



**Urbanna Town Council  
Monthly Meeting  
AGENDA  
Town Council Chambers  
390 Virginia St., Suite B  
Thursday, February 8, 2024 6:00 PM**

- 1) Call to Order
- 2) Roll Call
- 3) Pledge of Allegiance
- 4) Approval of Agenda
- 5) Minutes
- 6) Reports
  - a) Town Administrator
  - b) Treasurer
  - c) Water Committee
  - d) Finance Committee
  - e) Planning Commission
- 7) Public Comment
- 8) Council Comment
- 9) Old Business
  - a) Ordinance Number 2024-01-Bad Check Fees
- 10) New Business
  - a) Lewis & Clark Circus contract
  - b) Fireworks contract
- 11) Public Comment
- 12) Announcements
- 13) Adjourn



**Agenda Item Summary  
February 8, 2024**

**Agenda Item: 4-**Approval of Agenda

**Staff Recommendation:** Approve

**Council Action Requested:** Yes

**Sample Motion(s):** Motion to approve agenda as presented.



**Agenda Item Summary  
February 8, 2024**

**Agenda Item:** 5-Minutes

**Background:** Draft minutes attached

**Fiscal Impact:** NA

**Staff Recommendation:** Approve

**Council Action Requested:** Yes

**Sample Motion(s):** Motion to approve the minutes of the November 16, 2023 meeting as presented.

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

**Town of Urbanna  
Town Council  
Monthly Meeting  
Council Chambers-390 Virginia St. Suite B  
November 16, 2023**

**CALL TO ORDER & ROLL CALL**

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

**Present-Members of Council**

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

**Other Attendees**

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

Members of press and public

All stood for the Pledge of Allegiance

**APPROVAL OF AGENDA**

**Councilmember Austin made a motion to approve the agenda as presented**

**Councilmember Sturgill seconded**

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

**Motion passed 7-0**

**PUBLIC HEARING-AMENDMENT TO THE COMPREHENSIVE PLAN PERTAINING TO THE CHESAPEAKE BAY PRESERVATION ACT (CPBA)**

Mayor Goldsmith opened the public hearing

Roy Kime gave the background regarding the resolution

- Since the creation of the Town's Comprehensive Plan 2012, there have been a number of changes in the CBPA and regulations of the Virginia Department of Environmental Quality (DEQ.)
  - Changes not reflected in Comprehensive Plan or Town ordinances
  - Redraft of the language in 2019 did not satisfy DEQ when submitted
  - Proposed resolution will replace the portion of the Comprehensive Plan regarding CBPA
  - Language of resolution has been reviewed and approved by DEQ staff
- The resolution had been referred to the Planning Commission for its recommendation
  - Planning Commission held a public hearing November 14, 2023
  - Planning Commission unanimously recommended Council approve the resolution

No members of the public spoke regarding the resolution

Mayor Goldsmith closed the public hearing

Councilmember Austin made a motion to approve the amendment to the Comprehensive Plan pertaining to the Chesapeake Bay Preservation Act as presented.  
Councilmember Sturgill seconded

Austin, Chowning, Courtney, Hanson, Justice, Sturgill, and Goldsmith voted yes  
Motion passed 7-0

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## 2023 RES-008

### RESOLUTION APPROVING AMENDMENT TO THE URBANNA COMPREHENSIVE PLAN

WHEREAS the Chesapeake Bay Preservation Area Designation and Management Regulations (9VAC25-830 et. seq) requires all jurisdictions in Tidewater, Virginia to develop criteria that will provide for the protection of water quality, and that will also accommodate economic development; and

WHEREAS the Urbanna Planning Commission has conducted a duly advertised public hearing in accordance with Virginia Code § 15.2-2225, 1950, as amended.

NOW THEREFORE BE IT RESOLVED, by the Urbanna Planning Commission, at its regular monthly meeting on November 14, 2023, that the following amendment to the Urbanna Comprehensive Plan pertaining to the Chesapeake Bay Act is hereby certified and recommended for approval by the Urbanna Town Council:

#### ~~VI. CHESAPEAKE BAY PRESERVATION ACT~~

~~NOTE: Material in this Chapter is subject to change pending regulations promulgated by the Chesapeake Bay Local Assistance Board, the interpretation of those regulations by the Chesapeake Bay Local Assistance Department (CBLAD), and recommended implementation guidelines from the CBLAD and other state, regional and local agencies.~~

~~The Town is currently in compliance with the Local Chesapeake Bay Act. The Town is currently in compliance with the Local Chesapeake Bay Act.~~

~~The Chesapeake Bay Preservation Area Designation and management Regulations (VR 173-02-00) requires all jurisdictions in Tidewater, Virginia to develop criteria that will provide for the protection of water quality, and that will also accommodate economic development. This will require local government to modify the necessary Comprehensive Plans, Zoning and Subdivision Ordinances to protect the quality of State waters in their jurisdictions. This includes site redevelopment and construction review with respect to maintaining and or improving and quality of groundwater, storm water run-off, sewage treatment and wetlands and shoreline preservation.~~

~~This Act also provides guidelines for the site and development of "Water dependent Facilities", which includes ports, marinas and other boat docking structures, beaches and other water recreation facilities, fisheries and other marine resource facilities.~~

#### ~~Water Quality Land Use Plan - Town of Urbanna:~~

~~Whereas the Chesapeake Bay Act of 1989 requires local governments to incorporate the protection of the quality of state waters into their comprehensive plans consistent with the provisions of the Act, the Town of Urbanna reviewed and revised its Comprehensive Plan for compliance by adopting a Water Quality Land use Plan in November 2005.~~

2023 RES-008

10/24



## VI. Chesapeake Bay Preservation Act

~~NOTE: Material in this Chapter is subject to change pending regulations promulgated by the State Water Control Board, the interpretation of those regulations by the VA Department of Environmental Quality (DEQ), and recommended implementation guidelines from the DEQ and other state, regional and local agencies.~~

~~The Town's local program is currently in compliance with the Chesapeake Bay Preservation Act and Regulations.~~

The Chesapeake Bay Preservation Area Designation and Management Regulations (9VAC25-830 et. seq) requires all jurisdictions in Tidewater, Virginia to develop criteria that will provide for the protection of water quality, and that will also accommodate economic development. This will require local governments to modify the necessary Comprehensive Plans, Zoning and Subdivision Ordinances to protect the quality of State waters in their jurisdictions. This includes site redevelopment and construction review with respect to maintaining and/or improving the quality of groundwater, storm water run-off, sewage treatment and wetlands and shoreline preservation.

This Act also provides guidelines for the siting and development of "Water-dependent Facilities", which includes ports, marinas and other boat docking structures, beaches and other water recreation facilities, fisheries and other marine resource facilities.

Virginia, Pennsylvania, Maryland, the District of Columbia, and the U.S. Environmental Protection Agency signed the Chesapeake Bay Agreement in 1983 and created the Chesapeake Bay Program to aid in the restoration of the bay its waterways. Virginia passed the Chesapeake Bay Preservation Act (Code of Virginia, §62.144.15:67 et seq) in order to comply with the Chesapeake Bay Agreement. The Town of Urbanna is one of 84 Virginia localities subject to the Act. The Act requires the Town to have a long-range plan to protect and restore the Town's creeks and the Rappahannock River from further degradation. The corresponding regulations (9VAC25-830 et. seq) require the Town to incorporate water quality protections into its local comprehensive plan. This includes establishing goals, policies, and action plans based on the Town's inventory and analysis of the existing environmental conditions, which can serve as a guide for continued development.

Land use within the Town of Urbanna greatly affects the quality of the water in the Town's watershed. Because of its location on the Rappahannock River, Perkins Creek, and Urbanna Creek, the Town's storm drains, culverts, and drainage ditches are connected to the Chesapeake Bay's watershed and ecosystem. Middlesex County has been experiencing moderate growth since the 1980s, which has resulted in increased development within the area. Pollution from increased development and impervious surfaces has caused several species of the Chesapeake Bay watershed to reach critically low numbers.

In addition, the shorelines of the Rappahannock River and Urbanna Creek are experiencing shoreline erosion and/or accretion. Much of the Shoreline of the Rappahannock River and



Urbanna Creek within the Town has been either bulk headed or rip-rapped to combat shoreline erosion.

There is limited fishing in both Perkins Creek and Urbanna Creek for small fish, as shown on Town map Exhibit I, however there are no game fish within the limits of the Town. While the Town has a small oyster bed near the Town marina in Jameson's Cove, which is maintained as an educational asset for local schools, it does not have an active aquaculture industry. Local watermen, who harvest oysters on the beds outside Town limits in-season, offload their harvest at the Town Upton Point marina and sometimes on Perkins Creek. The oysters are then transported, over land, to processing plants outside Town limits.

#### Resource Protection Areas

Resource Protection Areas (RPA) are the more sensitive areas of a Chesapeake Bay Preservation Area. These consist of sensitive lands located along the shoreline of the Chesapeake Bay and its tributaries. RPAs include tidal wetlands, tidal shores, nontidal wetlands that are connected to tidal wetlands or perennial streams, and a 100-foot-wide buffer located adjacent to these features and along both sides of any body of water with perennial flow.

The Town contains tidal wetlands and tidal shores that are associated with the Rappahannock River, Perkins Creek, and Urbanna Creek and connected nontidal wetlands that are adjacent to Perkins Creek. A 100-foot-wide buffer has been designated adjacent to the listed features and the shoreline of the Rappahannock River, Perkins Creek, and Urbanna Creek.

#### Resource Management Areas

Resource Management Areas (RMA) include land types that if improperly managed could result in significant water quality degradation or diminish the functional land value of the Resource Protection Area. RMAs are an important component of water quality protection because they protect RPAs from the adverse impacts of human activity. A Resource Management Area can also provide additional water quality protection with careful use and development of its land types.

The Town's Chesapeake Bay Preservation Area Overlay District states that a Resource Management Area includes the following:

- 100-year floodplain;
- Non-tidal wetlands not connected by surface flow and contiguous to tidal wetlands, water bodies with perennial flow or other tidal waters;
- Highly erodible and highly permeable soils; and
- Slopes in excess of fifteen (15) percent.

