.2-1055 et seq.).*
 - *“Principal” means property held in trust for distribution to, production of income for, or use by a current or successor bene*
- ❖ **VA code also grants fiduciaries the the power to adjust the designations as assets between income and principal**
 - Section 64.2-1038 states that a fiduciary “in a record, without court approval, may adjust between income and principal if the fiduciary determines the exercise of the power to adjust will assist the fiduciary to administer the trust or estate impartially.”
- ❖ **VA code grants Trustees general and specific powers enabling them to administer trusts, including**
 - “Powers conferred by the terms of the trust”... and “ any other powers appropriate to achieve the proper investment, management, and distribution of the trust property.” VA64.2-777. General powers of trustee.
 - Additionally, trustees have specific powers to “sell property” and to “Borrow money, with or without security, and mortgage or pledge trust property for a period within or extending beyond the duration of the trust,” as stated in VA64.2-778 Specific powers of trustee

The Mayor has broad rights to do what is necessary to administer the trust, including determining what is INCOME and what is principal

Summary of Contracts

- ❖ There are multiple contracts involved in this Project, including work required for pre-construction and the actual construction of the pool and facilities
- ❖ Preconstruction contracts include the following:
 - Site work
 - Awarded to Bay Design (\$47,000)
 - Total cost \$47,000 (already budgeted/approved by Town)
 - Architecture design
 - Awarded for Pool Bath House (Jim Irrby)
 - Total cost \$27,000
 - Pool Construction \$430,000 Paddock Pools
 - Construction of Bath House (J.A. Heisler)
- ❖ Construction contracts include the following:
 - Pool Construction
 - Awarded to Paddock Pools
 - Total cost estimated at \$430,000
 - General Construction (e.g. bath house, pool deck, fencing)
 - TBD - awaiting final bid (less than \$600,000)

We have identified 3 options for funding the Urbanna Pool Project

Option 1 -

**Use/borrowing Taber
Park Fund**

Option 2 -

**Borrowing more funds
from a commercial
organization**

Option 3 -

**Apply a special
assessment to town
residents**

All Options are supplemental to the funds that will be raised through a combination of fundraising, CARES and other potential public revenue sources

Funding Option 1 – Use Taber Trust Funds

Notes

Option 1 - Use Taber Trust Funds	
Tabor Trust	\$500,000
Charter Memberships	\$200,000
Fundraising & Donations	\$100,000
CARES	\$200,000
Loan	\$100,000
Total	\$1,100,000

- ❖ **What is Legally Permissible:** The Town can legally use \$500,000 of the income/interest from Taber Trust without having to pay it back
- ❖ **Preferred Approach:** The Town can agree to pay back a portion of the funds; provided that:
 - The payment schedule is flexible (not set) on an as practicable basis
 - The payback does not require interest payment
 - There is no penalty to the town if the funds are fully not paid back

Funding Option 2 – Obtain a more sizable loan (6.75% @ 10 years)

Option 2 (a) Replace Taber Funds with Loan	
Charter Memberships	\$200,000
Fundraising & Donations	\$100,000
CARES	\$200,000
Loan	\$600,000
Total	\$1,100,000

Option 2 (c) - Loan for entire project	
Charter Memberships	\$0
Fundraising & Donations	\$0
CARES	\$0
Loan	\$1,100,000
Total	\$1,100,000

Notes

- ❖ **Option 2(a) - \$600,000 loan**
 - \$7,000/month (\$84,000/year)
 - $\$84,000 / 13,190 = .065 / \100 . New tax rate 0.275/100 vs. .21/\$100
- ❖ **Option 2(b) - \$900,000 loan**
 - \$10,400/ month (\$125,000/year)
 - $\$125,000 / 13,100 = .095 / 100$ New tax rate .305/\$100
- ❖ **Option 2 (c) - \$1,100,000 loan**
 - \$11,500/ month (\$138,000/year)
 - $\$138,000 / 13,190 = .105$. New tax rate .315/\$100

**Each penny/\$100 of property value generates
\$13,190.00
(Based on a budget number of \$277,000)**

Funding Option 3 – Apply a special assessment to Town residents

Notes

- ◆ **\$500,000 could be raised through a special assessment of all Urbanna properties**
 - To pay this off in one year would require a one time raise in the tax rate from \$0.21/\$100 of assessed value to \$0.40/100 of assessed value
 - For the average Urbanna homeowner (\$280,000 home value), that would mean a raise in taxes from \$588/year to \$1,680/year, which is ~ (3x the current tax burden)

