



**Urbanna Town Council
Monthly Meeting
AGENDA
Town Council Chambers
390 Virginia St., Suite B
Thursday, March 14, 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
 - b. Street Sign Ordinance
10. New Business
11. Public Comment
12. Announcements
13. Adjourn



Agenda Item Summary
March 14, 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
March 14, 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 and December 14, 2023 meetings.

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**

001

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

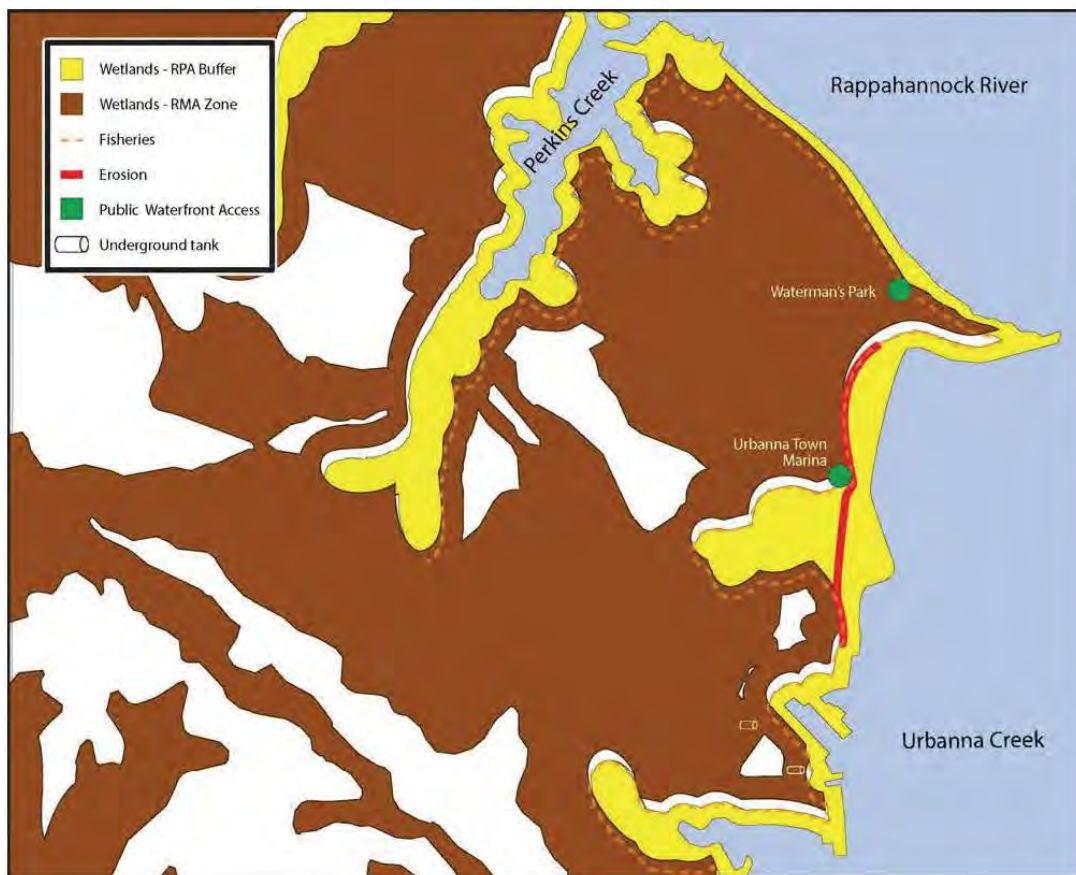
In addition to the RPA and RMA, the Town has designated an Intensely Developed Area (IDA) as an overlay district along the southern shoreline of Urbanna Creek. This IDA includes marinas and boat service facilities as well as the industrial uses of the area. The IDA signifies that it has

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 are in the Town ranges 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.