#### Intensely Developed Areas

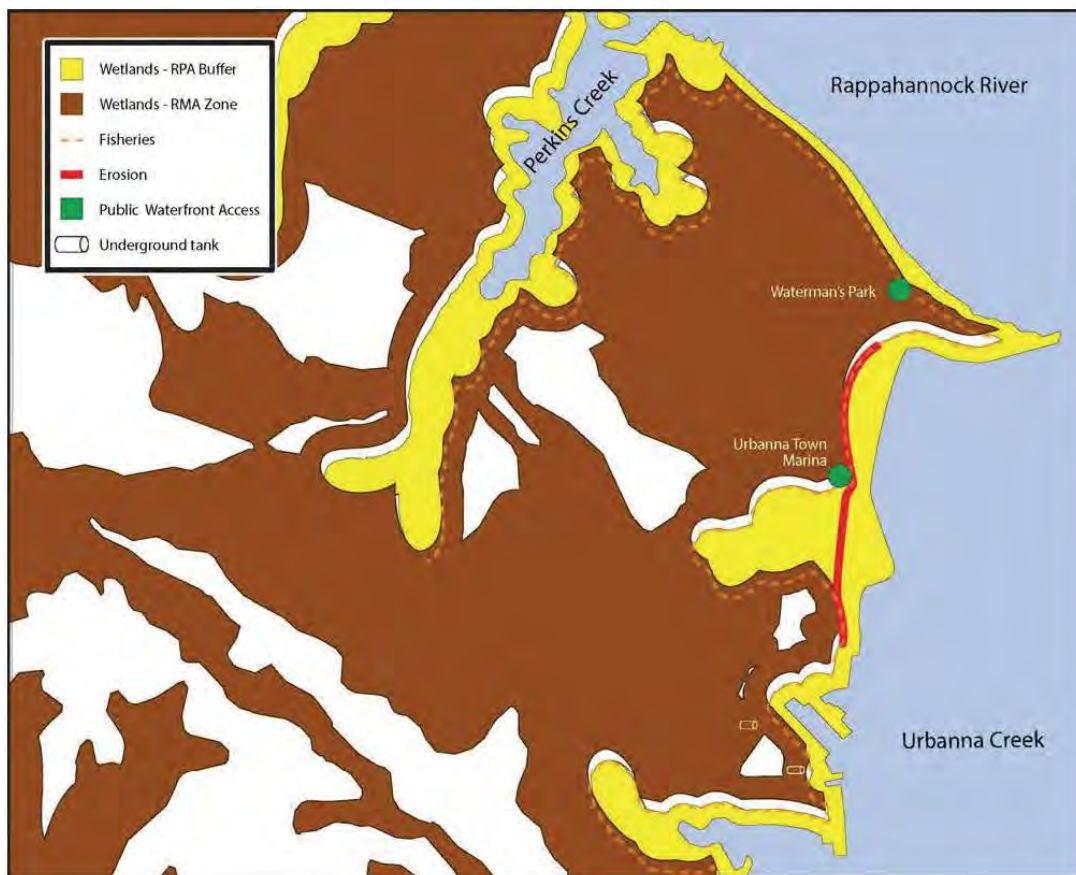
In addition to the RPA and RMA, the Town has designated an Intensely Developed Area (IDA) as an overlay district along the southern shoreline of Urbanna Creek. This IDA includes marinas and boat service facilities as well as the industrial uses of the area. The IDA signifies that it has

few natural features remaining, is almost entirely paved, and is currently served by public sewer and water.

Chesapeake Bay Preservation Area Overlay District

The Town has a Chesapeake Bay Preservation Area Overlay District with regulations that protect and enhance water quality through environmentally responsible land use management and practices. The Chesapeake Bay Preservation Areas are shown in the figure below.

EXHIBIT I





### Potential and Existing Sources of Pollution

There are a variety of sources for pollution that can have environmental impacts such as groundwater contamination, poor air quality, and degradation of the aesthetics of the landscape. An important indicator of the health of a watershed is the quality of the water within the local streams and rivers. Although a certain level of pollution due to transportation and development is inevitable, steps must be taken to prevent environmental health hazards and protect the ecological balance of the aquatic ecosystem.

The Town's relatively small size makes the sources of pollution easier to identify. There are two main types of pollution: point source pollution and nonpoint source pollution. Point source pollution can be treated to a single source, such as a leaking underground storage tank, above ground storage tank, or illegal dumping of hazardous wastes. Underground storage tanks can be a major source of groundwater contamination. This is primarily because the tanks are not visible and a leak may easily go undetected until a substantial amount of pollutants have already seeped into the surrounding soil. The main concern for the Town regarding underground storage tanks is the possible corrosion of unprotected concrete tanks due to the acidity of local soils; nearly all land in Town is high risk for concrete. In addition, over 80 percent of the land area poses a moderate risk for corroding unprotected steel. The Town currently has two active underground storage tanks, as indicated on the Town map Exhibit I. One is at URBBY (formerly Bridges Marina) located at 15 Watling Street and the other at the Exxon Station at 20 Cross Street. The Department of Environmental Quality, Underground Storage Tank Program currently monitors both locations.

Nonpoint source pollution comes from a variety of sources, with stormwater runoff carrying a lot of these pollutants. Stormwater runoff carries pollutants that collect on impervious surfaces, such as roadways, sidewalks, and parking lots, into the local waterways. Impervious surfaces do not give the stormwater the chance to be absorbed by the soil. Urban development, including residential development, can produce high levels of nonpoint source pollution such as plant nutrients (nitrogen) and heavy metals. Residential and commercial activities, parking areas, and waterfront activities are the main sources of nonpoint source pollution within the Town.

Strategies to reduce nonpoint source pollution include: minimizing impervious areas of development sites, maintaining open space, preserving indigenous vegetation, and utilizing Best Management Practices (BMPs) that are designed to reduce stormwater runoff and aid in the filtration of harmful pollutants. Educating the public and local businesses about nonpoint source pollution can also be effective for eliminating these sources of pollution.

Eroding soils are also seen as pollution. The Town is located in a flat coastal plain with the only significant slopes along the shoreline of the Rappahannock River, Urbanna Creek and Perkins Creek. Elevations in the Town range from sea level to over 50 feet above sea level. Slopes of 15 percent or greater generally occur around the shorelines of waterways in and around the Town. The majority of slopes with the Town range from 0-2 percent and offer no problems for development activities.

The entire jurisdiction is designated as a Chesapeake Bay Preservation Area.



The Town sold its sewage treatment plant to the Hampton Roads Sanitary District (HRSD), and HRSD operates the treatment plant. After treatment, effluent is currently discharged into Urbanna Creek outside the Town limits. There are plans to discontinue operation of this treatment plant by 2027 and pump the Town's sewage to other HRSD treatment plants, which discharge into the James River. The Town requires all development within the Town to be connected to this system, per Town Code (§174.10.11.C, et seq). Therefore, there is no concern over failing septic systems producing pollution.

#### Physical Constraints to Development

Development in Resource Protection Areas is limited to water-dependent uses, such as marinas, and piers, or the redevelopment of previously developed areas. Development may be allowed in the Resource Protection Area, with administrative approval from the Town, only if it meets the following requirements:

- It is water dependent;
- Constitutes redevelopment;
- Constitutes development or redevelopment within a designated Intensely Developed Area (IDA);
- Or if the application of the buffer area would result in loss of buildable area on a lot or parcel recorded prior to October 1, 1989.

While there are certain restrictions prohibiting development or land disturbance or vegetation removal within 100 RPA protected zone, there are exceptions for water dependent facilities, redevelopment and certain administratively permitted exceptions. There is no restriction on development in the Resource Management Areas provided the development meets the requirements of the zoning district. Development in the IDA may have the 100-foot buffer area requirements waived, provided that the Town considers the establishment of a buffer area if, in the future, the land uses within the IDA have changed.

Development is restricted from the floodway and discouraged from the floodplain. Sensitive soils create a development constraint. The Town's Chesapeake Bay Preservation Area Overlay District included highly erodible and highly permeable soils as part of the Resource Management Area. The Virginia Tech Geographic Information System (VirGIS) laboratory mapped areas of Middlesex County that met the parameters for highly erodible and permeable soils as specified in the regulations.

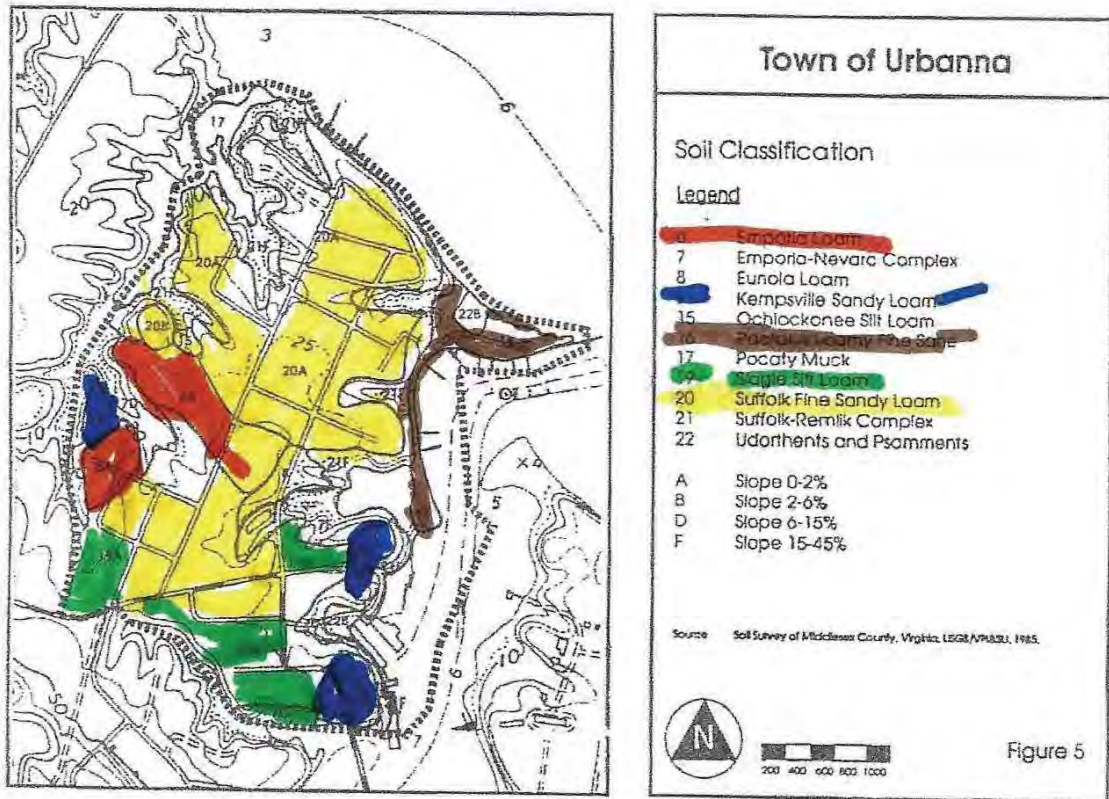
High erodible soils are those in which have a high potential for eroding and causing sediments to enter waterways. The potential for eroding is due in part to the steepness and length of slope which act together to increase the speed of water running down slope. The faster the runoff down the slope, the more soil particles are washed off the slope. Soil structure, texture, percentage of organic material, the infiltration rate and the permeability of the soil are characteristics that help to define a soils erodibility. Eroding soils contributes to water pollution by increasing the amount of sediment in the water.



Highly permeable soils are those soil which are susceptible to pollutant leaching and therefore have a high potential for groundwater pollution. The ability of water to move down through the soil depends in large part on the water holding capacity of the soil. Capacity of a soil to hold water is determined by the structure, texture, percentage of organic matter and permeability of a soil. Soil permeability is particularly important in the design and construction of septic drain fields as the effluent from the septic system will move quickly through the soil into the groundwater system without proper filtration. However, other pollutants such as pesticides, heavy metals, organic wastes and road salts can also move quickly through highly permeable soils and contribute to the contamination of groundwater.