Option 1 - Potentiation Funding Plan	
Special Assessment	\$500,000
Charter Memberships	\$200,000
Fundraising & Donations	\$100,000
CARES	\$200,000
Loan	\$100,000
Total	\$1,100,000

We recommend Option 1 based on an analysis of the pros and cons of each option

	Option 1 - Use/Borrow Taber Park Fund	Option 2 - Borrow more funds from a commercial organization	Option 3 - Apply a special assessment to town residents
<u>Pros</u>	<ul style="list-style-type: none">• Legally permissible• Does not apply an additional burden on the taxpayers• Funds readily available for usage• Does not materially increase Town's debt load• In line with the original intent of the Taber fund	<ul style="list-style-type: none">• Enable Trust funds to theoretically continue to grow• Allows Trust funds to be used for some other purpose in future	<ul style="list-style-type: none">• Enables funds in Trust to theoretically continue to grow• Allows Trust funds to be used for some other purpose• Does not increase Town's debt Load• Does not impose a heavy payback burden on the Town
<u>Cons</u>	<ul style="list-style-type: none">• Reduces opportunity for use of funds for other projects• Reduces overall growth potential of funds	<ul style="list-style-type: none">• Increases Town's overall debt burden• Imposes a heavy payback burden on the Town and taxpayers• Will reduce the Town's ability to fund other future projects	<ul style="list-style-type: none">• Increases financial burden on taxpayers during an economic downturn• Reduces likelihood of taxpayers donating additional \$ to project

Next Steps

- ❖ Obtain Council's POV on direction for funding options
- ❖ Enable construction to commence
- ❖ Kickoff formal funding raising efforts

|

Appendix

Taber Park Fund Language

Article Seventh

SEVENTH: Upon the death of my wife I direct my said Trustees to transfer the trust est to be known thereafter as the Charles Wellington Taber Fund, to the Mayor of the Town of Urbanna, Virginia, as Trustee ex officio, to hold, manage and administer the same for the benefit of the residents of the Town of Urbanna forever, subject to the provisions of Parag (6) of Clause Third of this will, upon the following trust;

To expend the income therefrom, through such agencies as the Circuit Court of Middlesex County, Virginia, may direct to be created or appointed, for the acquisition and operation Middlesex County, Virginia, of such facilities for the benefit of the residents of the Town of Urbanna as the members of the Council of said Town, acting ex officio as a committee for the purpose, may, with the approval of the Circuit Court of Middlesex County, from time to time determine to establish and maintain, for the relief of poverty, the advancement of education, the promotion of health, and any other purposes the accomplishment of which will be beneficial to the community that are exempt from inheritance or transfer taxes under the laws of the State of Virginia and the United States, and are not in conflict with existing laws.

Because conditions so change with time, I make no specific designation of the types of community improvement for which this trust is established, or of the administrative machinery through which its purposes shall be accomplished. It is not my desire or intention to limit my gift to the establishment and maintenance of those community facilities and services but today to tend to the benefit or amelioration of the condition of ordered society, such as parks, recreation centers, hospitals or literary and educational institutions, but through to provide the means for establishing and maintaining any such facilities for the residents of the Town of Urbanna which may appear to future generations to be promotive of the same purposes.

Article Ninth

NINTH: I give to my Trustee of the Charles Wellington Taber Fund the following powers, in addition to and not in limitation of his common-law and statutory powers:

To employ such brokers, banks, custodians, investment counsel, attorneys and other agent including clerical assistance, and to delegate to them such of the duties, rights and powers conferred upon him by law as the Circuit Court of Middlesex County may authorize.

It is my hope, in view of the assistance hereinabove authorized, that my said Trustee will be willing to serve without compensation, but I authorize the payment to my said Trustee of such compensation for his services as such as the Circuit Court of Middlesex County may allow him.

IN WITNESS WHEREOF, I, the said Charles Wellington Taber, herewith set my hand to this last will, typewritten on twelve (12) sheets of paper (including the attestation clause and signatures of witnesses), at Urbanna, Virginia, this 6th day of August, 1958.