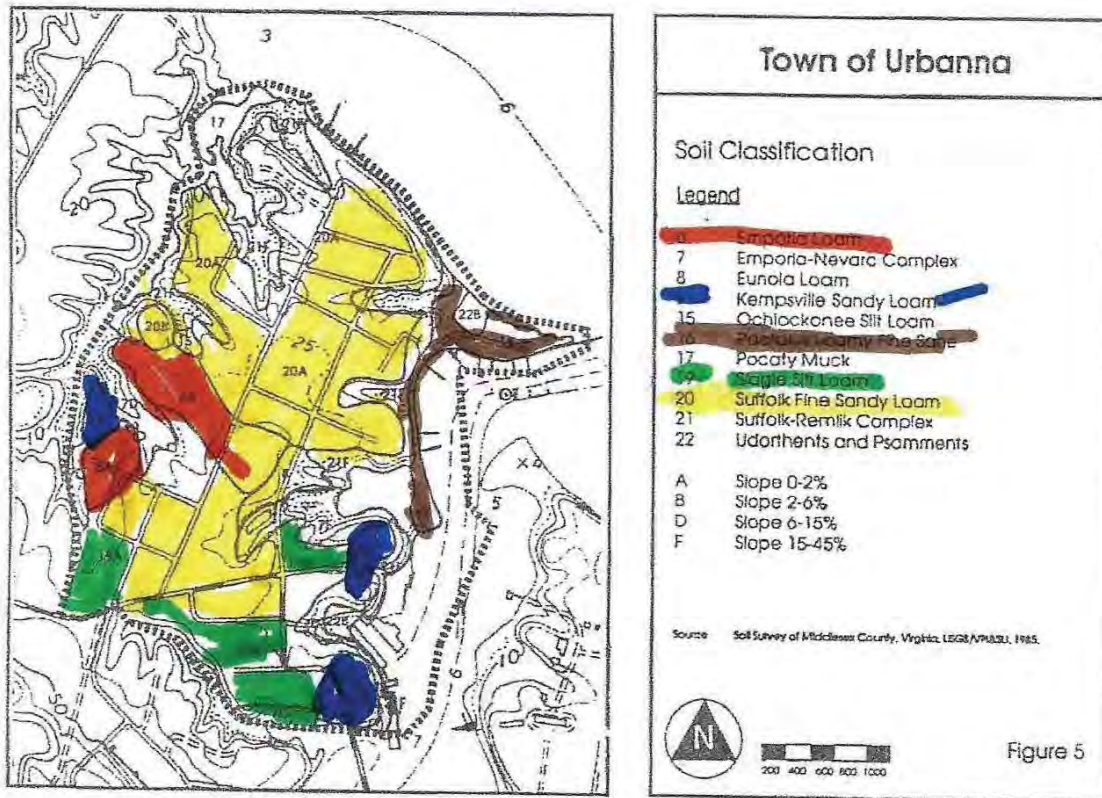
Development is restricted from the floodway and discouraged from the floodplain. Sensitive soils create a development constraint. The Town's Chesapeake Bay Preservation Area Overlay District included highly erodible and highly permeable soils as part of the Resource Management Area. The Virginia Tech 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

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.

l. 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 10/31/2023	Prior Year 10/31/22	Prior Month 9/30/23	Statement Date 10/31/23
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)	10/31/22	9/30/23	10/31/23
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
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
Fund Total		4520.69	3970.51	3693.25	1955.01	0.00	0.00	0.00	0.00	0.00	0.00
Grand Total	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
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
Fund Total		25538.77	18916.41	17037.21	14135.62	0.00	0.00	0.00	0.00	0.00	0.00
Grand Total	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
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
Fund Total		6051.18	54319.81	20768.56	52703.73	0.00	0.00	0.00	0.00	0.00	0.00
Grand Total	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 20th
 - 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 5th
 - 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 20th

Ms. Hutton also updated Council on the day-long festivities planned for Saturday, December 2nd, 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 16th