Within the Town, there are areas that are both high erodible and highly permeable and areas that are either highly permeable or highly erodible. Approximately 13 percent of the Town is characterized by soils that are both highly permeable and highly erodible. More than 49 percent of the Town is characterized by soils which are highly permeable, while over 6 percent of the soil are highly erodible. Overall, 68 percent of the Town is characterized by sensitive soils.

EXHIBIT II





Shoreline erosion is another development constraint. The erosion of the shoreline can affect growth by removing land area from the Town. As the shorelines along Urbanna Creek and Perkins Creek continue to develop, the rate of erosion may increase if the proper steps are not taken to prevent the disturbance of the vegetation along the shoreline. Some hardening of the creek shoreline has occurred, but hardening techniques tend to exacerbate the erosion downstream. The implementation of the Town's Chesapeake Bay Preservation Area Overlay District should help to preserve the existing vegetation along the creek's shoreline. With erosion occurring, it will be particularly important for the full 100-foot buffer area to remain intact, not only to provide a filter for the water running off the property, but to protect the property from further erosion. In addition, development may be constrained by:

- Steep slopes
- Flat grades that don't drain well
- Mature forest vegetation

The Town of Urbanna is, therefore, committed to the following policies:

The Town will continue to identify physical constraints to development. It will continue to enforce its Chesapeake Bay Preservation Area Overlay District to protect sensitive natural features including, but not limited to, tidal wetlands, tidal shores, nontidal wetlands, highly erodible soils including steep slopes, highly permeable soils, and perennial streams.

The Town will protect the potable water supply by identifying and addressing threats to groundwater resources from existing and potential pollution sources and encouraging water conservation.

The Town will achieve this goal by the following actions:

- Continue to inspect and ensure the maintenance of BMP facilities within the Town, in accordance with §17-4.10.11(d) of the Town's Chesapeake Bay Preservation Area Overlay District.
- Participate with Middlesex County Health Department to identify any malfunctioning or abandoned septic systems and investigate remediation or removal options including removal of them during redevelopment.
- Work with the State Water Control board to identify and remedy any existing sources of pollution within the Town such as abandoned underground storage tanks and above ground storage tanks and to identify those underground storage tanks risk of corroding.
- Collaborate with applicable state agencies to remove any illegal dumping and pursue stringent enforcement of applicable federal and state laws as necessary.
- Participate with the Department of Health to identify operations not adhering to the regulations outlined in Code of Virginia §32.1-246 related to marina operations. The Town will work to recognize ways of addressing the appropriate density of docks and piers such as investigating the possibility of adopting Marine Resources Commission guidelines for marina and boat dock facilities.



- Consider possibilities of providing public information workshops for citizens to demonstrate the proper application of pesticides and fertilizers for home lawns and gardens. These workshops will help to reduce the over-application of the substances which are one element of nonpoint source pollution.
- Promote Water resource conservation

The Town will address the relationship of land use to commercial and recreational fisheries and other aquatic resources by:

- Enforcement of zoning ordinances such as the Chesapeake Bay Preservation Area Overlay District.
- Reduction of nonpoint sources of pollution from impervious surfaces adjacent to the River and Urbanna and Perkins Creeks.
- Institution of programs in public education, wildlife habitat preservation, and pollution prevention.
- Participate with the Department of Health to identify operations not adhering to the regulations outlined in Code of Virginia §32.1-246 related to marina operations. The Town will work to recognize ways of addressing the appropriate density of docks and piers such as investigating the possibility of adopting Marine Resources Commission guidelines for marina and boat dock facilities.

The Town will manage the process of siting docks and piers as a water-dependent use in the RPA and of IDAs. Since the Town is built out, it is anticipated the development of docks and piers would be undertaken as a redevelopment project. The Town will achieve this goal by the following actions:

- Enforcement of zoning ordinances such as the Chesapeake Bay Preservation Area Overlay District.
- Limit water-dependent uses to those with proven economic justification.
- Avoidance of development on sensitive natural features such as steep slopes.
- Reduction of nonpoint sources of pollution from impervious surfaces adjacent to the River and Urbanna and Perkins Creeks.
- Institution of programs in public education, wildlife habitat preservation, and pollution prevention.

The Town will maintain public and private access to waterfront areas and manage the effect on the water quality by:

- Enforcement of zoning ordinances such as the Chesapeake Bay Preservation Area Overlay District.
- Avoidance of development on sensitive natural features such as steep slopes.
- Reduction of nonpoint sources of pollution from impervious surfaces adjacent to the River.
- Institution of programs in public education, wildlife habitat preservation, and pollution prevention.

The Town will mitigate the impacts of land use and its associated pollution upon water quality by:

- Enforcement of zoning ordinances such as the Chesapeake Bay Preservation Area Overlay District.
- Amend CBPOD to reflect the calculated average land cover for the Town while making other programmatic changes as necessary.
- Minimizing impervious cover is an integral part of the Town's stormwater quality management program. The Town Planning Commission will investigate economically feasible and practical ways to reduce the impervious cover for development within the Town. Such as investigation may include the following options: establishment of maximum parking space size and number of parking spaces for zoning categories; requiring pervious paving in low traffic areas, reducing the amount of impervious cover allowed based on the zoning category; and requiring open space based on the zoning category.
- Avoidance of development on sensitive natural features such as steep slopes.
- Reduction of nonpoint sources of pollution from impervious surfaces adjacent to the River.
- Institution of programs in public education, wildlife habitat preservation, and pollution prevention.
- Continued enforcement of the Floodplain Ordinance in order to protect floodplains within the Town from improper development as well as to protect the health, welfare, economic and real estate interests of Town residents.
- Reducing nonpoint source pollution generated by development by preserving as much existing vegetation on site as possible while accommodating the desired land use.
- Investigate ways of addressing existing shoreline erosion problems along the Rappahannock River and Urbanna Creek and work with appropriate state agencies to determine appropriate policies regarding shoreline erosion control.

The Town will support water quality improvement through reduction of existing pollution sources and redevelopment on Intensely Developed Areas and other areas targeted for redevelopment by:

- Enforcement of zoning ordinances such as the Chesapeake Bay Preservation Area Overlay District.
- Avoidance of development on sensitive natural features such as steep slopes.
- Reduction of nonpoint sources of pollution from impervious surfaces adjacent to the River.
- Institution of programs in public education, wildlife habitat preservation, and pollution prevention.



## ~~VII. COMPREHENSIVE PLAN IMPLEMENTATION GUIDELINES~~

~~The goals of the Comprehensive Plan tend to be broad and general. At the same time, they encompass nearly the full range of the Town's governmental responsibility. If these goals are to be achieved over a period of time, the Town must use all of the means at its disposal for plan implementation. Chapter 11 of the Code of Virginia provides for procedures whereby a Town may implement its comprehensive plan, including provisions for review of proposed improvements by the Town Planning Commission and for a zoning ordinance to assist with accomplishment of the land use elements of the Plan. This Comprehensive Plan has been prepared in large measure to provide support for changes in the zoning ordinances that will achieve compliance with the legislation of the Chesapeake Bay Preservation Act of 1989.~~

~~Perhaps as important as any of the direct statutory means for plan implementation are the various funding and technical assistance programs available to local governments. The outside help that these programs can provide may make the difference between success and failure in accomplishments of a goal.~~

~~However specific the state laws and local ordinances may be and however carefully planning procedures may be followed, all of the laws and procedures, text, maps, special studies and outside funding programs cannot substitute in effectiveness for the support of the people of Urbanna and their general awareness of the advantages of a comprehensive, long-range view in dealing with the Town's development. It is especially important that such a long-range view be maintained, when the pace of growth is slow and the future of the Town depends on the accumulated effects of many small events. The careful handling of small events within a long-range view sets a favorable precedent, not only for future small events but also for the large events, when they occur.~~

### ~~The Plan and the Planning Commission:~~

~~The Planning Commission is the agency charged with the preparation of the Comprehensive Plan and with advising the Town Council on matters related to the Plan. In order to do this properly, the Commission must maintain knowledge of the facts and interrelationships of a broad range of subjects and must be able to weigh the advantages and disadvantages of various possible courses of action that may be available in a given situation. This is no small responsibility. The Planning Commission will need help from various sources depending on the complexity of problems placed before it.~~

~~With the Chesapeake Bay Preservation Act requirements and growing interest in the Urbanna area, the requirements for planning staff assistance could be increased steadily in coming years. Routine administration and review of building and subdivision proposals, periodic revision of the Comprehensive Plan, participation in funding programs and special studies of all kinds could require staff assigned full time to planning matters. Without sufficient professional and technical assistance, the Planning Commission might not be equipped to render the services expected of it.~~

~~The State Planning Enabling Statutes provide for the general content of the Plan and procedures for its adoption. The Planning Commission is required to give notice and hold a public hearing before recommending the Plan to the Town Council for adoption. The Town Council must also give notice and hold a public hearing before it adopts the Plan. If this procedure is followed, Sec. 15.2-2225 of the enabling statutes establishes the legal status of the Plan.~~

### ~~Plan Adoption:~~

~~The following provision taken from Title 15.2 Chapter 22, Article 3 outlines the general procedure to be followed by the Town of Urbanna in adopting the Comprehensive Plan:~~

~~15.2-2225. Notice and hearing on plan; recommendation by local commission to governing body. Prior to the recommendation of a comprehensive plan or any part thereof, the local commission shall give notice and hold a public hearing on the plan. After such public hearing has been held the commission may approve, amend and approve, or disapprove the plan, after notice as required by~~



~~15.2-2225. Upon approval of the plan, the commission shall by resolution recommend the plan to the governing body.~~

~~15.2-2225 Copy to be certified to governing body. Upon recommendation of the comprehensive plan or a part thereof by the local commission a copy thereof shall be certified to the governing body.~~

~~15.2-2226 Adoption or disapproval of plan by governing body. After certification of the plan or part thereof, the governing body after a public hearing with notice as required shall proceed to a consideration of the plan or part thereof and shall approve and adopt, amend and adopt, or disapprove the same within ninety days after date of adoption of such resolution.~~

~~15.2-2227 Return of plan to commission; resubmission. If such governing body disapproves the plan, then it shall be returned to the local commission for its reconsideration, with a written statement of the reasons for its disapproval. The commission shall have sixty days in which to reconsider the plan and resubmit it, with any changes, to the governing body.~~

~~15.2-2228 Adoption of parts of plan. As the work of preparing the comprehensive plan progresses, the local commission may, from time to time, recommend, and the governing body approve and adopt, parts thereof; any such part shall cover one or more major sections or divisions of the municipality or one or more functional matters.~~

#### Maintenance of the Plan:

~~15.2-2229 Amendments. After the adoption of a comprehensive plan, all amendments to it shall be recommended, and approved and adopted, respectively, as required by 15.2-2225. If the governing body desires an amendment, it may direct the local commission to prepare an amendment and submit it to public hearing within sixty days after formal written request by the governing body.~~

~~15.2-2230 Plan to be reviewed at least once every five years. At least once every five years the comprehensive plan shall be reviewed by the local commission to determine whether it is advisable to amend the plan.~~