“My Community Pool is my
Happy Place”



10 people drown
each day in the US

Nearly **80%** of
People who die of
drowning are male

Drowning kills more
kids 1-4 than
ANYTHING else-
except birth defects

About **20%** of
people who die from
drowning are children

79% of all boating
related deaths in the
US in 2019 were
drowning-related

70% of African
American children
cannot swim
60% of Latino children
cannot swim
40% of Caucasian
children cannot swim

**Places where
children drown:**

- Rivers, lakes,
streams
- Swimming pools
- Buckets
- Bathtubs, spas
- Garden ponds

Swimming lessons
could reduce childhood
drowning by **88%**

Middlesex County is
dependent on the
water, yet we don't
have a publicly
owned pool available
for water safety
programs

The Community Pool will provide benefits for the diverse needs of our population and community

For our Kids

- Enables youth competitive swimming to occur in Middlesex County
- Provides summer practice venue for High School
- Provides kids something positive to do
- Provides critical water safety education
- Teenage summer employment opportunities



For our Seniors

- Provides social opportunity and community
- Helps maintain physical and mental health
- 28% reduced risk of early death, 41% reduced risk of death due to heart disease or stroke



For Improving Inclusion

- Reverse the trend of moving from public to private pools
- No fee days for entire community
- Partner with community programs to provide low cost swim instruction
- Provides multi-generational interaction opportunities



For attracting Residents & Visitors

- Provides an attractive amenity for those looking to take advantage of Remote Work opportunities
- 22% of workers will be remote by 2025 representing 87% increase since 2020
- Provides entertainment draw for visitors



We recommend moving forward with Option 1 based on an evaluation of the pros and the cons

Pros

Option 1 - Competitive Pool

- Will address identified community needs, including safety
- Will enable Middlesex County to have swimming competitions in the county

Cons

- Higher cost (~\$200k more than Option 2)
- Slightly larger footprint in Taber park

Option 2 - Recreational Pool

- Will address identified community needs, including safety
- Less cost (~\$200,00 less than Option 1)
- Less land used in footprint enabling other options for usage
- Middlesex will remain without a competition size pool to support swim team

Option 3 - Do Not Replace Pool

- No expense or debt incurred by Urbanna or Middlesex
- Enables the land to be used for alternative purposes
- Major gaps left in addressing community needs
- Cost will need to be incurred to stabilize/clean up existing Urbanna pool footprint

The sale of Charter Memberships will help to fund the initial construction of the Pool

Purpose

- The purpose of the Charter Membership is to decrease debt load and provide needed seed money
- Charter Membership will be linked to a property. Transfers with the property
- Can be used by renters short/long term

Entitlements

- Annual Family Member status for the life of this pool
- Creates a tangible asset that will convey with transfer of home
- 25% discount on facility rental for Charter Members

Fee

- In-Town.....\$12,000
- Out-of-Town.....\$15,000
- Business (Motel, Marina).....\$25,000

We have developed a fee structure that is competitive with other local pools

DRAFT

In-Town Residents (Urbanna)

Season Passes

- Individual Season Membership..... **\$100**
- Family season Membership..... **\$200**

or

Day Passes

- 3 Family Day Passes provided annually to each Urbanna residence..... **(no fee)**
 - Each pass is good for up to 6 people for one day
- Day Pass/per person..... **\$5**
- Family Day Pass (up to 6 people)..... **\$12**

Out-of-Town

Season Passes

- Individual Season Membership..... **\$250**
- Family Season Membership..... **\$400**

or

Day Passes

- Day Pass/per person..... **\$8**
- Family Day Pass (up to 6 people)..... **\$25**

Other

Other Fee Based Services

- **Rent the Pool** **TBD**
 - Full rental of the Pool and facilities at Non-Prime Times
 - Limited number of full rentals per season
- **Party at the Pool**..... **TBD**
 - Day pass for guests up to (#)
 - Dedicated facilities (table, chairs, etc) for party guests

Donation

- **Friends of the Pool** (tax deductible)..... **\$100**
 - 5 Family Passes included

*No charge for children under 5 when accompanied by a paying adult

We anticipate ~\$81,00 in annual operating expenses to be paid for revenue generated by the pool and the Town of Urbanna