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 250th 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 250th 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 250th 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 16th 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

**Town of Urbanna
Town Council
Monthly Meeting
Council Chambers-390 Virginia St. Suite B
December 14, 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-arrived at 6:14pm

Other Attendees

Ted Costin-Town Administrator
Roy Kime-Zoning Administrator
Andrea Erard-Town Attorney-via Zoom
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 Hanson seconded

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

Motion passed 6-0

REPORTS

Mayor

Mayor Goldsmith reported:

- He thanked Michele & Steve Hutton and Maribel Kimbel for their efforts in making the December 2nd town events successful. He also presented Jim & Sandy Hayes, Councilmember Marjorie Austin, Councilmember Beth Justice, and Councilmember Merri Hanson for their support and participation.
- Roy Kime turned over the documentation, signifying the completion of pool construction, to the Pool Committee.
- Pool has been winterized and next steps are being taken to prepare for opening on Memorial Day.
- Angela Walton has been contacted regarding rebuilding the swim team.
- Pool procedures and rules are being developed.
- Mayor Goldsmith thanked Krisit Anzivino, Barbara Hartley, Sue Warner, Marnie Harte, Garth Wheeler, and Roy Kime for seeing the pool project through.
- The first Town Council meeting in January 2024 will be an organizational meeting to fill committee positions and set the meeting schedule for the year.
- Volunteers are still needed to serve on committees.

- Mayor Goldsmith introduced the new Town Administrator, Ted Costin.

Town Administrator

Mr. Costin thanked everyone for the warm reception and reported the following:

- He has met with the Pool Committee, reached out to the Planning District Commission (PDC), and met with the County Administrator.
- He is familiarizing himself with topical files and processes, has reviewed two pending zoning requests, and reviewed other upcoming issues and contracts.

Treasurer

Michele Hutton presented the Treasurer’s Report for November 2023



Treasurer’s Report

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

Account Balance thru 11/30/2023	Prior Year 11/30/22	Prior Month 10/31/23	Statement Date 11/30/23
Primis Bank General Operating Bank Account	750,713.55	966,323.38	957,916.63
Renter Water Deposits	-16,551.66	-16,326.66	-16,326.66
Net Operating General Bank Account	733,717.58	962,032.45	930,523.60
C & F Bank Pool Replacement Account (new 2/28/23)	(Truist) 94,768.04	209,434.41	Closed 11/1/23
C&F Bank Historic Trust (new 3/1/2023)	(Truist) 30,646.43	44,641.78	46,315.99
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	Closed 10/18 -\$250.00	n/a
Primis Bank Water Fund Reserve	114,396.58	115,239.34	115,315.11
Primis Bank General Fund Reserve	94,963.55	95,400.25	95,439.46
Primis Bank Cares Local Recovery	475,383.52	239,350.30	239,507.68
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Taxes listed below are collected for prior month(s)	11/30/22	10/31/23	11/30/23
Meals Tax collected in November	9,883.46	14,135.62	15,123.86
Lodging Tax collected in November	3,711.39	1,955.01	2,909.03
Cigarette Tax collected in November	1,485.88	\$640.53	1,351.82

EXPENDITURES:

- \$349,945.16 – pool completion
- \$23,200 – Reimburse Oyster Fest for security /business license
- \$15,000 to Urbanna Fire Dept / Fire Grant

REVENUE as of 11/30/2023

Notes:

- 11/2/2023 Closing withdrawal pool replacement account = \$211,261.00 and w/total interest received = \$13,736.87

December 12, 2023
10:25 AM

Lodging Tax

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: 12/12/23
Subtotal CAFR: No

Account No	Description	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr
100-12100-0001	Lodging Tax	4520.69	3970.51	3693.25	1955.01	2909.03	476.32	0.00	0.00	0.00	0.00
Total		17524.81									
Fund Total		17524.81	4520.69	3970.51	3693.25	2909.03	476.32	0.00	0.00	0.00	0.00
Grand Total	Count: 1	17524.81	4520.69	3970.51	3693.25	2909.03	476.32	0.00	0.00	0.00	0.00

