



**Urbanna Town Council  
REGULAR MEETING  
Thursday, February 13, 2025 - 6:00pm  
Town Council Chambers - 390 Virginia St. Suite B  
Urbanna, Virginia**

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## AGENDA

1. Call to Order
2. Approval of Electronic Participation by a Council Member (if needed)
3. Roll Call
4. Pledge of Allegiance
5. Review and Adoption of Meeting Agenda
6. Approval of Minutes
  - a. July 11, 2024 Draft Minutes
  - b. July 25, 2024 Draft Minutes
  - c. August 8, 2024 Draft Minutes
  - d. August 22, 2024 Draft Minutes
  - e. September 6, 2024 Draft Minutes
  - f. September 12, 2024 Draft Minutes
  - g. September 26, 2024 Draft Minutes
  - h. October 10, 2024 Draft Minutes
  - i. October 24, 2024 Draft Minutes
  - j. November 14, 2024 Draft Minutes
  - k. November 20, 2024 Draft Minutes
  - l. November 26, 2024 Draft Minutes
  - m. January 9, 2025 Draft Minutes
  - n. January 23, 2025 Draft Minutes
7. Public Hearing
  - a. **Resolution 2025-003** - Proposed Budget Amendment
8. Reports
  - a. Staff Reports
    1. Town Administrator
    2. Treasurer
    3. Town Clerk
  - b. Committee Reports
    1. Personnel
    2. Water
    3. Finance
9. Public Comment 1
10. Council Response to Public Comment 1
11. Unfinished Business
  - a. Friends of Urbanna Memorandum of Understanding (MOU)
12. New Business
  - a. **Resolution 2025-004** - Update FOIA Policy and Establish Written Costs/Charges Schedule
13. Public Comment 2
14. Council Response to Public Comment 2
15. Council Announcements & Requests
16. Closed Meeting
  - a. Motion to Convene Closed Meeting
  - b. Motion to Reconvene in Open Session
  - c. Certification of Closed Meeting
  - d. Action on Closed Meeting (if necessary)
17. Appointments to Boards & Commissions (if necessary)
  - a. **Resolution 2025-XXX** - Planning Commission
18. Adjourn or Recess



## TOWN COUNCIL

### Agenda Item Summaries – Opening the Meeting FOR ALL REGULAR MEETINGS & WORK SESSIONS

#### Agenda Item: 1 – CALL TO ORDER

Mayor calls the meeting to order at 6:00 p.m. or as close thereto as possible, but not before.

#### Agenda Item: 2 – ELECTRONIC PARTICIPATION (if necessary)

**Mayor:** Councilmember \_\_\_\_\_ has requested to participate electronically in tonight's meeting due to [\*state reason]. May I have a motion to approve?

**Sample Motion:** I move to approve Councilmember \_\_\_\_\_'s electronic participation in tonight's meeting due to [\*state reason]. *Motion, Second, Discussion, Voice Vote*

\*Allowed reasons for electronic participation per § 2.2-3708.3 of the Code of Virginia:

1. The Councilmember has a temporary or permanent disability or medical condition that prevents their physical attendance.
2. The Councilmember must provide care to a family member due to a medical condition or to a person with a disability at the time the public meeting is being held thereby preventing their physical attendance.
3. The Councilmember's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting.
4. The Councilmember is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter. (This reason cannot be used more than six times per year.)

If participation is approved, the minutes must state the remote location from which the member participated; however, the remote location need not be open to the public and may be identified in the minutes by a general description.

#### Agenda Item: 3 – ROLL CALL (ATTENDANCE)

Mayor determines a quorum then calls roll (or directs clerk to call roll) for attendance purposes.

#### Agenda Item: 4 – PLEDGE OF ALLEGIANCE

Those able, stand for the Pledge of Allegiance led by the Mayor.

#### Agenda Item: 5 – REVIEW AND ADOPTION OF AGENDA

Mayor calls for changes to or adoption of the agenda.

