



**Urbanna Town Council
Public Hearing
Monthly Meeting
AGENDA
Town Council Chambers
390 Virginia Street, Suite B
Thursday, November 17, 2022 7:00PM**

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Approval of Agenda
5. Public Hearing-Ordinance 22-03
 - a. Presentation by Andrea Erard
 - b. Open Public Hearing (3-minute time limit for citizens)
 - c. Close Public Hearing
 - d. Action: Ordinance 22-03
6. Presentation
 - a. Taber Trust-Brian Manetz, First VP Investments, Davenport & Company
7. Minutes
 - a. September 22, 2022*
 - b. October 13, 2022*
8. Reports
 - a. Town Administrator
 - b. Treasurer's Report*
 - c. Finance Committee
 - d. Pool Committee
 - e. Planning Commission
 - f. Water Committee
9. Public Comment
10. Public Comment Response Period
11. Old Business
 - a. Pool Funding
 - b. Waterfront Committee recommendations
12. New Business
13. 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-listing agreement for sale of 45 Cross Street, old Town Hall

14. Open Meeting

15. Adjourn

*Document included in meeting packet



**Agenda Item Summary
November 17, 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

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**Agenda Item Summary
November 17, 2022**

Agenda Item: Public Hearing-Ordinance 22-03 "Clutter" Ordinance

Background: See attached staff memorandum

Fiscal Impact: Unknown

Staff Recommendation: Approve

Council Action Requested: Yes

Sample Motion(s):

Motion to approve Ordinance 22-03 as presented

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ORDINANCE NO. 22-03

ORDINANCE NO. 22-03 PROHIBITS TALL GRASS AND WEEDS AND REQUIRES THE REMOVAL OF GARBAGE, TRASH REFUSE AND CLUTTER; IT AUTHORIZES THE CUTTING OF TALL GRASS AND WEEDS AND REMOVAL GARBAGE, TRASH, REFUSE AND CLUTTER BY THE TOWN AFTER NOTICE TO THE PROPERTY OWNER; THE PROPERTY OWNER IS RESPONSIBLE FOR THE COST AND EXPENSE AND SUCH MAY BE COLLECTED AS TAXES ARE COLLECTED OR RECORDED AS A LIEN AGAINST THE PROPERTY. ORDINANCE NO. 22-03 IS AUTHORIZED BY THE GRANT OF AUTHORITY CONTAINED IN VA. CODE § 15.2-901.

BE IT ORDAINED by the Urbanna Town Council that Chapter 6, "Garbage, Refuse and Weeds," be amended to read in its entirety as follow:

"Section 6-1. Prohibited disposal of garbage, trash, etc.

It shall be unlawful for any person to dispose of any garbage, trash, junk or waste of any kind or description upon any street, sidewalk or public place in the town other than at a public dumping ground designated as such by the town council, or upon the property of another without the knowledge and consent of the owner or occupant of such property, or in any well, cistern spring or watercourse within the town.

Section 6-2. Duty of owners, etc., of premises-To remove prohibited wastes, etc.

It shall be unlawful for owners, occupants and persons in charge of lots and premises within the town not to remove therefrom any and all trash, garbage, refuse, litter and other substances and liquids which might endanger the health or safety of persons or constitute a menace toward starting or spreading fire, or afford a breeding place for insects, rodents or reptiles.

Section 6-3. ~~Maximum height of weeds, grass, etc.~~ Removal of trash, clutter, cutting of grass and weeds.

~~It shall be unlawful for any owner, lessee or occupant, or the agent, representative or employee of any owner, lessee or occupant, having control of any lot or parcel of land within the town, whether developed or undeveloped subdivided or not subdivided, to allow, permit or maintain any growth of weeds, grass or other natural growth thereon which exceeds an average of twelve (12) inches from the general level of the ground. Bona fide agricultural land, wooded parcels of land, marsh land and land not visible from any public street or private right of way are exempt from this section.~~

- A. It shall be unlawful for a property owner to have trash, garbage, refuse, litter, clutter, except on land zoned for or in active farming operation, and other substances that might endanger the health or safety of other residents of the Town on his/her property. For purposes of this section, "clutter" includes mechanical equipment, household furniture, containers, and similar items that may be detrimental to the well-being of a community when they are left in public view for an extended period or are allowed to accumulate. Clutter is further defined miscellaneous items, including but not limited to trash, appliances or furniture that are scattered in and about a yard and/or on a porch; a disordered collection of items in a yard or on a porch or up against an accessory structure; items that collect water, are rusted, inoperable or no longer usable. Examples of clutter are:





B. Trash, garbage, refuse, litter, clutter, except on land zoned for or in active farming operation, and other debris shall be disposed of in personally owned or privately owned receptacles that are provided for such use and for the use of the persons disposing of such matter or in authorized facilities provided for such purpose and in no other manner not authorized by law.

C. Upon notice from the Town by letter to a property owner, mailed by first class mail, to the property address and any such other address provided by the property owner for the purpose of receiving tax bills, the property owner shall promptly remove any and all trash, garbage, refuse, litter, clutter, except on land

zoned for or in active farming operation, and other substances that might endanger the health or safety of other residents of the Town.