December 12, 2023
10:23 AM

Meals Tax

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: 12/12/23
Subtotal CAFR: No

Account No	Description	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr
100-12110-0001	Meals Tax - Local	25538.77	18916.41	17037.21	14135.62	15123.86	666.11	0.00	0.00	0.00	0.00
Total		91417.98									
Fund Total		91417.98	25538.77	18916.41	17037.21	15123.86	666.11	0.00	0.00	0.00	0.00
Grand Total	Count: 1	91417.98	25538.77	18916.41	17037.21	15123.86	666.11	0.00	0.00	0.00	0.00

Water Sales

December 12, 2023
10:27 AM

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: 12/12/23
Subtotal CAFR: No

Account No	Description	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr
500-17010-0001	Water Sales Charges	6051.18	54319.81	20768.56	52703.73	14894.81	0.00	0.00	0.00	0.00	0.00
Total		148738.09									
Fund Total		148738.09	6051.18	54319.81	20768.56	14894.81	0.00	0.00	0.00	0.00	0.00
Grand Total	Count: 1	148738.09	6051.18	54319.81	20768.56	14894.81	0.00	0.00	0.00	0.00	0.00

To date the following has been collected:

- 99% of real estate tax
- 75% of personal property tax
- \$11,400-Oyster Festival meals tax revenue (due date 12/20/2023)

Pool Replacement account has earned \$13,736 in interest in 7 months since being moved

Project Funding Committee

Mayor Goldsmith gave an overview of the current status of pool fundraising.

Councilmember Sturgill reported the following:

- New \$30,000 donation pledge received
- \$131,343-Collected by UBI
- \$30,500-Outstanding pledges
- \$41,583-Collected by Town
- \$203,426-Total donations collected as of 12/14/2023

Water Committee

Mayor Goldsmith reported:

- Kimley-Horn working on bid requests for phase 2 of the well 6 project, which includes support structures and bringing well online.
- Random testing by Sydnor Hydro for lead and copper showed our water was well within necessary limits.
- Radon testing of new well is pending.

Planning Commission

Councilmember Hanson reported:

- Public hearings for the Special Use Permit (SUP) applications for Small Town Burger and to allow a miniature pony to be kept at 301 Kent Street. Both SUP applications were referred to Council for further consideration and public hearings.
- It was suggested for the public hearings to take place in January to give the public proper notice.
- The Commission held a celebration to thank Roy Kime for his service as Zoning Administrator.

Personnel Committee

Mayor Goldsmith announced Mr. Kime has tendered his resignation effective December 29, 2023, and read his letter of resignation.

Councilmember Austin made a motion to accept Mr. Kime's resignation effective December 29, 2023

Councilmember Sturgill seconded

Council thanked Mr. Kime for his contributions to the town.

Mayor Goldsmith told Council Mr. Kime has agreed to, as a resident of the town, he would continue to serve on committees.

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

Motion passed 7-0

PUBLIC COMMENT & PUBLIC COMMENT RESPONSE

There was no public comment

OLD BUSINESS

Councilmember Chowning commented on the positive contributions Paul Malone had made to the town during his time working with the museum and his efforts to educate others about the Mitchell Map.

NEW BUSINESS

Councilmember Austin made a motion to set the organizational meeting for the Urbanna Town Council on January 11 at 6:00pm in Council Chambers

Councilmember Hanson seconded

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

Motion passed 7-0

CLOSED MEETING

Andrea Erard, in response to an earlier inquiry, stated the motion to go into closed meeting is not required by law to be on the agenda.