~~Significant new developments, i.e. State highway proposals; location of new industry, shopping center, or residential subdivision; expansion of major public/private uses, etc., should trigger a re-evaluation of the adopted comprehensive plan. Review and appropriate revisions to the plan ensuring consistency with major proposals should be made to maintain it in a current condition. Changes in the plan should only be made in the best interest of established goals and objectives. Development proposals, which are contrary to the plan, require serious consideration within the context of the plan's provisions. The end result of unwarranted plan revisions would be to leave the Town without an enforceable plan.~~

#### Plan Implementation:

~~Private property development and public improvement efforts can be coordinated with the plan through the use of applicable regulatory measures zoning ordinance, subdivision regulations, building and housing codes. An adopted Capital Improvement program also provides a mechanism for the local governing body to schedule public improvements in accordance with the plan over both a five-year period and on an annual basis.~~

~~15.2-2239 Local commissions to prepare and submit annually capital improvement programs to governing body or official charged with preparation of budget. A local commission may, and at the direction of the governing body shall, prepare a capital improvement program based on the comprehensive plan of municipality for a period not to exceed the ensuing five years.~~



~~15.2-2280 - Zoning ordinances generally, jurisdiction of municipalities. The governing body of any municipality may, by ordinance, classify the territory under its jurisdiction or any substantial portion thereof into districts of such number, shape and size as it may deem best suited to carry out the purposes of this article.~~

~~For the purpose of zoning, the governing body of a municipality shall have jurisdiction over the incorporated area of the municipality.~~

~~The Zoning Ordinance for the Town of Urbanna will accompany this planning document. The Comprehensive Plan must be used as the reference by which zoning requests, development proposals and the zoning regulations are reviewed for approval or disapproval. Zoning regulations are the tools intended to accomplish the plan's objectives.~~

#### Regional Review and Coordination:

~~Local Town planning requires coordination with other adjacent jurisdictions: Middlesex County, Middle Peninsula Planning District, and other State and Federal development proposals and plans. Without coordination among these jurisdictions, the danger of planning efforts being duplicated or conflicting will result in ineffective programs and unnecessarily high development costs. The Middle Peninsula Planning District Commission is the most appropriate agency to provide regional coordination and review of related plans.~~

#### Level of Professional Planning Assistance:

~~Planning assistance is presently provided to the Town of Urbanna by its Staff and through contracted services of private planning consultants for special projects. Special needs of the local planning commission may warrant additional planning assistance from a planning consultant in order to implement the adopted comprehensive plan.~~

#### Zoning Ordinance

~~Of the various legal devices available for implementation of the Comprehensive Plan, zoning will probably receive most attention during the coming years and will have the most impact on the lives of Town's residents.~~

~~The extent to which zoning can improve living conditions and guide the growth of the Town of Urbanna in accordance with the Comprehensive Plan will be largely dependent upon the attitudes and interests of the people of Urbanna as expressed by themselves and expressed through their leaders in enactment of regulations and subsequent sustained enforcement of regulations. The problems will be varied since Urbanna is an urbanizing community with the potential for different kinds of development. But if the people of Urbanna want an orderly efficient land use development pattern which is an objective of the Comprehensive Plan, if they want to channel development to designated areas, protect the water resources and environmentally sensitive areas, then zoning is available to implement a program which, over the long run, may accomplish these objectives.~~

~~The Zoning Map (Exhibit II) should remain generally consistent with the General Land use Plan. Within the overall pattern of land use established by the Plan, there is nevertheless considerable room for variation between the Plan and the Zoning map. The land use categories need not be identical and the one need not be amended every time the other is. Actually, the timing of a zoning change to best implement a land use change will require repeated judgments by the Town Planning Commission and the Town Council. In addition, the system of review of individual projects by a special use permit process or by means of special exceptions will require many separate decisions based on the guidelines of the Plan and the Zoning Ordinance and conditions of the locale where change is proposed. In any event, the limitations on our ability to foresee the future will assure that changes will be necessary. An important part of the Town's continuing planning effort will be the recommendations of the Town Planning Commission regarding proposed changes, the continuing effort to keep these changes within the overall perspective of the Comprehensive Plan, and the continuing effort to~~

~~study and adjust implementation devices and programs which can assist with accomplishments of the goals and objectives of the Comprehensive Plan.~~

~~Concurrent with preparation of this revision of the Comprehensive Plan, a comprehensive review of the Town Zoning Ordinance and a revised ordinance has been prepared. The provisions of the revised ordinance pertaining to the Chesapeake Bay Preservation Act should substantially improve the ability of the Town to implement the land use elements of the Comprehensive Plan.~~

~~The Capital Improvement Program:~~

~~A capital improvement program is a schedule by years of the amounts to be spent on improvements to the Town's public facilities. The purpose of making such a program is to ensure that long-range plans will be compatible with the Town's financial resources.~~

~~Forecasts of more than five years in advance are generally not sufficiently reliable for planning. On the other hand, too short a period would not be useful as specified in the statute. A list of needed improvements is drawn up and those, which should be made during the next five years, are arranged in order of urgency and costs are estimated according to the best information available. As each year of the program is completed, an additional year is added so that the program always looks five years to the future.~~

~~In the near future the Town should move to formalize the capital improvements programming process so that relations of capital improvement expenditures to a long-range plan will become a routine part of Town government.~~


Adopted this 16th day of November, 2023

Ms. Austin	Aye✓	Nay	Abstain	Absent
Mr. Chowning	Aye✓	Nay	Abstain	Absent
Ms. Courtney	Aye✓	Nay	Abstain	Absent
Ms. Justice	Aye✓	Nay	Abstain	Absent
Ms. Hanson	Aye✓	Nay	Abstain	Absent
Ms. Sturgill	Aye✓	Nay	Abstain	Absent
Mayor Goldsmith	Aye✓	Nay	Abstain	Absent

AYES: 7    NAYS: 0    ABSTAIN: 0    ABSENT: 0 \_

A TRUE COPY:

TESTE:

  
TOWN CLERK

**PUBLIC HEARING-ORDINANCE 2023-03 TO AMEND THE URBANNA TOWN CODE SECTION 17-4.10.11.1**

Mayor Goldsmith opened the public hearing

Roy Kime gave the background regarding the ordinance

- Section 17-4.10.11.1 of the Town Code must be amended to reflect information DEQ requires on site/development plans submitted for consideration
- The ordinance had been referred to the Planning Commission for its recommendation
  - Planning Commission held a public hearing November 14, 2023
  - Planning Commission unanimously recommended Council approve the ordinance

No members of the public spoke regarding the resolution

Mayor Goldsmith closed the public hearing

**Councilmember Austin made a motion to approve Ordinance 2023-03 to amend the Urbanna Town Code Section 17-4.10.11.1 as presented**

**Councilmember Sturgill seconded**

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

**Motion passed 7-0**

ORDINANCE NO. 2023-03 AMENDS THE URBANNA TOWN CODE, CHAPTER 17, "ZONING," SECTION 17-4.10.11.1, "PLAN OF DEVELOPMENT PROCESS" TO UPDATE THE REQUIREMENTS FOR PLANS OF DEVELOPMENT TO ENSURE COMPLIANCE WITH THE CHESAPEAKE BAY ACT AND OTHER RELEVANT STATE LAWS. ORDINANCE NO. 2023-03 IS CONSIDERED PURSUANT TO THE GRANT OF AUTHORITY CONTAINED IN VA. CODE § 15.2-2200 ET SEQ., 1050, AS AMENDED.

BE IT ORDAINED by the Urbanna Town Council, that the Urbanna Town Code, Chapter 17, "Zoning, Section 17-4.10.11.1, "Plan of Development Process" be amended to read, in part, as follows:

"Plan of Development Process

A. Purpose and Intent

~~The purpose of the plan of development process is to provide for a review process that ensures that development and redevelopment complies with the provisions of this Article and that protects the quality of state waters.~~

The purpose of the plan of development process is to provide for a review process that ensures that development and redevelopment complies with the provisions of this Article and that protects the quality of state waters.

1. Any final site plan, plan of development, plat, plot, or final subdivision plans for all lands within CBPAs shall include the following information:
  - a. Delineation of the RPA boundary;
  - b. Delineation of required buffer areas;
  - c. Delineation of RMA wetlands;
  - d. Delineation of RMA boundary;
  - e. Plat or plan note providing that no land disturbance or vegetation removal is allowed in the buffer area without review and approval by the Zoning Administrator;
  - f. Plat or plan note of the permissibility of only water dependent facilities or redevelopment in Resource Protection Areas, including the 100-foot wide buffer area;
  - i. Plat or plan depiction indicating the buildable area; all subdivision plats shall include a notation that setbacks and yards shown hereon are based on current district requirements at the time of approval but shall not take precedence over any subsequently adopted setback requirements related to any rezoning action or district regulation amendments; and
  - j. Any additional requirements specified in the subsections below."



Adopted this 16th day of November, 2023

Ms. Austin	Aye✓	Nay	Abstain	Absent
Mr. Chowning	Aye✓	Nay	Abstain	Absent
Ms. Courtney	Aye✓	Nay	Abstain	Absent
Ms. Justice	Aye✓	Nay	Abstain	Absent
Ms. Hanson	Aye✓	Nay	Abstain	Absent
Ms. Sturgill	Aye✓	Nay	Abstain	Absent
Mayor Goldsmith	Aye✓	Nay	Abstain	Absent

AYES: 7 NAYS: 0 ABSTAIN: 0 ABSENT: 0

A TRUE COPY:

TESTE: \_\_\_\_\_

TOWN CLERK

## MINUTES

**Councilmember Austin made a motion to approve the minutes from the September 14, 2023 meeting and the October 30, 2023 special meeting as presented.**

**Councilmember Sturgill seconded**

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

**Motion passed 7-0**

## REPORTS

### Town Administrator

Mayor Goldsmith reported:

- Oyster Festival was a success, with excellent weather, estimated turnout of 50,000, and minimal police interactions for bad behavior
  - Thanked staff, especially Michele Hutton for her hard work during a busy time of year
- Mayor Goldsmith & Mr. Kime met with representatives from the regional YMCA to discuss a partnership to utilize the Marshall Family Community Pool during off-hours
  - Goal is to add services that doesn't detract from the pool in Deltaville
- A possible ban on menthol cigarettes concerns the Chesapeake Bay Cigarette Board
  - Menthol cigarettes constitute 35% of cigarette sales
- Trash pick-up will be Tuesdays only until mid-April
- Individuals interested in serving on one of the Town's Committees or Commissions are asked to put in an application.
  - Committee and Commission assignments will be made at the beginning of the year
  - Applications are available online or in Town Hall
- Town was turned down for the most recent BIG project to put floating docks at the north end of the marina
  - No reason was given, but we were encouraged to reapply by the end of July 2024
- Report made of a possible poisoning of a dog in town
  - Incident discussed with the Sherriff
  - Reminder to all of us to be vigilant with our pets
- Almost 3 years ago, when there was a large turnover of town staff and council members, Holly Gailey's town electronic files were missing. Accusations were made and Holly's character was maligned. Last Tuesday, Frank



from Franktronics was working in our server and discovered that there was a hard drive that had become disconnected. We do not know when or how it happened. When it was re-connected it turned out to be Holly's hard drive and the files are now back. As Mayor I would like to formally apologize to Miss Gailey on behalf of the town for the undue hardship this has caused her.