D. If a property owner does not promptly remove any and all trash, garbage, refuse, litter, clutter and other substances that might endanger the health or safety of other residents of the Town within seven (7) days of the date of the notice, the Town may have such trash, garbage, refuse, litter, clutter and other like substances, removed by its own agents or employees, in which event the cost and/or expenses shall be chargeable to and paid by the property owner and may be collected as taxes are collected.

E. The owners of occupied or vacant developed or undeveloped property, including such property upon which buildings or other improvements are located, shall keep the grass, weeds and other foreign growth, including running bamboo, on the property, or any part thereof, cut. No grass, weeds and other foreign growth, including running bamboo shall exceed twelve (12) inches in height.

F. Upon one notice per growing season, by letter from the Town, to a property owner, mailed by first class mail to the property address and any such other address provided by the property owner for the purpose of receiving tax bills, the property owner shall promptly cut the grass, weeds and other foreign growth, including running bamboo, on the property, or any part thereof remove any and all trash, garbage, refuse, litter and other substances which might endanger the health or safety of other residents of the Town.

G. If a property owner does not promptly cut the grass, weeds and other foreign growth, including running bamboo, on the property, or any part thereof remove any and all trash, garbage, refuse, litter and other substances which might endanger the health or safety of other residents of the Town within seven (7) days of the date of the notice, the Town may have such grass, weeds and other foreign growth, including running bamboo, on the property, or any part thereof, cut and removed by its own agents or employees, in which event the cost and/or expenses shall be chargeable to and paid by the property owner and may be collected as taxes are collected.

H. Every charge authorized by this section with which the owner of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local real estate taxes and enforceable in the same manner as provided in Articles 3 (§ 58.1-3940 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1 of the Code of Virginia, 1950, as amended. At the option of the Town of Urbanna, a lien may be waived in order to facilitate the sale of the property to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of

the property at the time the liens were imposed.

Section 6-4. Clearance of sidewalk or street and overhanging shrubs or trees.

It shall be unlawful for any owner, lessee or occupant, or agent, representative or employee of any owner, lessee or occupant, having control of any lot or parcel of land within the town to allow or permit any part of any shrub or tree to overhang any sidewalk at a height of less than eight (8) feet or to overhang any street or alley at a height of less than fourteen (14) feet.

Section 6-5. Reserved.

Section. 6-6. Same-Lien created for charges incurred by town.

Every charge authorized by this chapter with which the owner of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property.”

This Ordinance shall take effect upon adoption.

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CITIZEN INPUT RECEIVED BY COUNCIL

Input Regarding Proposed Ordinance No. 22-03

Thank you, elected representatives of the town government, for considering this input. I am personally opposed to this ordinance, partly because, if properly enforced, it will be our little town's equivalent of "big government" that acts without fully grasping many individual needs of individual citizens. I also believe that, if properly enforced, it will cause taxpayer spending and ironically will inadvertently take away from the town's beauty as individual violators address, e.g. overhanging shrubs or trees with no coordinated timetable for community aesthetic disruption in the name of aesthetic improvement---hit and miss, street to street. The ordinance also puts additional pressure on citizens facing monetary or medical difficulties, or other pressures that life brings, especially when perhaps already facing embarrassment for their inability to move quickly enough to deal adequately with what the government demands requires regarding corrections that individual owners long to correct as soon as they rise to the top of priorities in regard to time and money.

Its wording is also subjective enough to not assure that your intent will be the same as future elected leaders who would read the same words and require enforcement based on their interpretation that could differ significantly from yours. In addition to increased budget requirements to enforce this ordinance, the taxpayers could also face tax increases to deal with litigation that might arise due to enforcement of the proposed language, especially litigation stemming from class action. or corporate owned properties. Frankly, I doubt that litigation would be a factor to consider, but would not rule it out by any means. Discord and possible litigation would be most likely to spring from neighbor to neighbor attempts to deal with shared sideline actions, such as dealing with bamboo to bamboo, which could be a nightmare of dispute regarding cutting without encroaching. Ironically bamboo assures visual aesthetic protection in spite of the nuisance that it can be. Making a neighbor lose that "protection" at risk of liens and financial punishment, could expose the town to defend in court how compelling bamboo removal is for the "health or safety" or "well-being of a community when they are left in public view." Thankfully we do not have to deal with bamboo. But when you deprive the owner of its one virtue by cutting it down to 12 inches, a court or environmentalist affidavit could easily rule that you have made it ugly, useless, and have therefore added to the cost to the owner by in reality forcing him to pay for the full uprooting of the now worthless visual barrier.

Our little town already has its share of factions and nitpicking, which I'm sure existed in the fifties and sixties; but they were far less visible, less public, and less detrimental to community spirit or "community well-being." Having sold real estate for about 40 years, primarily in Williamsburg, but actually from the Potomac to the James, I am fully aware of the pros and cons of Planned Urban Developments with at times "inspectors" who can do a wonderful job but still be despised when they do not, or when they feel compelled to enforce the covenants as written. The less you can allow Urbanna to feel like a PUD, the better for community spirit. It would be a mistake for, e.g. 10 or 15 disgruntled neighbors in a town of just under 500 to dictate a financial or other burden on the overwhelming majority. According to you, our trash service, which remains excellent, suffered thousands and thousands of cost in dollars and lessened service largely because social media carried too much criticism of the trash company. You are aware of the other issues that have created discord via different forms of media. Discord costs the town money as well as spirit and community "well-being."