Councilmember Austin made a motion to enter closed meeting pursuant to Code of Virginia §2.2-3711(A)(8) for the discussion with legal counsel regarding the state law requirements pertaining to the Board of Zoning Appeals and discussion of a specific contractual matter and pursuant to Code of Virginia §2.2-3711(A)(1) for the discussion or consideration of candidates for recommendation to the Circuit Court for appointment to the BZA

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 in open meeting and certify that only the matters that were identified in the motion to go into closed meeting were heard, discussed, or considered

Councilmember Chowning seconded

Austin, Chowning, Courtney, Hanson, Justice, Sturgill, and Goldsmith so certified.

Meeting went into open session.

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
March 14, 2024**

Agenda Item: 6-Reports

Town Administrator-Ted Costin (report attached)

Treasurer Report-Michele Hutton (report attached)

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

To: The Honorable Mayor and Members of the Town Council
From: P. S. T. (Ted) Costin, Administrator
Date: March 11, 2024
Subject: Monthly Report – March 2024

I met with citizens, council members, and professionals in various combinations regarding the FY 24-25 budget, water service, zoning concerns, road status, trolley service, Main Street, and attended the community planners meeting at the Middle Peninsula Planning District Commission's offices (was out of state during the local government administrators and public access meetings).

The Planning 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. However, recently passed legislation (see attached) in the Virginia General Assembly, if signed by the Governor, will remove localities' ability to regulate this use. It is best we let that process run its course before altering our ordinance.

Three proposals for trash collection service have been received. These were reviewed by the Finance Committee and follow-up questions are being addressed.

As to the purchase of the current town offices, staff has filed the required documents with the Circuit Court; a required step in the process to complete the purchase. The Town Attorney is coordinating with the sellers' attorney.

We received, this date, a proposal from a firm to assume all pool operations except concessions. That is under review in consideration of other potential users.

Our insurance assessment of the pool has been received and we are undertaking the steps to enhance safety issues they have identified, such as, but not limited to, the provision of electricity to the concession stand issue. As to the provision of electricity to the concession stand we have received a bid – awaiting more - to provide code compliant upgrades to that structure.

I have revised and submitted a revision to Census Tract Maps to reflect the recent Boundary Line Adjustment.

I have also read the bulk of the Town Code as currently posted on the town website as well as the Comprehensive Plan and reached out to VCU's Planning Department twice concerning interest in taking on that project. We received word that DEQ has accepted and found compliant the town's submission regarding Chesapeake Bay Protection efforts.

If you have any questions or concerns, please bring them forward.

Thank you.

VIRGINIA ACTS OF ASSEMBLY -- CHAPTER

An Act to amend and reenact § 15.2-983 of the Code of Virginia, relating to short-term rental property; special exceptions.

[S 544]
Approved

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-983 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-983. Creation of registry for short-term rental of property.

A. As used in this section:

"Operator" means the proprietor of any dwelling, lodging, or sleeping accommodations offered as a short-term rental, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other possessory capacity.

"Short-term rental" means the provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy.

B. 1. Notwithstanding any other provision of law, general or special, any locality may, by ordinance, establish a short-term rental registry and require operators within the locality to register annually. The registration shall be ministerial in nature and shall require the operator to provide (i) the complete name of the operator and (ii) the address of each property in the locality offered for short-term rental by the operator. A locality may charge a reasonable fee for such registration related to the actual costs of establishing and maintaining the registry.

2. No ordinance shall require a person to register pursuant to this section if such person is (i) licensed by the Real Estate Board or is a property owner who is represented by a real estate licensee; (ii) registered pursuant to the Virginia Real Estate Time-Share Act (§ 55.1-2200 et seq.); (iii) licensed or registered with the Department of Health, related to the provision of room or space for lodging; or (iv) licensed or registered with the locality, related to the rental or management of real property, including licensed real estate professionals, hotels, motels, campgrounds, and bed and breakfast establishments.