**Treasurer's Report**

Michele Hutton presented the Treasurer's Report for October 2023



**Treasurer's Report**

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

Account Balance thru <b>10/31/2023</b>	Prior Year	Prior Month	Statement Date
	<b>10/31/22</b>	<b>9/30/23</b>	<b>10/31/23</b>
Primis Bank General Operating Bank Account	653,145.29	866,290.20	966,323.38
Renter Water Deposits	-16,551.66	-16,101.66	-16,326.66
Net Operating General Bank Account	648,832.80	859,297.27	962,032.45
C & F Bank Pool Replacement Account (new 2/28/23)	(Truist) 94,767.26	356,509.15	209,434.41
C&F Bank Historic Trust (new 3/1/2023)	(Truist) 29,160.31	44,001.25	44,641.78
C&F Bank Building Fund (new 6/8/23) CD	n/a	236,856.41	236,856.41
C & F Bank Pool Fundraising checking (new 8/4/23)	n/a	235.00	Closed 10/18 -\$250.00
Primis Bank Water Fund Reserve	114,321.41	115,158.57	115,239.34
Primis Bank General Fund Reserve	94,924.54	95,358.45	95,400.25
Primis Bank Cares Local Recovery	475,363.98	239,182.54	239,350.30
Primis Bank DMV	1,505.56	100.00	1,463.39
Primis Bank USDA Well Replacement-new 10/14/22	n/a	2,507.25	2,507.91
Taber Trust – Account Value	1,205,718.35	846,246.84	846,246.84
Taxes listed below are collected for prior month(s)	<b>10/31/22</b>	<b>9/30/23</b>	<b>10/31/23</b>
Meals Tax collected in October	10,045.11	17,037.21	14,135.62
Lodging Tax collected in October	1,946.30	3,694.95	1,955.01
Cigarette Tax collected in October	845.35	968.24	\$640.53

**AUGUST EXPENDITURES:**

- Pool draw = \$148,274.74

**REVENUE as of 10/31/2023**

Notes:

- Real estate = \$ 35,046.46
- Personal Property = \$1,016.86
- Grand total all OF Business License = \$23,200.00

### Lodging Tax

November 13, 2023  
06:27 PM

Town of Urbanna  
2024 Revenue Summary by Month

Range of Accounts: 100-12100-0001		to 100-12100-0001		Start Month: July		Start Year: 2023					
Type: Revenue Activity		Includes Accounts with		Zero Activity: N		Year To Date As Of: 11/13/23					
Subtotal CAFR: No											
Account No	Description	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr
Total											
100-12100-0001	Lodging Tax										
14139.46		4520.69	3970.51	3693.25	1955.01	0.00	0.00	0.00	0.00	0.00	0.00
<b>Fund Total</b>		4520.69	3970.51	3693.25	1955.01	0.00	0.00	0.00	0.00	0.00	0.00
<b>Grand Total</b>	Count: 1	4520.69	3970.51	3693.25	1955.01	0.00	0.00	0.00	0.00	0.00	0.00

### Meals Tax

November 13, 2023  
06:25 PM

Town of Urbanna  
2024 Revenue Summary by Month

Range of Accounts: 100-12110-0001		to 100-12110-0001		Start Month: July		Start Year: 2023					
Type: Revenue Activity		Includes Accounts with		Zero Activity: N		Year To Date As Of: 11/13/23					
Subtotal CAFR: No											
Account No	Description	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr
Total											
100-12110-0001	Meals Tax - Local										
75628.01		25538.77	18916.41	17037.21	14135.62	0.00	0.00	0.00	0.00	0.00	0.00
<b>Fund Total</b>		25538.77	18916.41	17037.21	14135.62	0.00	0.00	0.00	0.00	0.00	0.00
<b>Grand Total</b>	Count: 1	25538.77	18916.41	17037.21	14135.62	0.00	0.00	0.00	0.00	0.00	0.00

### Water Sales

November 13, 2023  
06:28 PM

Town of Urbanna  
2024 Revenue Summary by Month

Range of Accounts: 500-17010-0001		to 500-17010-0001		Start Month: July		Start Year: 2023					
Type: Revenue Activity		Includes Accounts with		Zero Activity: N		Year To Date As Of: 11/13/23					
Subtotal CAFR: No											
Account No	Description	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr
Total											
500-17010-0001	Water Sales Charges										
133843.28		6051.18	54319.81	20768.56	52703.73	0.00	0.00	0.00	0.00	0.00	0.00
<b>Fund Total</b>		6051.18	54319.81	20768.56	52703.73	0.00	0.00	0.00	0.00	0.00	0.00
<b>Grand Total</b>	Count: 1	6051.18	54319.81	20768.56	52703.73	0.00	0.00	0.00	0.00	0.00	0.00

### **Real Estate & Property Taxes:**

- Mailed out October 20<sup>th</sup>
  - Escrow accounts mistakenly mailed to customer, as well as escrow bank
- Real Estate taxes collected
  - As of 10/31- \$35,046.46
  - As of 11/16: \$91,822.23
- Personal Property taxes collected
  - As of 10/31-\$1,016.86
  - As of 11/16-\$3,502.96

### **Oyster Festival:**

- Business license tax collected
  - \$22,300.00 for 108 vendors
  - Funds turned back to the Oyster Festival Foundation to assist with security payments
- Oyster Festival meals tax
  - Due on or before December 5<sup>th</sup>
  - As of 11/16, 3 payments received totaling \$4,077.53
  - 29 food vendor locations (not including Town restaurants)
- 13 non-permitted vendors were identified and given choice to pay or leave
  - 8 vendors paid
  - 4 shut down
  - 1 allowed to stay due to being a non-profit and only handing out information

### **Lodging:**

- Permitted Short-Term Rentals (STRs)
  - 1-no reporting since July
  - 4-1 month behind
  - AirBnb, Home-a-way, Trip Advisor, and Priceline are current booking STRs

### **Meals Tax:**

- One restaurant owes for September
- October taxes are due November 20<sup>th</sup>

Ms. Hutton also updated Council on the day-long festivities planned for Saturday, December 2<sup>nd</sup>, ending with the Christmas Parade

Further discussion took place regarding the Oyster Festival and their income and expenses.

### **Pool Committee**

Barbara Hartley reported:

- Pool construction complete, including retention pond and plantings
- Pool cover should arrive within 3 weeks
- Equipment from old pool being used to for maintenance
- There was a pump failure caused by a circuit breaker that has been fixed
- Research continues regarding pool maintenance, Health Department requirements, and potential partnerships for programs and activities

Roy Kime added the pool cover would be installed the following Monday

Mayor Goldsmith discussed possible collaboration with the YMCA to assist with staffing



## **Water Committee**

There was no report given

## **Planning Commission**

Councilmember Hanson reported since the Planning Commission meeting had only taken place two days prior, there was no formal report to be presented, but she did give an overview of the meeting

- Public hearings took place regarding the CPBA amendment to the Comprehensive Plan, as well as Ordinance 2023-03 to amend Section 17-4.10.11.1 of the Urbanna Town Code
- Street sign replacement was discussed
- Continued discussion regarding short-term rentals

Councilmember Hanson added

- Urbanna Main Street had received a Community Vitality Grant (CVG)
- Upcoming Holiday Home Tour has received several large sponsors, as well as free media promotion
- Holiday Home Tour seeking volunteers

It was clarified Urbanna Main Street was not supported through Department of Housing and Urban Development (HUD), but through Department of Housing and Community Development (DHCD)

Urbanna Main Street is currently working towards 501(c)(3) status and continues fundraising efforts

Councilmember Austin stated the need for a “blast” to promote the kayak rental

- Councilmember Hanson agreed with Councilmember Austin and discussed the matter further, including location of kiosk, and need to clean-up area
- Michele Hutton added the revenue for the kayak rentals was less than \$50

Councilmember Chowning asked for an update on having a link to the kayak trail on the website

- Council discussed the difficulty of using the link on the original site
- Further discussion took place regarding the Town website and Urbanna.com, which is the Urbanna Business Association’s (UBA), and better promotion/signage of the kayak rental and kayak trail

## **Project Funding Committee**

Councilmember Sturgill reported the following:

- Donations made to UBI-\$98,958.21
- Donations pledged but not collected-\$42,000.00
- Funds collected by Town of Urbanna for lifetime memberships, brick sales, etc.-\$43,636.00
- Total funds collected-\$184,594.21
- Additional \$3,000 coming from the Oyster Festival Foundation
- Neither the Urbanna Business Association nor the Kiwanis Club have donated as of November 16<sup>th</sup>

Discussion took place regarding the health of the fundraising, and there is no current need to borrow money to complete the project

Councilmember Justice added there is a Facebook page where people can go for more information

Councilmember Austin added her sympathies to the Marshall family for the loss of Pat Marshall

## **PUBLIC COMMENT & PUBLIC COMMENT RESPONSE**

- Billy Mayo spoke regarding informing community to keep pets safe from harmful chemicals
- Jill Durand spoke to inquire if YMCA would consider a joint membership option with the pool
  - Mayor Goldsmith responded they would not, but would lease the pool for their projects

## **OLD BUSINESS**

There was no Old Business

## **NEW BUSINESS**

### **Street sign replacement update**

Mayor Goldsmith gave an update regarding the street sign replacement project

- After research by Kristi Anzivino and Don Drayer, Council had given Mayor Goldsmith approval to move forward. In researching the cost to replace the town's street signs, a Middlesex County ordinance from 2000 was discovered that would have the much of the costs be paid for by Middlesex County's 911 taxes.
- Steps involved would include modifying or repealing our current ordinance, requiring a public hearing, and then passing a resolution to endorse the Middlesex County ordinance.

Discussion took place regarding the potential pitfalls of doing this, which would include the possibility of giving Middlesex County the authority to change current street names.

Andrea Erard informed Council she had prepared an ordinance that would mirror Middlesex's, but remove their authority over street naming. Further discussion took place regarding the possible ordinance.

Ms. Erad suggested that Council should vote to advertise a public hearing for the December meeting, and Mayor Goldsmith and Mr. Kime meet with the County to discuss further.

**Councilmember Austin made a motion to authorize advertisement for a public hearing for street sign replacement at the December 2023 meeting.**

**Councilmember Sturgill seconded**

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

**Motion passed 7-0**

### **VA250 Committee**

Mayor Goldsmith spoke about the Virginia America 250 Commission which will be awarding grants to localities for events to commemorate the 250<sup>th</sup> anniversary of the signing of the Declaration of Independence. Middlesex County has a committee, but towns are also eligible to establish their own, and there is a movement to highlight Urbanna as a separate entity.

Discussion took place regarding efforts being made by Trent Funkhouser, Executive Director-Middlesex County Economic Development Authority to assist the Town with this and other efforts, as well as Matt Gobush's efforts to raise independent funding for this.

Councilmember Chowning spoke to the urgency of doing this is tied to receiving grants.

Councilmember Austin noted she would like to be a part of the committee.