Also this ordinance puts a burden on realtors and owners to discover disclose known liens such as this one. Even though the ordinance does not hold the buyer responsible at time of sale, the buyer now knows that he will become responsible once the next inspection rolls around; and the seller knows that there will be no lien assured on him once he has sold the property even though he will be "responsible." So if real estate agents do what they are supposed to do and owners do what they are supposed to do, this ordinance could interfere with the buying and selling of real estate in Urbanna and add to liability on agent and Seller. This sentence is not the most important point by any means, but it is a factor when you start elevating this offense to the status of lien on title.

I know that this input will not result in the killing of this amended ordinance, and I respect the reasons that you must have come up with to support its passage; but hopefully not until certain aspects are amended.

CITIZEN INPUT RECEIVED BY COUNCIL

The 7-day requirement is onerous. The most well-intended owner may need to get multiple bids to be able to afford to comply with town guidelines rather than be compelled to pay whatever the town's contractors are charging the town to comply. Contractors are often slow in coming up with bids. Then they are even slower of course actually doing the work. 30 days to prove the owner has someone under contract and 60 days for the work to be done would not be absurd; but 7 days is onerous, depending on what is actually being required. Please keep in mind that the ordinance should not be aimed toward only the defiant jerk, but also the well-intended owner who genuinely wants to comply with any requirement that does not hurt his own quality of life.

The opening paragraph for the proposed ordinance refers to "AFTER NOTICE." What timetable does the town assume and the owner expect for the giving of "NOTICE"?

Recommend editorial change in 6-1 beginning with line 3: "...in the town---other than at a public dumping ground designated as such by the town council; or on the property of another.....of such property; or in any well....."

The dash and the semicolons will make the intent easier for the reader.

"Well-being of a community" is like the elastic clause in the U.S. Constitution. It is totally subjective and begs litigation. The ordinance would be better without. In most cases within, it is not repeated and gives more to "health or safety of persons"

Section 6-2 refers only to "health or safety..."

Section 6-3 (A) line 3 refers to "health or safety" in line 3, then tacks on the additional much more subjective "well-being of a community," which seems to apply if things are only left in "public view." So if the clutter is moved away from public view but is not a threat to "health or safety," is it still a violation? And what is the definition of the "extended period" in line 7? Do your pictures of "Examples of 'clutter' give most violaters much more latitude than you intend to give them? Also the term "disordered collection" means well but is open to interpretation without the pictures representing the enforceable offense.

Section 6-3 (B) is confusing as written.

Section 6-3 (C) refers to notice, but notice is to be given after an "extended period" of time of violation, which is never defined. Line 4 says "promptly removed," but at this point does not define "promptly." But lines 5 and 6 stipulate limit things to "health or safety"-----not "well-being of a community." Based on the 6-3 (A) "public view" reference, the "health or safety" stipulation seems to be the only one that applies in (C).

Section 6-3(D) finally defines "promptly" as 7 days from date of "notice. I have given the reasons for my strong belief that 7 days is onerous and would in many cases be heartless.

Section 6-3 (E) I've already addressed bamboo. Who will oversee the cutting of bamboo between neighbor 1 and neighbor 2 if they have different timetables? Who would want mature bamboo cut down to 12 inches, now ugly rather than pretty, and with thriving roots that will assure more rapid growth than ever? Remember I have had bamboo at our home in Williamsburg. Its beauty and sound can be mesmerizing. Its elimination is extremely hard and expensive to accomplish. Urbanna does not need to police its destruction on private property.

Section 6-3 F "health or safety" only, not "well-being of a community" So is bamboo a significant health or safety risk or are we assuming that the only bamboo that has to be cut is what is visual to the general public. And that is because we believe that mature bamboo cut down to 12 inches is more beautiful than mature bamboo.

Section 6-3 G Health or safety....not well-being of the community are the reasons.

The 7-day requirement is onerous.

Section 6-3 H. Nothing kills a real estate sale quicker than a question mark. The fact that the town MAY waive a lien to facilitate the sale. Of course the town can do that if it wants to. The fact that it MAY do it means almost nothing and any uncertainty is a threat to a potential transaction and could easily lead to litigation.

Section 6-4 Yardsticks; 10-foot stepladders; visual disruptions on different days at different times; or delays getting professional help at the best price; and no mention of "health or safety" or thankfully "well-being of a community."

Section 6-6 Lien is too harsh a penalty for many citizens facing various types of pressure.

CITIZEN INPUT RECEIVED BY COUNCIL

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NO RIGHT OF APPEAL shows anywhere in this ordinance. There could be a number of instances where appeal could be upheld. But 7-day timetables before an owner can even get a price on compliance, and a number of other situations should make “appeal” option clearly outlined in this ordinance.

Believe me, I will not make a habit of this type of thing. Not sure why this one has struck me so. But I won't be trying to drum up support for my suggestions and general opposition. I trust your judgement, but request your consideration.