C. 1. If a locality adopts a registry ordinance pursuant to this section, such ordinance may include a penalty not to exceed \$500 per violation for an operator required to register who offers for short-term rental a property that is not registered with the locality. Such ordinance may provide that unless and until an operator pays the penalty and registers such property, the operator may not continue to offer such property for short-term rental. Upon repeated violations of a registry ordinance as it relates to a specific property, an operator may be prohibited from registering and offering that property for short-term rental.

2. Such ordinance may further provide that an operator required to register may be prohibited from offering a specific property for short-term rental in the locality upon multiple violations on more than three occasions of applicable state and local laws, ordinances, and regulations, as they relate to the short-term rental.

D. Notwithstanding any other provision of law, general or special, no local ordinance enacted after December 31, 2023, shall require that a special exception, special use, or conditional use permit be obtained for the use of a residential dwelling as a short-term rental where the dwelling unit is also legally occupied by the property owner as his primary residence.

E. Except as provided in this section, nothing herein shall be construed to prohibit, limit, or otherwise supersede existing local authority to regulate the short-term rental of property through general land use and zoning authority. Nothing in this section shall be construed to supersede or limit contracts or agreements between or among individuals or private entities related to the use of real property, including recorded declarations and covenants, the provisions of condominium instruments of a condominium created pursuant to the Virginia Condominium Act (§ 55.1-1900 et seq.), the declaration of a common interest community as defined in § 54.1-2345, the cooperative instruments of a cooperative created pursuant to the Virginia Real Estate

Cooperative Act (§ **55.1-2100** et seq.), or any declaration of a property owners' association created pursuant to the Property Owners' Association Act (§ **55.1-1800** et seq.).

2024 SESSION

SB 544 Short-term rental property; locality's ability to prohibit use of accessory dwelling unit.

Introduced by: [Lamont Bagby](#) | [all patrons](#) ... [notes](#) | [add to my profiles](#)

SUMMARY AS PASSED SENATE: (all summaries)

Short-term rental property; special exceptions. Prohibits a locality from barring the use of or requiring that a special exception, special use, or conditional use permit be obtained for the use of a residential dwelling as a short-term rental where the dwelling unit is also legally occupied by the property owner as his primary residence

FULL TEXT

01/10/24 Senate: Prefiled and ordered printed; offered 01/10/24 24104353D [pdf](#) | [impact statement](#)

02/05/24 Senate: Committee substitute printed 24105415D-S1 [pdf](#)

03/06/24 Senate: Bill text as passed Senate and House (SB544ER) [pdf](#)

AMENDMENTS

[House committee, floor amendments and substitutes offered](#)

[Senate committee, floor amendments and substitutes offered](#)

[House amendments adopted](#)

[House amendments engrossed](#)

HISTORY

01/10/24 Senate: Prefiled and ordered printed; offered 01/10/24 24104353D

01/10/24 Senate: Referred to Committee on Local Government

02/05/24 Senate: Reported from Local Government with substitute (11-Y 4-N)

02/05/24 Senate: Committee substitute printed 24105415D-S1

02/06/24 Senate: Constitutional reading dispensed (39-Y 0-N)

02/07/24 Senate: Read second time

02/07/24 Senate: Reading of substitute waived

02/07/24 Senate: Committee substitute agreed to 24105415D-S1

02/07/24 Senate: Engrossed by Senate - committee substitute SB544S1

02/08/24 Senate: Passed by for the day

02/09/24 Senate: Read third time and passed Senate (25-Y 15-N)

02/15/24 House: Placed on Calendar

02/15/24 House: Read first time

02/15/24 House: Referred to Committee on Counties, Cities and Towns

02/23/24 House: Reported from Counties, Cities and Towns with amendment(s) (13-Y 9-N)

02/27/24 House: Read second time

02/28/24 House: Read third time

02/28/24 House: Committee amendment agreed to

02/28/24 House: Engrossed by House as amended

02/28/24 House: Passed House with amendment (52-Y 38-N)

02/28/24 House: VOTE: Passage (52-Y 38-N)

03/01/24 Senate: House amendment agreed to by Senate (24-Y 16-N)