Annual Pool Expenses	
Salaries, Wages & FICA	\$50,000
Repairs & Maintenance	\$12,000
Chemicals	\$5,000
Electrical	\$1,500
Uniforms, Furniture & Fixtures	\$1,500
Housekeeping & Janitorial	\$5,500
Other Operating Supplies(including First Aid)	\$5,500
Total	\$81,000

Annual Pool Revenue	
Fees (Individual, Family & Day Pass)	\$56,000
Sponsorship/Marketing	\$5,000
Town of Urbanna	\$25,000
Total	\$87,000

*Does not include any amounts attributable to potential debt

The Operating costs of the Pool will be in large part covered by the revenue generated by the pool

The next several months are critical for our ability to open the pool in 2023

Begin Construction

Shovels must be in dirt by end of October to enable 2023 Opening

Finalize Funding

Obtain approval to use Tabor Funds and financing plan from Town Council

Sept

Nov

Jan

Mar

May

July

Sign Contract

Finalize plans and sign contract

Fundraising Campaign

Sale of Charter Memberships
Donation Campaign

Opening of Pool

Grand Opening
Memorial Day 2023



Agenda Item Summary October 27, 2022

Agenda Item: 9b-Sale of old Town Hall

Fiscal Impact: \$150,000.00 approximate minimum; Appraised value: \$367,000.00

Staff Recommendation: Finance Committee met and discussed various options (sale, lease). After consideration and considering the Town's option to purchase our current Town Hall building, it is recommended that the Town sell the building.

It is suggested we send correspondence to the three Realtors in the Town for consideration of services.

There will have to be a public hearing regarding the sale of the property.

Council Action Requested: Approve moving forward with the process to sell the building.

Sample Motion(s): Motion is made to authorize the Town staff to begin the process of selling the Town property at 45 Cross Street.

This page intentionally left blank



**Agenda Item Summary
October 27, 2022**

Agenda Item: 10a-Urbanna Creek Committee-recommendations to Council

Fiscal Impact: N/A at this time

Staff Recommendation: Consider information provided by the Urbanna Creek Committee

Council Action Requested: Table any decision and discuss at the next Council meeting.

Sample Motion(s): Motion to table this matter to allow further review by Council members and place on agenda for the next Council meeting.

**Report attached*

This page intentionally left blank

URBANNA WATERFRONT COMMITTEE REPORT

OCTOBER 27, 2022

The history, wildlife, and beauty of the port town of Urbanna are unmatched in the Chesapeake region. For this reason, at a recent economic development workshop held by the Urbanna Planning Commission, participants overwhelmingly agreed the waterfront is the town's most outstanding asset. The question then is how to fully utilize its best feature, allowing townspeople and visitors to use it fully, while being good stewards of the environment and preserving the waterfront for generations to come.

On February 10, 2022, Council had an extensive discussion of the Urbanna Planning Commission's recommendation that the Town Council use an existing permit to build a pier to be used by tall ships and add a kayak launch at the Virginia Street waterfront property owned by the town. Council Member Larry Chowning made a motion to form a committee to make recommendations to Town Council on the best use of all the town-owned waterfront property in Urbanna Harbor. The motion carried unanimously, and Mayor Barbara Hartley appointed a special committee to devise a recommended plan for Town Council.

The members of the Committee are as follows:

Mayor Barbara Hartley
Merri Hanson (resigned due to family obligations)
Michael Jolly
Gari Lister
Latane Montague
Sarah Jane Wyatt
Steven Hollberg, Council Member
Garth Wheeler, Town Administrator

The committee commenced its work on March 4 by having a robust and enthusiastic discussion of the issues. They created a master list of all things needed or wanted with no ideas off limits for all the waterfront property owned by the Town of Urbanna. The members chosen had varying views on the best uses for the town owned property, but after some initial debate, all those views were put aside, and the group worked collaboratively to build consensus.

The wish list included the following:

- Improve boat ramp
- Add a Dinghy dock
- Tall ship access
- Add and improve beach area and water access
- Improve kayak access
- Repair town marina bridge, if needed
- Optimize current marina by installing floating docks to replace finger piers
- Upgrade supporting facilities and policies
- Improve and market waterfront event space
- Add informative signage
- Join Blue Water Trail System using information written by Larry Chowning

The committee held eight additional meetings. As with most wish lists, the committee discovered some things could not be achieved at this time and some things were a priority that the committee had not anticipated during the first meeting. In addition, the committee researched a variety of issues related to the wish lists identified. The committee met with relevant grant administrators and permit authorities, including Jay Woodward of the Virginia Marine Resources Commission and Preston Smith, Boating Infrastructure Grant (BIG Grant) Administrator.