Respectfully,
John Ryland
111 Marston Avenue
November 7, 2022

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**Agenda Item Summary
November 17, 2022**

Agenda Item: #6a-Presentation-Brian Manetz, First Vice-President Investments, Davenport & Company

Council Action Requested: None

The following presentation will be made: Presentation by Brian Manetz of Davenport Investment Firm regarding the Taber Trust Fund.

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**Agenda Item Summary
November 17, 2022**

Agenda Item: #7-Minutes

Background: Minutes for the following meetings
September 22, 2022
October 13, 2022

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 for September 22, 2022 and October 13, 2022 as presented.

**Draft minutes attached*

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**Town of Urbanna
Town Council
Monthly Meeting
Council Chambers-390 Virginia St. Suite B
September 22, 2022**

CALL TO ORDER & ROLL CALL

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

Present

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

Absent

Councilmember Hollberg

Councilmember Hanson requested to participate electronically from Berkley, CA while she is with family during her toddler grandson's cancer treatment.

Councilmember Austin moved to allow Councilmember Hanson to participate electronically

Councilmember Goldsmith seconded

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

Motion passed 5-0

All present said the Pledge of Allegiance

APPROVAL OF AGENDA

Councilmember Austin made a motion to accept the agenda as presented

Councilmember Chowning seconded

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

Motion passed 6-0

PRESENTATION

Mayor Hartley thanked Miss Rosabeth Rennolds for taking it upon herself to pick up litter in Taber Park and presented her with gift to thank her and show the Town's appreciation for her efforts.

PUBLIC HEARING

Request for Special Use Permit-Lot 20A-1-113 (41 Oyster Road)

Roy Kime, Zoning Administrator presented the staff position on the request by Oyster Road Docks, LLC for a special use

permit to allow for the construction of a residential dwelling structure within a B-2 zoned district.

The applicant presented their application at a public hearing to the Town of Urbanna Planning Commission on August 31, 2022, at which time the Planning Commission recommended unanimously that the Town Council vote to approve the Special Use Permit.

Lewis Hall, representing Oyster Road Docks, LLC presented their application, including a brief history of the property, along with their plans to build a small single-family home, and install a floating dock.

Mayor Hartley opened the public hearing

There were no comments from the public

The public hearing was closed

Councilmember Chowning asked if there would be a change in zoning. Roy Kime responded no; this was only a special use permit to allow a residential structure to be built in what is a B-2 zoned district.

Councilmember Austin made a motion to approve the Special Use Permit application by Oyster Road Docks, LLC for Lot 20A-113 (41 Oyster Road) as presented in the staff report (text below):

Because the Town Council finds that, after notice and hearing as required herein, that the proposed special use permit for 20A-1-113, 41 Oyster Road will not adversely affect the health, safety, or welfare of persons residing or working on the premises or in the neighborhood, will not unreasonably impair an adequate supply of light and air to adjacent property, nor increase congestion in the streets, nor impair the character of the district or adjacent districts, nor be incompatible with the Comprehensive Plan nor be likely to reduce or impair the value of buildings or property of surrounding areas, but that such establishment or use will be in accordance with Chapter 17 of the Urbanna Town Code; therefore the Planning Commission of the Town of Urbanna recommends to the Urbanna Town Council approval of Special Use Permit Application #22-01 with the following conditions:

- 1. Consistent with Section 17-3.2, the applicant shall only construct the residential dwelling on the lot of record and in no case shall there be more than one main building on the lot.*
- 2. Consistent with Section 17-13.2, any accessory building or structure is subordinate to or a portion of the main building and shall not be constructed prior to the construction of the main building.*
- 3. Consistent with Section 17-18.11 any expansion to a non-confirming structure shall require a separate special use permit. If reconstruction or expansion of the prior non-confirming structure is not commenced within two years of the date of this special use permit, the non-confirming structure status shall expire.*
- 4. The applicant must furnish the Town of Urbanna with evidence of connection to town sewer and water systems before construction is completed.*
- 5. Once the property is dedicated for use as a residential dwelling, no commercial uses shall be permitted on the property, except a home occupation.*
- 6. The residence to be constructed, as well as any accessory structures in a B-2 zoned district, are also within overlays districts, including but not limited to Historic district overlay and Chesapeake Bay district overlays. Applicant must comply with all rules and regulations of all applicable districts and obtain appropriate approvals before further zoning approvals will be considered.*
- 7. Applicant will comply with all Town of Urbanna, County of Middlesex, Commonwealth of Virginia and federal laws and ordinances.*

8. *Prior to construction, the applicant must submit and receive approval from the Zoning Administrator as to the design, color scheme and materials to be used for the residential dwelling to ensure neighborhood compatibility.*
9. *Construction of the primary residence shall commence within two years of the date of the issuance of this special use permit or this special use permit shall automatically expire.*
10. *Outdoor construction activity may only occur Monday through Friday between the hours of 8:00AM and 5:00PM. During construction, the applicant will ensure that trash and debris are not scattered about on the property.*
11. *Lighting shall be dark sky compliant and shall be downward facing.*
12. *There shall be no music or other sound that is audible beyond twenty feet of the property line.*
13. *Two parking spaces shall be provided on the lot.*
14. *The applicant shall cooperate with the Town of Urbanna and the recordation of this special use permit in the Middlesex County Circuit Court.*