03/06/24 Senate: Enrolled

03/06/24 Senate: Bill text as passed Senate and House (SB544ER)

03/06/24 House: Signed by Speaker

03/07/24 Senate: Signed by President

03/11/24 Senate: Enrolled Bill Communicated to Governor on March 11, 2024

03/11/24 Governor: Governor's Action Deadline 11:59 p.m., April 8, 2024



Treasurer's Report

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

Account Balance thru 1/31/2023	Prior Year 1/30/23	Prior Month 12/31/23	Statement Date 1/31/24
Primis Bank General Operating Bank Account	836,894.95	1,074,889.37	921,502.25
Renter Water Deposits	-19,451.66	-16,326.66	-16,326.66
Net Operating General Bank Account	826,192.28	1,073,031.70	922,993.92
C&F Bank Historic Trust (new 3/1/2023)	(Truist) 31,868.44	46,718.19	47,295.41
C&F Bank - Water Fund Reserve (11 mo CD) 1/17/24		N/A	115,433.93
C&F Bank - General Fund Reserve (11 mo CD) 1/17/24		N/A	95,500.91
C&F Bank -Operating Reserve (11 mo CD) 1/17/24		N/A	400,000.00
Primis Bank Water Fund Reserve	114,552.09	115,388.41	Closed 1/17/24
Primis Bank General Fund Reserve	95,044.22	95,477.37	Closed 1/17/24
Primis Bank Cares Local Recovery	475,423.90	239,659.92	Moved to operating
Primis Bank DMV	5,296.52	2,876.63	1,101.22
Primis Bank USDA Well Replacement-new 10/14/22	2,502.27	2,509.13	2,509.81
Taber Trust – Account Value	871,833.31	932,715.71	
Taxes listed below are collected for prior month(s)	1/30/23	12/31/23	1/31/24
Meals Tax collected in January	6,727.91	5,777.51	21,041.61
Lodging Tax collected in January	756.10	514.88	4,112.77
Cigarette Tax collected in January	666.60	402.20	577.22

EXPENDITURES:

- \$

REVENUE as of 1/31/2024 - Closed Primis Accounts and opened three 11-month Certificate of Deposits at C&F Bank at 5% interest with a one-time penalty free withdrawal.

- Water fund Reserve - \$115,433.93
- General Fund Reserve - \$95,500.91
- Removed \$400,000.00 from operating account
 - Closed the Cares account at Primis and moved to the operating account.

Water Sales

February 14, 2024
02:34 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: 02/14/24
 Subtotal CAFR: No

Account No	Description										
Total	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	
500-17010-0001	Water Sales Charges										
207404.42	6051.18	54319.81	20768.56	52703.73	14894.81	46378.62	12287.71	0.00	0.00	0.00	
Fund Total											
207404.42	6051.18	54319.81	20768.56	52703.73	14894.81	46378.62	12287.71	0.00	0.00	0.00	
Grand Total	Count: 1										
207404.42	6051.18	54319.81	20768.56	52703.73	14894.81	46378.62	12287.71	0.00	0.00	0.00	

Agenda Item Summary
March 14, 2023

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. It has become debatable if a period of time between public hearing and action on the matter is necessary, but time has passed.

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 March 14, 2024

Agenda Item: 9b-Sign Ordinance Rewrite

Background: Middlesex County has indicated that if the Town adopts a sign ordinance that mirrors the County's sign ordinance, that Middlesex County has funding available to purchase new street signs. The Town Administrator has discussed the proposed ordinance with the Middlesex County Administrator and he is comfortable with the ordinance.

Fiscal Impact: The Town would benefit by at least \$20,000 or so.

Staff Recommendation: Authorize advertisement of a public hearing for the April meeting.

Council Action Requested: Authorize public hearing

Sample Motion(s): I move to authorize a public hearing on the proposed sign ordinance for the April 11th meeting of the Urbanna Town Council.