**Councilmember Austin made the following motion, "Now, therefore, be it resolved by the Urbanna Town Council: The Urbanna Town Council hereby desires to support the Virginia America 250 Commission and their efforts to commemorate the 250th anniversary of Virginia's participation in American independence."**

**Councilmember Chowning seconded**

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

**Motion passed 7-0**



**RESOLUTION OF THE TOWN COUNCIL  
OF THE TOWN OF URBANNA  
RELATING TO THE SUPPORT OF THE VIRGINIA AMERICA 250 COMMISSION  
RECITALS:**

- A. The Town Council of the Town of Urbanna is dedicated to the furtherance of economic development and tourism in Urbanna
- B. The Virginia America 250 Commission (VA250) was created in 2020 by the General Assembly for the purpose of preparing for and commemorating the 250<sup>th</sup> anniversary of Virginia's participation in American independence
- C. VA250 has requested that each locality form a committee to aid in planning for the commemoration period.

WHEREAS The Urbanna Town Council will form a local VA250 committee;

WHEREAS the committee will plan and coordinate programs occurring within the locality and communicate regularly with VA250 and with the Middlesex VA250 Committee;

WHEREAS the Urbanna Town Council wishes to undertake this endeavor with VA250 to promote and commemorate this important historic milestone.

NOW, THEREFORE, BE IT RESOLVED BY THE URBANNA TOWN COUNCIL:

- 1. The Urbanna Town Council hereby desires to support the Virginia America 250 Commission and their efforts to commemorate the 250<sup>th</sup> anniversary of Virginia's participation in American independence.
- 2. The Urbanna Town Council will form a committee to aid in the planning for the commemoration period.

ADOPTED this 16<sup>th</sup> day of November, 2023.  
A COPY TESTE



Martha J Rodenburg  
Town Clerk

**Bad Check fee-proposed ordinance**

Mayor Goldsmith informed Council there isn't a current fee associated for checks returned for insufficient funds. Current Virginia Code allows for fees up to \$50 to be charged.

Discussion took place regarding why, and whether or not a fee should be charged and the amount.

**Councilmember Austin made a motion to authorize the advertising of an ordinance to provide for a fee for payments returned for insufficient funds.**

**Councilmember Sturgill seconded**

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

**Chowning voted no**

**Motion passed 6-1**

**CLOSED MEETING**

**Councilmember Austin made a motion to go into closed meeting pursuant to Va. Code Section 2.2-3711(A)(1) for the discussion of the hiring of a new Town Administrator.**

**Councilmember Sturgill seconded**

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

**Motion passed 7-0**

**OPEN MEETING**

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

**Councilmember Sturgill seconded**

**Austin, Chowning, Courtney, Hanson, Justice, Sturgill, and Goldsmith all certified yes**

**PUBLIC COMMENT**

There was no public comment

**ADJOURN**

**Councilmember Austin made a motion to adjourn**

**Councilmember Courtney seconded**

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

**Motion passed 7-0**

**Meeting adjourned at 7:43pm**

**Submitted by:**

---

**Martha J. Rodenburg**

**Town Clerk**

**Approved by Town Council xx/xx/xxxx**



**Agenda Item Summary  
February 8, 2024**

**Agenda Item: 6-Reports**

**Town Administrator Report**-Ted Costin (report attached)

**Treasurer's Report**-Michele Hutton

**Water Committee**-Mayor Goldsmith

**Finance Committee**-Mayor Goldsmith

**Planning Commission**-Councilmember Merri Hanson





## TOWN OF URBANNA

390 VIRGINIA ST. SUITE B, PO BOX 179, URBANNA, VA 23175

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

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To: The Honorable Mayor and Members of the Town Council  
From: P. S. T. (Ted) Costin, Administrator  
Date: February 2, 2024  
Subject: Monthly Report – February 2024

I met with citizens, council members, and professionals regarding the FY 24-25 budget, cats, vultures, zoning concerns, road status, marina needs, Dominion Energy's pole replacement project, Main Street, toured the pool area to include well #3, met with Bay Design to secure DEQ As-Built Plans for the pool project, attended both the community planners meeting and local government administrators meeting at the Planning District Commission, met with our insurance carrier as well as the county administrator and participated in a storm related call conducted by Dominion Energy. Of special note – and thanks – to Councilmember Chowning for the historic tour.

I will detail some items from the above. Street (curb/gutter) cleaning will occur as it has in the past by VDOT in the Spring and prior to Oyster Festival. Pole replacement project involved meetings with Breezeline to discuss the same and view some trouble spots. The town will be involved in addressing one location. There are a couple of old poles that can come down and will likely be down by end of February, but this project will not be quick fix. All food establishments have been asked in writing to keep trash dumpsters closed and secured to lessen the vultures' access to food.

I met with the Planning Commission and reviewed statutory authority and the Commission did initiate consideration of the short-term rental issue considering eliminating R1 by right uses by right in the B1 District, and eliminating language that requires residential units be associated with the business in the B1 uses by Special Use Permit.

I have received two proposals for solid waste service and am hoping for a third. Ideally, I will bring forward a comparison to your work session.

In order to complete the purchase of the current town offices, staff has worked with bond counsel through town counsel and has taken the liberty to begin advertisement (attached) for the required public hearings.

At this time, staff requests permission to move forward with an advertisement for a Street Sign Ordinance (attached) provided it is found compliant to the county code.

I am attempting to schedule meetings to address pool operations. We have had some interest for lifeguard positions. I am also working on a revision to Census Tract Maps to reflect the recent Boundary Line Adjustment.

I will note, the Town Clerk has started course work through VCU to become a Certified Planning Commissioner. If you have any questions or concerns, please bring them forward.

Thank you.

# TOWN OF URBANNA

## NOTICE OF PUBLIC HEARING

### PROPOSED BOND ISSUE BY THE TOWN OF URBANNA

The Council of the Town of Urbanna will hold a public hearing on the proposed issuance of a bond or note by the Town pursuant to Virginia Code Section 15.2-2606 of the Public Finance Act. The estimated maximum amount of the bond or note is \$1,020,000. The proposed use of the proceeds of the bond or note is to pay costs of acquiring real property located at 390 Virginia Street, Urbanna, Virginia. The public hearing which may be continued or adjourned, and at which persons may appear and present their views on the proposed bond issue, will be held at 6:00 p.m., or as soon thereafter as the matter may be heard, on February 22, 2024, before the Council in the Town Council Chambers, 390 Virginia Street, Suite B, Urbanna, Virginia.

# TOWN OF URBANNA

## NOTICE OF PUBLIC HEARING

### PUBLIC HEARING ON DISPOSAL OF PROPERTY

Pursuant to Sections 15.2-1800(B) and 15.2-1813 of the Code of Virginia, 1950, as amended, the Council of the Town of Urbanna, Virginia, will hold a public hearing in order to hear public comment on the following matter: The Town proposes to acquire the real property located at 390 Virginia Street, Urbanna, Virginia, Tax Map No. 20-26 (the "Property") and grant a deed of trust on the Property for the benefit of the seller to secure payment of a deferred purchase-money bond or note in the maximum principal amount of \$1,020,000 and interest thereon at the per annum rate of 5%, payable over fifteen years.

The public hearing which may be continued or adjourned, and at which persons may appear and present their views on the matter, will be held at 6:00 p.m., or as soon thereafter as the matter may be heard, on February 22, 2024, before the Council in the Town Council Chambers, 390 Virginia Street, Suite B, Urbanna, Virginia.

02.15.24



## **ARTICLE \_\_\_\_ . ROAD NAMES, SIGNS AND BUILDING NUMBERS**

### **Sec. \_\_\_\_ . Road name index.**

The Town road name index to be adopted and filed in the office of the Town Administrator shall be the official listing of names for streets and roads in the Town and such streets and roads are hereby assigned the names listed therein. As used in the article, the terms "street" and "road" shall have the same meaning and shall also include avenues, boulevards, highways, lanes, ways, and similar street type.

### **Sec. \_\_\_\_ . Assignment of road and street names.**

The Urbanna Town Council or its duly authorized agent as may be appointed, shall have the authority to assign names to any public or private road or street in the Town which provides access to three or more occupied buildings.

### **Sec. \_\_\_\_ . Negotiating street name changes.**

The Town Administrator, or his duly authorized agent, is hereby authorized to negotiate with residents along streets or roads bearing duplicate or confusingly similar names in the Town. The changing of the names of such roads or streets to eliminate such duplications shall reside with the Town Council or its duly authorized agent as may be appointed.

### **Sec. \_\_\_\_ . Conditions for street name assignment.**

No street or road within the Town shall be assigned a name on a subdivision plat or otherwise until such name is registered with the Town Administrator, or his duly authorized agent, approved, and added to the Town road name index. The Town Administrator, with the concurrence of the Town Council, shall have authority to refuse registration of any name already in use, confusingly similar to a name already registered, or deemed confusing for purposes of emergency response.

### **Sec. \_\_\_\_ . Conditions for name implementation.**

No street or road name currently shown on a subdivision plat filed with the Town or otherwise shall be implemented by a subdivision owner until such name has been registered with the Town Administrator or his duly authorized agent, approved and added to the Town road name index; provided, however, that this section shall not apply to any road or street presently constructed on which street signs have been placed prior to the effective date of the ordinance from which this article is derived. The Town Administrator, with the concurrence of the Town Council, shall have the right to refuse registration of any name already in use, confusingly similar to a name already registered, or deemed confusing for purposes of emergency response.

### **Sec. \_\_\_\_ . Requirement for new street name signs.**

- a) All new street signs erected within the Town shall be in conformance with the specifications of this section, unless a variance is granted by the Virginia Department of Transportation (VDOT) or the Town Council. Street name signs for use on primary routes and collector secondary roads shall have a minimum height of nine inches, a minimum width of 30 inches and a maximum width of 48 inches. Widths greater than 48 inches may be allowed in special cases upon approval of the VDOT district traffic engineer. The standard letter height shall be six-inch Series C letters for the street name. The standard letter height of the suffix and prefix (if any) shall be three-inch Series C letters. Non-standard letter height may be allowed in special cases upon approval of the VDOT district traffic engineer. A blank space at least 2.50 inches high and 12 inches wide shall be provided in the lower righthand corner of the sign to accommodate a decal containing the appropriate route number. VDOT shall be responsible for the fabrication and installation of the decal, which shall be white with a black legend consisting of two-inch letters/numerals and may be non-reflectORIZED.
- b) Name signs for use on local secondary roads, subdivision streets and private roads assigned names under this article shall have a minimum height of six inches, a minimum width of 24 inches and a maximum width of 42 inches. Widths greater than 42 inches may be allowed in special cases upon approval of the VDOT

district traffic engineer. The standard letter height shall be four-inch Series C letters for the street name. The standard letter height of the suffix and prefix (if any) shall be two-inch Series C letters. Non-standard letter heights may be allowed in special cases upon approval from the VDOT district traffic engineer. A blank space at least 1.25 inches high and eight inches wide shall be provided in the lower right-hand corner of the sign to accommodate a decal containing the appropriate route number. VDOT shall be responsible for the fabrication and installation of the decal, which shall be white with a black legend consisting of one-inch letters/numerals and may be non-reflectorized.