Councilmember Goldsmith seconded

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

Motion passed 6-0

APPROVAL OF MINUTES

Councilmember Austin made a motion to approve the August 11, 2022 minutes as presented

Councilmember Goldsmith seconded

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

Motion passed 6-0

REPORTS

Town Administrator

Garth Wheeler stated he would not be giving a report as the items will be covered in the following committee reports

Treasurer's Report

Michele Hutton, Town Treasurer presented the Treasurer's report for August 2022



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 |
|----------------|-------------|---------|------|------|------|------|------|------|------|------|------|------|------|
| 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 | 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 | 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 | 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 |
|----------------|-------------------|----------|------|------|------|------|------|------|------|------|------|------|------|
| 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 | 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 | 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 | 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 | |

Finance Committee

Councilmember Goldsmith reported the following items

- Old Town Hall-Sale of the old Town Hall will be discussed later in meeting and again at the Finance Committee meeting scheduled for Tuesday, September 27
- Water delinquencies-staff has begun procedures to collect past due accounts and deliver shut-off notices

Pool Committee

Councilmember Goldsmith reported the following:

- Mayor Hartley and Marnie Harte made a presentation to the Middlesex County Board of Supervisors requesting financial assistance from the county with building the pool. While the board did not say “no”, they were not receptive to giving a lump sum to the town.
- The Committee will continue to meet on Friday afternoons to work out a plan to finance and begin construction on the pool.

Planning Commission

Councilmember Hanson reported the following:

- The Commission did not meet in September
- A meeting of the Urbanna Virginia Main Street is being held to form a task force
- Next Planning Commission meeting scheduled for October 12th at 6pm

Water Committee

Councilmember Smith reported the following

- Kimley-Horn sent a link to a GPS unit that will cost approximately \$395 (plus subscription)
 - Previous units researched cost \$4,000-\$5,000
 - Will contact vendor to determine which unit and subscription is best for our needs
- Cartegraph contract has been approved for one year renewal
 - Currently only used for water system
- VDH application reviewed and revisions made during a Zoom call with AH Environmental
 - Application approved by the committee for AH to submit to VDH
- Bid package received for well #6, and currently under review by Water Committee

PUBLIC COMMENT & PUBLIC COMMENT RESPONSE

- Andy Anderson-spoke regarding water customers being able to use boat ramp for free, against golf cart permits being given to people who do not reside in town limits, finding other sources of income for the Town, and trash pick-up should be cut back or discontinued to save costs.
 - Garth Wheeler responded that was not the policy and would follow-up with marina staff
 - Councilmember Goldsmith responded non-tax payers shouldn't get things for free. He added that trash service costs approximately \$20 per month and would cost residents more to contract with a provider individually
 - Councilmember Chowning commented he is for finding every way we can to provide additional services
- William Mayo-spoke regarding the need for golf carts to be policed

OLD BUSINESS

Kayak Trail

Councilmember Chowning updated Council on the Kayak Trail on Urbanna Creek.

- Has gathered hundreds of photos and written “cut lines”
- He requests that Council review them and provide feedback

Sale of old Town Hall

As discussed previously, Council has recommended moving forward with the sale of the old Town Hall building, 45 Cross St. An appraisal of \$367,000 has been received.

After discussion, it was decided to send the matter to the Finance Committee for recommendations.

NEW BUSINESS

Ordinance 22-03 Clutter Ordinance Proposed

Andrea Erard, Town Attorney presented a proposed ordinance to replace Chapter 6 in the current Town Ordinance. The new ordinance would add language to add the category of "clutter", as well as enabling enforcement.

Discussion took place as to clarifying the definition of "clutter".

Before taking action, a public hearing will need to be held.

Councilmember Austin made a motion authorizing advertising a public hearing to be held on October 27, 2022 on the proposed [Ordinance 22-03 Clutter Ordinance Proposed]

Councilmember Hanson seconded

Further discussion took place regarding various concerns with the proposed ordinance as presented.

It was determined Ms. Erard would modify the proposed ordinance to include pictures that would provide a visual definition of "clutter" for discussion at the next Town Council meeting.

Councilmember Austin withdrew her motion

Oyster Festival 2022-Master Plan

Councilmember Austin made a motion to approve the 2022 Oyster Festival Master Plan as presented

Councilmember Goldsmith seconded

Councilmember Chowning asked if insurance coverage was included in the plan, and staff responded that it was.

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

Motion passed 6-0

65th URBANNA OYSTER FESTIVAL MASTER PLAN
November 3rd, November 4th & 5th, 2022

65th Urbanna Oyster Festival
November 3rd, 4 & 5th 2022
Urbanna, Virginia

"The Official Oyster Festival of the Commonwealth of Virginia"

MASTER PLAN

I. Purpose:

The purpose of this 2022 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 2022 Urbanna Oyster Festival on November 3rd, 4, 5th, 2022.