**Sample Adoption Motion:** I move to adopt the agenda as presented.

**Sample Change Motion(s):** I move to [add, remove, move] the discussion of \_\_\_\_\_ as/to Item \_\_\_\_ on this agenda.

*Motion, Second, Discussion, Voice Vote*



**TOWN  
COUNCIL**

**Agenda Item Summary**

**FEBRUARY 13, 2025**

**Agenda Item: 6 – APPROVAL OF MINUTES**

- a. July 11, 2024 Draft Minutes
- b. July 25, 2024 Draft Minutes
- c. August 8, 2024 Draft Minutes
- d. August 22, 2024 Draft Minutes
- e. September 6, 2024 Draft Minutes
- f. September 12, 2024 Draft Minutes
- g. September 26, 2024 Draft Minutes
- h. October 10, 2024 Draft Minutes
- i. October 24, 2024 Draft Minutes
- j. November 14, 2024 Draft Minutes
- k. November 20, 2024 Draft Minutes
- l. November 26, 2024 Draft Minutes
- m. January 9, 2025 Draft Minutes
- n. January 23, 2025 Draft Minutes

**Fiscal Impact:** None

**Staff Recommendation:** Review the draft minutes and offer any amendments. Amendments can be made by consensus of the Council. Then, approve the minutes, either as presented or with the amendments discussed.

Each set can be approved individually, in groups, or all together.

**Council Action Requested:** Yes

**Sample Adoption Motion:** I move to approve the minutes of \_\_\_\_\_ as presented [or, with the discussed amendments made by consensus of the Council].

***Motion, Second, Discussion, Voice Vote***

**Note to the Public:** a file containing all the minutes will be uploaded separately from the rest of the agenda to ease in downloading the information from the Town website.



**TOWN  
COUNCIL**

**Agenda Item Summary**

**FEBRUARY 13, 2025**

**Agenda Item: 7 – PUBLIC HEARING**

**7a. Resolution 2025-003 - A Resolution Amending the Town Of Urbanna Budget for Fiscal Year 2025 to Reflect a Capital Obligation of \$471,791 to Acquisition or Improvement of Permanent Town Office Space**

**Background:** The Town received an allocation of approximately \$475,000 in State and Local Fiscal Recovery Funds ("SLFRF") as a subrecipient from the Commonwealth of Virginia under the American Rescue Plan Act ("ARPA"), which is less than the standard \$10,000,000 revenue replacement standard allowance.

As recently as March 27, 2024 staff took action to report to the state/federal tracking authorities the following:

\$237,591.00 in ARPA Funds was used for construction of the community swimming pool which replaced a 60-year old, non-compliant and non-functioning pool, and

\$237,591.00 in ARPA Funds would be used for the purchase of 390 Virginia Street which was serving and still does serve as the Town Hall and administrative office space. The amount realized in net proceeds from the sale of the old Town Hall, approximately \$234,200, will also be used for the purchase.

On February 22, 2024, Council approved purchase of the property and issuance of a note for the purchase thereof, which obligated the payment of funds by the Town.

It is now necessary to hold a public hearing to allow the public to express their views, opinions, and concerns on the formal appropriation of the ARPA funds and the funds from the sale of old Town Hall to the purpose of acquisition of the property, and then take action on the matter.

**Fiscal Impact:** There is no fiscal impact since the funds were already accounted for in the FY2025 Budget. This action just appropriates the funds for use in acquiring the property.

**Staff Recommendation:** Approve Resolution 2025-003.

**Council Action Requested:** Yes

**Sample Adoption Motion:** I move to approve Resolution 2025-003 amending the Town of Urbanna's FY25 Budget and appropriating all remaining ARPA funds and the funds from the sale of old Town Hall to the purpose of acquisition of the property.