Suggested priorities for the Waterfront as determined by the Committee were:

Repair and extend existing boat ramp, adding a 25'0" x 4'-0" floating pier at the right side to improve safe on and off-loading of trailered boats. Add an honor system pay box.

Ramp repair has been completed. With input from ramp users, we suggest adding a floating section to make the ramp safer for loading and unloading of boats. Adding a payment box will ensure the town is collecting monies owed for the use of the ramp.

Mitigate erosion under the main pier at the Marina and the beach areas

The Committee was informed during its work that erosion under the main pier and beaches of the Town Marina poses the most imminent problem the town faces at the waterfront. Erosion at the pier foundation is fairly significant. A cost estimate has been obtained from Bay Design. Repairs would include shoring up the structure of the pier at the entrance to the Marina, construct a living shoreline and backfilling with sand to restore the shoreline. This work can begin within a few weeks.

Cost: \$59,500.00 **BIG funds have been approved to cover 75% of cost. **

Create kayak access launch point at north end of Marina by relocating the fence, cleaning launch area, and relocating the existing kayak storage rack. Add informational signage throughout town and marina on use areas and locations.

To create kayak access, the committee recommends moving the fence four feet to the left of the North end of the Town Marina. Research on the relevant property lines uncovered at least four feet of additional land owned by the Town of Urbanna which will accommodate the kayak beach access. Bay Design surveyed the area and confirmed the town owns four more feet of land to the left of the fence. The original boundary marker also was found at the property site. Cleaning the area of brush will create a nice launch for visitors and townspeople. Moving the current kayak storage closer to this area also makes sense. Perhaps additional kayak storage units could be added. Signage should be added to clearly mark the kayak access points. The Bluewater Trail and other agencies in Virginia will add this information to their websites, and this can also be added to the Town of Urbanna website. Larry Chowning has completed an extensive informational list of historic sites that will be included in the Blue Water Trail.

Cost: Minimal.

Add (for rent) mooring balls (quantity to be determined by VMRC) across the Urbanna Harbor to encourage large sailboat traffic

To encourage large sailboats to visit Urbanna, the committee suggests adding mooring balls on the east side of Urbanna Harbor. These are a cost-efficient way to increase the number of boats that can moor and visit our town. The committee suggests working with VMRC to determine the number feasible within the creek area. These mooring balls will be rentals that can be managed by Marina staff. VMRC has indicated they will support the addition of mooring balls, and BIG grant monies can be secured to pay for them. A fee will be charged for use of the mooring balls, which will help offset costs.

Cost: \$3,000.00 approximate. Depends on number purchased. **BIG funds can be used to cover 75% of the cost. Preston Smith suggested we apply for these funds for this project.

Add a dinghy dock at Virginia Street to complement the added mooring balls and provide additional dingy access to town

The addition of a dinghy dock at the Virginia Street location will be required with the addition of mooring balls in Urbanna Harbor, encouraging sailboat traffic to visit our town. The committee suggests a 15 x 20 dock with 30 feet x 6 feet of floating pier. This will be a boon to economic development, bringing more visitors to town. The dock also will be another way for citizens to enjoy the waterfront, as the area will be attractively landscaped. Signage will indicate hours it can be used. Additional safety restrictions information should also be posted.

North End Dock Renovations

North end dock renovations are needed to improve safety and accessibility for boaters. The improvements will allow the Town Marina to increase the money charged for boat slips, thereby offsetting some of the costs of the repairs and upgrades. Adding floating piers will help the effects of erosion on the beach under the main pier and beach. The remainder of the Marina will be upgraded in the same fashion in stages as additional BIG Grants are approved. Remove stairway and ramp from North End of Town Marina. The current middle fixed dock section will remain. The north section will be floating 8'-0" wide main section with 40'-0"x 4'-0" finger pier sections. Access down to new floating area will be by an aluminum ramp. The same number of slips will remain. The Northern most access bridge section will be removed to allow for more beach access and create kayak launch area.