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 3, 2022 8:00 AM - 6:00 PM

(Setup and School Education Day)

Friday, November 4, 2022 8:30 AM - 12:00 AM

Saturday, November 5, 2022 8:30 AM - 6:00 PM

**FESTIVAL OFFICIALLY CLOSSES AT 6:00 PM ON SATURDAY,
NOVEMBER 5, 2022 - 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 Garth Wheeler 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 received 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, 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 and emergency health care, motor vehicle parking and traffic flow, 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 Central 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 Areas will be located at the Rosegill Plantation airstrip, in the field behind 296 Rappahannock Avenue in Urbanna and Red Hill cemetery on State Route 1011, just west of town.

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

Most unrestricted streets and many private properties within the corporate limits of the Town of Urbanna will be available for parking on Friday, November 4, 2022 and until 8:30 AM on Saturday, November 5, 2022.

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 2022 Urbanna Oyster Festival permit, as issued by the Virginia Department of Transportation.

On Friday, November 4, 2022, 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 4, 2022 to insure public and/or pedestrian safety as determined by public safety officials.

On Friday, November 4, 2022 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 5, 2022, 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 5, 2022, 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 2022 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 5, 2022, 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 5, 2022, 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 5, 2022, 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 5, 2022, 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

in order to ensure pedestrian safety, expedient movement of fire and rescue vehicles, and safe parade operations:

A. Between 2:00 AM Friday, November 4, 2022 and 11:00 PM Saturday, November 5, 2022 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 5, 2022 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 2022 Oyster Festival Public Safety Plan. "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 VI 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 4, 2022 Fireman's Parade and the Saturday, November 5, 2022, 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 along with the Parade Permits 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 permits 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 4, 2022 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 5, 2022 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 signage 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 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 5, 2022, 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 with 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 2022 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 Addenda XVIII(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 _____, 2022 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 4th and 5th, 2022) 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 follows 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 exparte 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 4, 2022 and Saturday, November 5, 2022.
7. VDOT Permit Application for Oyster Festival 2022.
8. VDOT Permit for Oyster Festival 2022.

ADJOURN

Councilmember Austin made a motion to adjourn

Councilmember Smith seconded

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

Motion passed 6-0

Meeting adjourned at 8:23pm

Submitted by:

Martha J. Rodenburg

Town Clerk

Approved by Town Council xx/xx/xxxx

**Town of Urbanna
Town Council
Work Session
Council Chambers-390 Virginia St. Suite B
October 13, 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-arrived at 8:09pm

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

Mayor Hartley announced the agenda should be amended to remove item 10-Closed meeting

Councilmember Austin moved to approve the agenda as amended

Councilmember Goldsmith seconded

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

Motion passed 6-0

PRESENTATION

Mayor Hartley recognized Kerri Robusto as the winner of the 48-Hours in Urbanna contest. Her entry will be published in the Main Street magazine.

PUBLIC COMMENT & PUBLIC COMMENT RESPONSE

No member of the public spoke

MATTERS OF TOWN COUNCIL

Annual Report

Garth Wheeler presented the Annual Report, highlighting services and accomplishments of Council and Staff over the past fiscal year. A copy of the report is available on the Town website.

Mr. Wheeler thanked Council, Staff, volunteers, and Patty Wheeler for their efforts in compiling the report.

Mayor Hartley read her opening letter published in the report

Clutter ordinance

Andrea Erard, Town Attorney gave a review of the revised proposed Ordinance 22-03. The revision includes pictures to represent “clutter”.

If approved to move forward, a public hearing would be advertised and held prior to Council adopting the ordinance.

Councilmember Smith raised his concern regarding the term “running bamboo”, referencing multiple residents with bamboo on their property.

Ms. Erard responded running bamboo is referenced in the State Code, and refers to when the bamboo makes the property a hazard. The Zoning Administrator and Town Attorney would make that determination.

Garth Wheeler added the proposed ordinance should be considered of as “a tool, not a weapon” to aid the Town in helping residents what they should be striving for in terms of appearances.

Mayor Hartley added enforcement would be complaint driven

Councilmember Austin made a motion for a public hearing on [Ordinance 22-03-Clutter Ordinance]

Councilmember Hollberg seconded

Martha Rodenburg, Town Clerk explained the public hearing would have to be advertised for two consecutive weeks, with the second notice being published no less than 7 days prior to the public hearing. The public hearing could be scheduled for the November 17, 2022 Town Council meeting.

Councilmember Austin amended her motion for a public hearing on [Ordinance 22-03-Clutter Ordinance] November 17, 2022

Councilmember Hollberg seconded the amended motion

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

Motion passed 6-0

Boundary Line Adjustment update

Garth Wheeler reported the most recent survey was included in Council’s meeting packet, including metes & bounds provided by Bay Design, which has been requested by the Middlesex County Attorney, Heather Lewis.

On July 12, 2022 a presentation was made before the Middlesex Board of Supervisors by Mr. Wheeler. The Board of Supervisors voted to assign County Administrator, Matt Walker and County Attorney, Heather Lewis to discuss the Board’s concerns and formulate a plan to move forward.

Due to the concerns of several members of the Board of Supervisors, two plats along Red Hill Drive have been removed from the proposal.