All street name signs in the Town shall be fabricated with high intensity reflectorized sign sheeting. All sign text and numerals shall be white and the background of all signs shall be green. Signs at intersections of all public and private roads assigned names under this article shall be mounted atop galvanized metal posts with the signs appearing at a height of not less than seven feet above grade.

#### **Sec. \_\_\_\_.** Placement of signs.

The Town Administrator for the Town of Urbanna is hereby authorized to direct the placement of street signs at intersections within the Town, the initial costs of such signs to be appropriated from 911 telephone taxes as approved by the Town Council.

#### **Sec. \_\_\_\_.** Requirements for subdivision owners.

The owner of any subdivision or other development shall erect or cause to be erected street signs in conformance with this article at any and all intersections within such subdivision or development upon the construction of any street on or after the effective date of the ordinance from which this article is derived. Where any subdivision owner is currently required to erect street signs but has failed to do so, the future erection of street signs shall be in conformance with this article.

#### **Sec. \_\_\_\_.** Reference to uniform numbering system.

All properties or parcels of land within the Town shall hereafter be identified by reference to a uniform numbering system, as shown on maps filed in the office of the Town Administrator. Said maps and the explanatory matter thereon are hereby adopted and made a part of this article.

#### **Sec. \_\_\_\_.** Numbers assigned to all houses and buildings.

A house or building number shall be assigned to each dwelling or other building in the Town. The combination of such numbers and the road or street name shall be the official address of such dwelling or building. Such location shall serve as the official mailing address for postal patrons receiving home or rural delivery.

#### **Sec. \_\_\_\_.** Placement of numbers on buildings.

- a) When each house or building has been assigned its respective numerical street address, the owner, occupant, or agent shall place or cause to be placed upon each house or building controlled by him the number or numbers assigned under the uniform numbering system. The number or numbers shall be placed in accordance with the provisions as are herein contained. Such numbers shall be placed on existing buildings within 60 days of notification of the assigned address.
- b) Numerical street addresses shall be placed on new buildings prior to the issuance of a certificate of occupancy for the structure by the building official. Such addresses shall be placed in accordance with the provisions as contained herein. The cost of posting the address shall be the responsibility of the property owner.

#### **Sec. \_\_\_\_.** Number requirements for residences.

Street address numbers for residences shall be at least three inches in height and shall be made of a durable and clearly visible material. The numbers shall be conspicuously placed on, above, or at the side of the main entrance so that the number is discernible from the street. Whenever a residence is more than 75 feet from the street, or when the entrance is not visible from the street, the number shall be placed along a walk, driveway, or other suitable

location so that the address number is discernable from of street signs the street. Street address numbers shall be of a contrasting color to the background on which they are mounted.

**Sec. \_\_\_\_ . Numbers for commercial and industrial structures.**

Street address numbers for commercial and industrial structures shall be at least four inches in height if located within 75 feet of a roadway or at least ten inches in height if located greater than 75 feet from the street. The number shall be placed above or on the main entrance to the structure when possible. If such number is not visible from the street, the number shall be placed along a driveway or on a sign visible from the street.

**Sec. \_\_\_\_ . Placement of address numbers.**

Apartments and similar complexes assigned a single building number shall display address numbers on each assigned structure using numbers having a minimum height of eight inches. Trailer parks and similar complexes assigned a single building number shall display the assigned number at the main entranceway using numbers having a minimum height of eight inches. Numbers or letters for individual apartments, trailers, or units within these complexes shall be displayed on, above, or to the side of the main doorway of each apartment, trailer, or unit, and shall be at least three inches in height.

**Sec. \_\_\_\_ . Property owner duties.**

Whenever any house, building, or structure shall be erected or located after the initial establishment of the uniform numbering system as provided herein, it shall be the duty of the property owner to procure the correct number or numbers for the said property and to affix said numbers to said building in accordance with this article. An application for a building permit for a new building shall be considered an application for an address assignment. The building official shall coordinate the application with the designated agent of the Town Administrator responsible for the assignment of addresses, and forward the assigned address to the applicant not later than 60 days following issuance of said permit. The applicant shall be required to furnish such measurements in relation to other properties or intersections as shall be deemed necessary for assignment of a valid address.

**Sec. \_\_\_\_ . Authority to make minor adjustments.**

In applying the guidelines specified herein, the Town Administrator, or his authorized agent, shall have the authority to make minor adjustments and modifications to ensure a logical and efficient street address system.

**Sec. \_\_\_\_ . Notice of violation.**

Whenever the Town Administrator, or his authorized agent, has reason to believe there has been or there exists a violation of this article, he shall give written notice of such violation to the person failing to comply, and order said person to take corrective measures within 30 days from the date of notification. If such person fails to comply with the duly issued order, the Town Administrator, or his agent, shall initiate necessary actions to terminate the violation through criminal or civil measures.

**Sec. \_\_\_\_ . Penalty.**

Any violation of this article shall constitute a Class 4 misdemeanor. Subsequent to the 30-day period violation through criminal or civil measures.





**Agenda Item Summary  
February 8, 2024**

**Agenda Item: 9a-** Bad check fee ordinance; proposed increase.

**Background:** At present, there is an ordinance for the Town to collect fees for checks returned for insufficient funds (2-5.1 attached), but it sets a fee well below that allowed by the Code of Virginia. Per the Code of Virginia:

***§ 15.2-106. Ordinances providing fee for passing bad checks to localities.***

*Any locality may by ordinance provide for a fee, not exceeding \$50, for the uttering, publishing or passing of any check, draft, or order for payment of taxes or any other sums due, which is subsequently returned for insufficient funds or because there is no account or the account has been closed, or because such check, draft, or order was returned because of a stop-payment order placed in bad faith on the check, draft, or order by the drawer.*

Council authorized staff to conduct a public hearing on the matter in the closing months of 2023 and that hearing was held on January 25, 2024 with no public comment. As noted at that time a public hearing is required to increase any fee when not included in the adoption of the annual budget as is a period of time between public hearing and action on the matter. That intervening time period has been met.

**Fiscal Impact:** Would be more favorable than having to absorb bank fees and staff time which exceed the current penalty of \$20.

**Staff Recommendation:** Adopt the proposed verbiage below:

***2-5.1 - Bad Checks***

*There shall be a fee of \$ 50 for the uttering, publishing or passing of any check or draft for payment of taxes, or any other sums due the Town, which is subsequently returned to the Town for insufficient funds or because there is no account or the account has been closed. Such fee shall be collected by the Town Treasurer and be credited to the general fund of the Town.*

**Council Action Requested:** Adopt to avoid costs to all town residents from having to absorb bank fees and staff time.

**Sample Motion:**

I move to adopt Ordinance Number 2024-01 to increase the bad check fee from \$20 to \$50 with monies collected to be credited to the general fund.

An alternative motion can include an amount less than \$50, but no higher than \$50.



**Agenda Item Summary  
February 8, 2024**

**Agenda Item: 10a-Lewis & Clark Circus contract**

**Background:** Staff understands a circus was held last year and was very well received and provided some revenue for the town. Staff received – unsolicited – an inquiry of interest from the same entity (Lewis and Clark Circus) and brings forward a contract with essentially the same terms as last year; two shows (5 and 7 pm) on two days April 24 and 25 (Wednesday and Thursday) at Tabor Park. Some clarification as to hold harmless and provision of water was needed and the town’s legal counsel has reviewed and finds the contract acceptable.

**Fiscal Impact:** To be determined, but likely more than last year’s event which garnered approximately \$2,400. Water usage was minimal.

**Staff Recommendation:** Enter into the contract with Lewis and Clark Circus before you this evening.

**Council Action Requested:** Authorize the Town Administrator to execute the contract with Lewis and Clark Circus before you this evening.

**Sample Motion:**

I move to authorize the Town Administrator to execute the contract with Lewis and Clark Circus before us this evening thus permitting a circus to be held at 5 and 7 pm on April 24 and 25, 2024 at Tabor Park.

**\*\*\* LEWIS AND CLARK CIRCUS \*\*\***  
**A GREAT AMERICAN FAMILY CIRCUS**  
**PO BOX 808– Liberty, SC 29657 PHONE: 864-419-9249, 864-617-3976**

**SPONSOR'S AGREEMENT.**

This agreement entered into by and between Lewis & Clark Circus (hereinafter referred to as Circus) and Town of Urbanna (hereinafter referred to as Sponsor) on xx/xx/2024

Hold Harmless Agreement for the property owner. The Circus agrees to protect, indemnify, and hold the Town of Urbanna harmless from any and all claims of loss, damage, liabilities, or expense whatsoever, either directly or indirectly, except any loss, damage injury, or other claim arising from Town of Urbanna gross negligence or intentional act.

**Circus Agrees to:**

1. A complete circus performance including equipment and personnel.
2. Maintain liability insurance covering Sponsor and property owner.
3. Furnish all advertising materials and tickets.
4. To leave the grounds clean.

**Sponsor Agrees to:**

1. Provide a show venue at 425 Bonner St in Tabor Park.
2. Obtain all local permits for Circus if any are required.
3. Furnish a water spigot adequate to Circus needs. (A spigot to connect a water)
4. Not sell concession.

**The Sponsor Will Share in Ticket Sales as Follows:**

1. 25% of the first \$1,500.00(100 tickets) and 40% thereafter of all advance tickets sold prior to 12:00 pm on Circus day. All unsold tickets will be returned to the Circus before 12:00 pm (noon) on the day of the show.
2. 10% of General admission tickets sold at the Circus Box office on Circus Day and 10% of online tickets sold through the Circus' website.

**Ticket Prices:**

Advance Tickets: Adults: \$15 Kids: 1 child free (12 and under) will be admitted with each adult ticket. Additional child is \$9  
Online Tickets: Adults: First 100 - \$15.99, then \$19.99 Kid: 1 kid free with each paid adult and any after \$8.99 Day of Circus:  
Adults: \$25 Kids: 1 child free (12 and under) will be admitted with each adult ticket. Additional child is \$15

Town: Urbanna, VA Location

ph. address: 425 Bonner St Date of

Event: April 24-25, 2024

Show Times: Wed and Thurs@ 5:00 and 7:30

Advertise as: Tabor Park

Sponsor Representative

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Sponsor

Name: Town of Urbanna

Address: (mailing) PO Box 179 Urbanna, VA 20175/ (physical) 390 Virginia St, Suite B Urbanna, VA 20175

Phone/email: 804.758.2613 t.costin@urbannava.gov

Contact Person on the day of Circus (name and phone): Ted Costin 804.238.1051

Lewis & Clark Circus Representative:   

Olena Reis 864-617-3976 864-419-9249 cell

On day of Circus: Vandeir – (863)-521-8703





## **Agenda Item Summary February 8, 2024**

### **Agenda Item: 10b-Contract for Fireworks**

**Background:** Staff understands a July 4<sup>th</sup> themed fireworks show was held last year and was very well received. Staff followed up on a seasonal communication from last year's vendor with no success. A clearing house as well as known companies were approached with response coming from Francisco Display Fireworks, LLC to the point we have a proposed contract. This would be for a 20-minute fireworks display launching over 800 shells of various sizes on Friday, June 28. The town's legal counsel has reviewed and finds the contract acceptable. With your approval, town staff will undertake the necessary coordination with USCG, VMRC, and local/state first responders

**Fiscal Impact:** \$14,860 across current and next Fiscal Year budgets.

**Staff Recommendation:** Enter into the contract with Francisco Display Fireworks, LLC before you this evening.

**Council Action Requested:** Authorize the Town Administrator to execute the contract with Francisco Display Fireworks, LLC before you this evening.