Cost: Bids to be requested and plans drawn by Docks of the Bay

Improve Access by Tall Ships to Urbanna Harbor

The Committee found that tall ships such as the Luna and others can access the port of Urbanna by mooring in the creek and by using the available dock at the Town Marina. The Committee spoke with the Colonial Seaport Foundation and members of the Luna crew. We were informed no additional docks are necessary for tall ships to come to port in Urbanna. The Luna will visit several times a year, but the Seaport Foundation does not plan on making Urbanna its home port. In addition, the town can work with movie producers and others to bring film crews to our well-preserved port town. The Committee was informed that In most cases movie crews build their own sets.

Marina Bridge Repair or Replacement

There has been concern expressed regarding the safety of the bridge over Jamieson's Cove at the Town Marina. The Committee was informed the bridge can carry emergency equipment and other large trucks. Experts have examined the bridge and have determined it is safe for emergency vehicles and other large trucks to cross, as necessary. This is due primarily to the length of the bridge. The weight of the vehicles is never squarely on the bridge. The Town should reinforce as needed and continue to work with Middlesex County and the Middle Peninsula Planning Commission on improvements and possible replacement of the bridge. The Committee suggests the Town continue to monitor the bridge and seek solutions for replacement as necessary.

The Waterfront Committee further recommends it continue to be an active committee of the town council, reporting as needed and ensuring the work as outlined is completed.

The Waterfront Committee asks Town Council to act on the following recommendations:

1. Repair erosion under docks at Town Marina
2. Remove the walkway at the North End of the Town Marina to allow for additional beach access and to provide a safe kayak launch area.
3. Install mooring balls in eastern section of Urbanna creek. Construct a dingy dock at the Virginia Street property to encourage larger sailboat traffic, with signage acknowledging the Payne Sisters Crab Shack.
4. Work with Middle Peninsula Planning Commission and Middlesex County on repair or replacement of the Marina Bridge.
5. Approve repairs and improvements to the North End of the Marina.

The group was very collegial and worked well to gather facts and make recommendations that will most benefit the people of Urbanna. Not everything from the initial list composed by the Committee could be delivered, but most items have been addressed. We believe as outlined above, the waterfront area owned by the Town of Urbanna can grow and continue to be an asset for the community and visitors.

Respectfully submitted,

The Urbanna Waterfront Committee

From: Ben Burton <bburton@baydesigngroup.com>
Sent: Thursday, October 28, 2021 1:46 PM
To: g.wheeler@urbannava.gov
Subject: FW: Town Marina Bridge

Garth;

Thanks for sending the 2011 "inspection report"; it surely doesn't paint a pretty picture of the deteriorating bridge.

But in the same vein, the report doesn't relate what has/is failing (things like "several pre-stressed strands in several stems") to what is actually in the stems ("total number of pre-stressed strands"). And it is important to know things like that to understand why VDOT suggested a 10,000 lb weight limit on it (btw, there aren't any signs at the site saying this) relative to what the original weight limit/bridge capacity was.

As you and I discussed, the bridge is "short" and some long, large equipment can infrequently cross it b/c their total weight is never on the bridge at 1 time--see the attached picture of the equipment that crossed it in 2019 to do the marina dredging work. In my opinion, this certainly is not evidence that the bridge shouldn't be repaired in the near future, but it is a project that can be done in a controlled manner as opposed to an "emergency" situation.

So, do you have any other available background data on the bridge; things like:

- When was it constructed?
- Who did the construction?
- Are the original plans available?
- Who did the design--VDOT or someone else
- Who authorized the bridge inspection--VDOT or someone else?

Answers to those questions could very likely lead to dead ends. But, if you have some or all of that data it will help us understand what is necessary to prepare a proposal to analyze the options/design a new bridge which you can then get construction bids on.

In regard to your question about the limits of the Town land on the N side of the marina, I checked our old files to see if BDG has done a boundary survey of the property. We haven't; but I did find a copy of the April 1994 "Upton Point" property (attached) which is probably what was referenced when the Town acquired the property in 2001.

Ben
W. Ben Burton, P.E.
Bay Design Group
40 Cross Street, Suite 100
P O Box 51
Urbanna, VA 23175
O: 804-693-2993
C: 804-240-4932