After a follow-up meeting with Matt Walker, Heather Lewis, Andrea Erard, and Garth Wheeler the following “next-steps” have been determined:

- Presentation before Middlesex County Board of Supervisors for their approval to move forward
- Public hearing for the Town of Urbanna
- Public hearing for Middlesex County
- Vote from Urbanna Town Council and Middlesex County Board of Supervisors to approve
- Petition Circuit Court for approval

Mayor Hartley clarified this is not an “annexation” as all affected property owners have either approved or requested to be a part of these boundary changes.

Councilmember Hollberg stated one of the reasons for this proposal was to ensure the land that will be used for the future mandated well will be within Town limits.

Councilmember Smith added, the Town's current well and water tower are not within Town limits, but would be under this proposal.

Finance Committee

Councilmember Goldsmith reported the following:

The committee discussed the possibility of hiring off-duty law enforcement for the purposes of parking and golf cart enforcement.

- The cost would be approximately \$40 per hour
- Mr. Wheeler recommended the matter be discussed further, and a proposal to be brought before Council at a later date.

The committee discussed adjust marina fees to be more competitive with other marinas. A proposal will be brought before Council at a later date.

A letter has been sent to all delinquent water account holders stating the Town's shut-off policies, that due to Covid mandates, had not been enforced. The letter informed them that to avoid their water being shut-off, they had until January 4, 2023 to bring their accounts current.

Options for financing the purchase of 390 Virginia St (current Town Hall), including CARES funds, sale of old Town Hall, and current agreement with Mr. Mullins.

Councilmember Chowning commented in reference to marina fees, to keep rates competitive for local oystermen.

- Councilmember Goldsmith responded that would be in their consideration.
- Mr. Wheeler added discounts had been provided in the past and would continue.
- Additional discussion took place on the matter

Councilmember Hollberg commented the Finance Committee had discussed increasing reserves, and wanted to make sure it has been done before closing out the books. Discussion took place that it had happened and would be addressed in the agenda item for the 2021-2022 audit.

ACTION ITEMS

2021-2022 Audit

Garth Wheeler stated staff recommended contacting Davis & Associates to make arrangements to have an audit for FY 2021-2022 done.

Mr. Wheeler addressed Councilmember Hollberg's previous comments on reserve increases. Once the audit is completed, staff and Council will have accurate numbers to address increasing reserves.

Councilmember Austin made a motion for the Town Administrator to contact Audrey Davis, CPA, with Davis & Associates, to make arrangements to have an audit for the last fiscal period, 2021-2022 done.

Councilmember Goldsmith seconded

Councilmember Hollberg requested the motion be amended to include the audit be completed by a certain date. Additional discussion took place, and Councilmember Hollberg withdrew his request.

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

Motion passed 6-0

Marina-maintenance work

Councilmember Hollberg reported the Urbanna Creek Committee had agreed to move forward with a Phase 1 which would replace north end of marina with floating docks. This would address the safety issues with the dock and the foundation which has begun to wash away. Removing the north ramp would give more linear beach.

The fiscal impact is approximately \$15,000.00. Councilmember Hollberg noted grant funds available are approximately \$90,000.00. Seventy-five percent of the \$60,000 in costs estimated for this phase are covered by the BIG Grant. Estimated net cost to the town is \$15,000. This will come out of the operating budget for the marina.

Councilmember Hollberg made a motion to approve the contract from Docks of the Bay to undertake repairs and modifications to the Town Marina to repair the dock foundation and construct living shoreline as described.

Councilmember Austin seconded

Councilmember Hollberg questioned why removing the fence was not included.

Mr. Wheeler responded the Urbanna Creek Committee would make a full report with recommendations at the next Council meeting, to include plans for fence removal.

Councilmember Hollberg asked Mr. Wheeler if he had spoken with Preston Smith, head of the Boating Infrastructure Grant. Mr. Wheeler responded he had spoken with Mr. Smith, and his recommendation was Council move forward, pending Mr. Smith getting the final result.

Councilmember Hollberg commented we can apply for additional grants as we move through the different phases.

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

Motion passed 6-0

Pool Financing

Mayor Hartley and Marnie Harte of the Pool Committee gave an overview of their September 13, 2022 presentation to the Middlesex County Board of Supervisors requested Middlesex County assist the Town of Urbanna with funding for the proposed new pool.

Mayor Hartley opened with a statement regarding the Board's lack of interest in assisting the Town, and the decision by Council that the pool project is important enough to continue without the County's buy-in. The pool will benefit all members of the community.

Marnie Harte gave an in-depth presentation on the project, background, future uses of the pool, financing options, and membership options.

The Pool Committee recommends constructing a competitive pool and presented the committee's preferred financing plan.

- Financing of approximately \$1.1million
- Funding option recommended by the Pool Committee
 - Taber Trust-\$500,00
 - Charter Memberships-\$200,000
 - Fundraising & donations-\$100,000
 - CARES-\$200,000
 - Loan-\$100,000

Charter Memberships would attach to the property in perpetuity.

Anticipated \$81,000 annual operating expenses-to be paid with revenue generated by the pool and the Town.

Goal is to have pool open for 2023 season, but the timeline is tight

- Funding needs to be finalized
- Contracts need to be signed

Councilmember Goldsmith added

- Membership fees modeled after the Deltaville pool membership fees
- If Taber funds not used in some kind of leveraged way, the pool cannot be built

Additional financing options were discussed at length, including amounts spent on project to date, differing opinions on intent of the Taber Fund usage, previous use of Taber funds for the original pool construction, and the definition of “corpus” and “principal” in regards to the Taber Fund.