**Sample Motion:** I move to authorize the Town Administrator to execute the contract with Francisco Display Fireworks, LLC before us this evening thus permitting a July 4<sup>th</sup> themed fireworks show on June 28 in and about the town's marina.



## Contract for Fireworks Display

<b>Event:</b> <u>Town of Urbanna July 4th Celebration</u>	Francisco Display Fireworks, LLC
at: <u>Rosegill</u>	2018 Clays Mill School Road
on: <u>6/28/2024</u>	Scottsburg, Va. 24589
	434-579-7291
	www.franciscodisplayfireworks.com
<b>Event Party:</b>	<b>Property Owner:</b>
Name: <u>Town of Urbanna</u>	Name: <u>Rosegill Farm LLC</u>
Address: <u>PO Box 179</u>	Address: <u>2561 Perkinsville Road</u>
City, State, Zip: <u>Urbanna, Va. 23175</u>	City, State, Zip: <u>Maidens, Va. 23102</u>
Phone: <u>804-758-2613</u>	Phone: <u>804-815-4670</u>

Francisco Display Fireworks, LLC: D. Ryan Francisco

### Indemnification for Francisco Display Fireworks, LLC Fireworks Display

This contract for indemnification for display of fireworks at the above referenced Event display is made this 1st day of February, 2024 by and between Francisco Display Fireworks, LLC (Hereinafter called "FDF"),

and: Rosegill Farm LLC (hereinafter called "Property Owner"),

and: Town of Urbanna (hereinafter called "Event Party").

These parties agree to the following:

### Recitals

Whereas FDF desires to provide a display of fireworks at an event of Event Party to be

held the on the 28th day of June, 2024

at: 1824 Urbanna Road, Saluda, Va. 23149 (address of display site)

and,

Whereas FDF is an organization who maintains its offices at 2018 Clays Mill School Road, Scottsburg, Va. 24589, and,



Whereas Event Party desires FDF to provide Event Party with a display(s) on the above date, and,

Whereas Event Party and Property Owner desire to be protected from any harm, damages, losses and annoyance caused by the acts or lack of action by FDF in relations to the fireworks display(s); and,

Whereas FDF desires to be responsible for any harm, damage, losses, or annoyance caused by its acts or lack of action, Therefore:

## **Terms and Conditions**

### **I. Definitions**

Indemnification: Means compensation for actual loss or damage.

Fireworks Display(s): means an entertainment feature(s) where the public or a private group is admitted or permitted to view the display or discharge of either display fireworks, consumer fireworks, proximate or theatrical fireworks or any combination thereof.

Display site: The place where the fireworks display will be held.

Property owner: The owner or other responsible party of the property where the display will be held.

AHJ - Authority Having Jurisdiction

FDF and Event Party agree and contract that the following outlined duties and responsibilities shall be performed by the parties indicated:

### **II. FDF Duties and Responsibilities:**

- 1) Obtain a certificate of insurance in the minimum amount of \$1,000,000.00 for the display(s).
  - a) FDF shall be listed as the insured and will be insured against any and all liability deriving from the display(s), including but not limited to set up, performance, tear down, and clean up.
  - b) The Property Owner and the Event Party shall be listed as an additional insured and will be indemnified against any and all liability deriving from the display(s), including but not limited to set up, performance, tear down, and clean up, to the extent of the insurance.
  - c) FDF shall indemnify and hold harmless the Event Party, the Property Owner, and their members, managers, officers, employees, agents, and representatives, from and against any and all losses caused by, relating to, or in connection with the Fireworks Display.
  - d) The insurance certificate shall be obtained by FDF at least thirty days prior to the display.
- 2) All personnel of FDF present at the display site and working on or assisting in any aspect of the display(s) must have appropriate credentials as determined and issued by FDF.
  - a) The credentials issued will classify the personnel as a FDF crewmember, or other, as designated by FDF and limitation of privileges and property access specific to said credentials shall be at the sole determination of FDF.
  - b) All personnel shall sign the general waiver personally indemnifying FDF prior to obtaining credentials.
  - c) All personnel shall wear/display FDF credentials at ALL times when at the display site.
  - d) FDF shall patrol the setup area, display area, discharge area and evict any person not wearing/displaying FDF credentials.
- 3) The display site must be cleaned up within a timeframe established by the Property Owner. Unless otherwise directed and unless specific permission is granted by the Property Owner, the site shall be completely cleaned up by 12:00 PM on the second day following the display, weather permitting.





- a) Failure to clean up the display site in an adequate and timely fashion will result in forfeiture of up to 15% of the package price to the Property Owner.
- b) FDF shall be the sole person able to determine if the clean-up meets the requirements of FDF as specified in this contract.

4) This contract must be executed within 45 days of any oral agreements between FDF, Property Owner, and Event Party. Failure to do so will void any and all obligations made by FDF to Event Party and/or Property Owner.

5) Cancellation of the fireworks display(s), stipulated in this contract, by Event Party or Property Owner less than 180 days prior to the display date shall result in liquidated damages of any deposit paid to FDF.

### **III. Property Owner Duties and Responsibilities**

In consideration thereof, Property Owner agrees to designate a clear area for the fireworks display consistent with the regulations contained in NFPA 1123 Code for Fireworks Display, Ed. 2010, and communicate it to FDF at least 1 week prior to the event.

- 1) Property Owner understands that the insurance obtained provides Property Owner with coverage only for accidents caused by FDF's negligence.
- 2) Property Owner agrees to allow truck and fire pumper access to the display area on the day of the display, and truck access the day allocated for clean-up.
- 3) If available within a reasonable distance to the display site, Property Owner agrees to allow FDF access to water for fire prevention.
- 4) Property Owner agrees to remove egregious amounts of dried grasses, hay and other material from the display site that might cause a fire hazard, as determined by FDF and Property Owner
- 5) Property Owner agrees to have a responsible person at the display site during the display, and is responsible for crowd control before, during and after the display. (State law.)

### **IV. Event Party Duties and Responsibilities:**

- 1) Event Party understands that the insurance obtained provides Event Party with coverage only for accidents caused by FDF's negligence.
- 2) Event Party agrees to compensate FDF for any increases in permit and license costs mandated by AHJ.
- 3) In consideration of the fully adhered to and completed above stated conditions, Event Party agrees to pay FDF the sum specified on the attached Price sheet (the contract price) for a display to be performed on the Display Date specified above. A non-refundable deposit of 50% of the total sum is due to FDF upon signing this contract. The remainder is due 10 days before the display.
- 4) The parties agree to cheerful cooperation and communication for the best possible result within the definition of this assignment. The material used in the display is at the sole discretion of FDF. FDF will not be held accountable for not providing specific types of fireworks or colors in the material. FDF is not responsible if key individuals fail to appear at the appointed time for the display or fail to cooperate during the event, or for anyone missing any part, or all, of the display.

### **V. Miscellaneous**

- 1) Parties agree that any litigation arising from this contract shall be brought to a mutually agreed-upon arbitrator within the State of Virginia and that the finding of the arbitrator shall be binding and control any and all claims, disputes, litigation, and interpretation related to this contract.



2) Danny “Ryan” Francisco is the sole owner of FDF and only company’s possessor of a Certificate of Pyrotechnician for the State of Virginia and North Carolina. Should Mr. Francisco be incapacitated to the point of being unable to attend/direct the display, and a suitable Certified Pyrotechnician cannot put on the display, this contract is null and void.

3) In the event of inclement weather, the display will be rescheduled. There will be a postponement fee of Fifteen percent (15%) of the total contract price if the display has left the warehouse. If the Sponsor notified FDF of postponement prior to display leaving warehouse, the postponement fee will be Five (5%) of the total contract price but no less than TWO HUNDRED AND FIFTY DOLLARS (\$250.00). In the event of a cancellation of the display, there will be a cancellation fee of Twenty-five percent (25%) of the total contract price.

4) In the event of excessive safety risks and factors, extraordinary circumstances or inclement weather which may cause the start of the display to be altered from the agreed upon time, every effort will be made by FDF to perform the display at the Sponsor’s request. Once the display has been setup and the fireworks loaded, only FDF and/or the Authority Having Jurisdiction shall have the right to advance or delay the start of the display or cancel it if it is deemed necessary. Demands for cancellation by the Sponsor once the display is ready for firing will result in One Hundred percent (100%) of the contract amount invoiced.

5) FDF reserves the right to terminate the display being exhibited by FDF in the event persons, vehicles, or animals enter the secured safety zone and security is unable or unwilling to remove them and enforce the safety regulations.

4) Any amendments, changes, or modifications to the terms specified by this contract shall be reduced to writing and signed by the parties before said changes are binding upon the parties.

Event Party: \_\_\_\_\_ Date: \_\_\_\_\_

Printed name: \_\_\_\_\_

Property Owner: \_\_\_\_\_ Date: \_\_\_\_\_

Printed name: \_\_\_\_\_

FDF:  \_\_\_\_\_ Date: 2/1/2024

Danny Ryan Francisco, Owner

**Mail with initialed price sheet and deposit made payable to “Francisco Display Fireworks” to:  
Ryan Francisco, Francisco Display Fireworks, LLC, 2018 Clays Mill School Road, Scottsburg, Va. 24589  
Phone: (434) 579-7291**



Price Sheet and Conditions of the Display for : \_\_\_\_\_

Display Date: \_\_\_\_\_ Display Venue: \_\_\_\_\_

Package Price: \$ \_\_\_\_\_

Insurance: \$ \_\_\_\_\_

Venue Fee: \$ \_\_\_\_\_

Transportation Fee: \$ \_\_\_\_\_

License & permits: \$ \_\_\_\_\_

Fire & Rescue truck: \$ \_\_\_\_\_

Overnight accommodations: \$ \_\_\_\_\_

Extras: \$ \_\_\_\_\_

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Subtotal: \$ \_\_\_\_\_

Mult. Show Discount \$ \_\_\_\_\_

Site Visit Credit \$ \_\_\_\_\_

Total Contract Price: \$ \_\_\_\_\_

Less Deposit (50%) \$ \_\_\_\_\_

Remaining balance due 10 DAYS before Display Date: \$ \_\_\_\_\_

*Note: In the event of inclement weather, the display will be rescheduled. There will be a postponement fee of Fifteen percent (15%) of the total contract price if the display has left the warehouse. If the Sponsor notified FDF of postponement prior to display leaving warehouse, the postponement fee will be Five (5%) of the total contract price but no less than TWO HUNDRED AND FIFTY DOLLARS (\$250.00). In the event of a cancellation of the display, there will be a cancellation fee of Twenty-five percent (25%) of the total contract price.*

Client Initialed: \_\_\_\_\_

Make check to Francisco Display Fireworks, LLC  
Return with contract to: Ryan Francisco, 2018 Clays Mill School Road, Scottsburg,  
Va. 24589