Councilmembers Smith, Hollberg, and Chowning expressed their opposition to withdrawing from the principal of the Taber Fund.

Councilmember Hollberg recommended applying for a \$1.1million loan

- Ms. Erard stated any loan would have to be paid back in 12 months, otherwise it would be a violation of public finance act. She suggested one option would be to create a non-profit for pool fundraising. This would give more flexibility in applying for loans and grants.

Councilmember Hollberg, asked about a previously discussed suggestion of having a memorandum of understanding with Friends of Urbanna

- Ms. Erard responded a verbal but not written agreement existed, and recommended setting up a separate 5013c.

Councilmember Chowning made a motion to authorize the Town staff to enter into an agreement for the construction of a new pool up to a maximum of \$1.1 million. The contract is subject to review and approval by the Town Attorney prior to execution

Further discussion took place

Austin seconded

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

Motion passed 7-0

Councilmember Hollberg made a motion that recommendations for financing for the pool are to be brought forward to Council for a vote as soon as practical.

Ms. Erard clarified Councilmember Hollberg’s motion was for the Town staff to bring options to Council for financing the pool so that the council can select the best option.

Austin seconded

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

Motion passed 7-0

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 8:42pm

Submitted by:

Martha J. Rodenburg

Town Clerk

Approved by Town Council xx/xx/xxxx



**Agenda Item Summary
November 17, 2022**

Agenda Item: 8-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
Pool Committee-Bill Goldsmith
Planning Commission-Merri Hanson
Water Committee-Bill Smith

**Documents attached*

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Treasurer's Report

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

| Account Balance thru 10/31/2022 | Prior Year | Prior Month | Statement Date |
|--|-----------------|----------------|-----------------|
| | 10/31/21 | 9/30/22 | 10/31/22 |
| Primis Bank General Operating Bank Account | 558,974.22 | 637,772.34 | 653,145.29 |
| Renter Water Deposits | 14,401.66 | 16,551.66 | 16,551.66 |
| Net Operating General Bank Account | 547,968.95 | 635,222.66 | 648,832.80 |
| TRUIST Historic Trust | 21,796.10 | 28,314.72 | 29,160.31 |
| TRUIST Pool Replacement Account | 36,762.18 | 94,764.46 | 94,767.26 |
| Primis Bank Water Fund Reserve | 113,846.58 | 114,243.79 | 114,321.41 |
| Primis Bank General Fund Reserve | 94,667.06 | 94,884.25 | 94,924.54 |
| Primis Bank Cares Local Recovery | 237,621.26 | 475,343.79 | 475,363.98 |
| Primis Bank DMV | n/a | 7,628.20 | 1,505.56 |
| Primis Bank USDA Well Replacement (new 10/14/22) | n/a | n/a | 2,500.37 |
| Taber Trust – Account Value | 1,488,465.53 | 1,205.718.35 | |
| | | | |
| | 9/30/21 | 9/31/22 | 10/31/22 |
| Meals Tax collected in October | 11,506.33 | 13,319.79 | 10,045.11 |
| Lodging Tax collected in October | 00.00 | 7,522.80 | 1,946.30 |
| Cigarette Tax collected in October | n/a | 1,310.85 | 845.35 |

OCTOBER EXPENDITURES:

- 10/14/22 – Transferred \$2,500.00 from General Operating acc't to open new USDA account.

REVENUE as of 10/31/2022

10/3/22 transferred \$7,528.20 from DMV acc't to General Operating acc't

Notes: none

Water Sales

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: 11/09/22
Subtotal CAFR: No

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Agenda Item Summary November 17, 2022

Agenda Item: 11a-Pool funding

Background: The Urbanna Pool Committee has recommended to Town Council that \$500,000.00 be taken from the Taber Fund to help pay for the re-build of the Town's pool. Extensive research has been done regarding the issue of whether these funds can be used without consent of Circuit Court. Other funds recommended to be used include ARPA funding, fundraising effort and grant funding.

Fiscal Impact: \$1,100,000.00 (approximate)

Staff Recommendation: Vote to use \$500,000.00 from the Taber Fund to assist with payment of the pool construction.

Council Action Requested: Yes

Sample Motion(s): Motion is made to accept the Pool Committee's recommendation of "Option 1" to pay for the build of the Town Pool, including taking \$500,000.00 from the Taber Fund and financing the rest as recommended.

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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

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**Agenda Item Summary
November 17, 2022**

Agenda Item: 11b-Waterfront Committee recommendations

Background: The Waterfront Committee presented their report at the last Council meeting with several recommendations for improvements along the Urbanna Creek waterfront.

Fiscal Impact: \$150,000.00 (approximate with use of BIG Funds)

Staff Recommendation: Support the Waterfront Committee recommendations.

Council Action Requested: Yes

Sample Motion(s): Motion is made to accept the Waterfront Committee's report made during the October 27th meeting and to approve the recommendations for improvements at the Marina and at the Virginia Street Town property.

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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
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