22           **WHEREAS** the Town wishes to budget and appropriate the ARPA funds to the purpose  
23 of acquisition of the Property; and

24           **WHEREAS** the Town Council held a properly advertised public hearing during their  
25 regular meeting of February 13, 2025 to allow the public to express their views, opinions, and  
26 concerns regarding this resolution;

27 **NOW, THEREFORE, BE IT RESOLVED** by the Town Council of The Town of Urbanna, Virginia  
28 that:

- 29 1. The Town budget for fiscal year 2025 is amended such that total general fund revenues are  
30 increased by \$471,791, representing the total remaining ARPA Funds and the net proceeds  
31 of the sale of the old Town Hall, held in the Town's reserve by a transfer in under Line 100-  
32 41050-0101.
- 33 2. The Town budget for fiscal year 2025 is amended such that total general fund expenditures  
34 are increased by \$471,791 under Line 100-12600-9400 for the purpose of expenditures for  
35 acquisition of the Property.
- 36 3. The sum of \$471,791 is hereby appropriated for use in accordance with the fiscal year 2025  
37 budget as amended by this resolution.
- 38 4. This resolution is in effect upon adoption.

39 **DONE** this 13th day of February, 2025.



**TOWN  
COUNCIL**

**Agenda Item Summary**

**FEBRUARY 13, 2025**

**Agenda Item: 8 – STAFF & COMMITTEE REPORTS**

**a. Staff Reports**

1. Town Administrator – Ted Costin
2. Treasurer – Michele Hutton
3. Town Clerk – Christine Branch

**b. Committee Reports – each committee chair will present their report**

1. Personnel
2. Water
3. Finance



## 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 Urbanna Town Council

From: P. S. T. (Ted) Costin, Administrator

Date: February 13, 2025

Subject: January 2025 Report given February 2025

- Committee meetings were held for Finance and Water. Of note concerning those two topics is the collection effort concerning delinquent accounts (attached).
- The Top Five Items of Concern exercise went well in my opinion largely due to council taking it seriously. A summary is attached for tracking purposes.
- January brought in some winter weather which had to be monitored and dealt with. We had a one-day closure due to snow and one delayed opening due to loss of power.
- I was able to return to the Friends of Urbanna MOU issue, and that will be before you later in the meeting. We received the Annual Stewardship Report from DHR.
- I again met, but simultaneously this time, with state and local interests regarding Main Street.
- I met again to further define scope and placement with the Eagle Scout candidate who is undertaking the Kayak Launch project. As the town is the owner of the property and benefactor of the project, I am working on securing the permit as a task under his project.
- I completed a questionnaire from DCR as to whether or not we were still in compliance to terms of a grant from FY01 regarding the use of the town's marina. The grant was used to help purchase the marina. All indications are we are in compliance.
- The Well Project is progressing, but will be delayed due to supply chain issues involving the electrical upgrade portion of the project. There were some weather setbacks as well. Pressure testing of the system was successfully performed.
- Middlesex County did receive the energy grant, but contingent on changes. The most notable change is the funds cannot be used for municipal facility audits. That was the only reason we engaged in the effort after being told it was an eligible aspect. As a result, I have advised we will support in a very limited way; i.e. posting notices on the town website.
- The Virginia Street Terminus remains barricaded and signed as No Parking. A meeting with VDOT was held, but scheduling with the shoreline contractor has been a challenge.
- The mayor and I met with the Swim Team coach to review last year's program and consider overall management for next year. Recruitment for staff is underway as a result.

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



## Delinquency Collection Report – Water & Sewer


According to HRSD as of 1/2/2025 Urbanna has \$66,338.07 in delinquencies. This is water and sewage combined.

### As of 1/16/2025:

- We have collected \$26,236.60. This is combined water and sewage.
- \$23,901.54 was collected due to delinquency notices. \$2,335.06 was paid due to “word getting out”.
- Out of 15 notices being put out, two2 accounts had to be adjusted by \$2,759.42.
- $\$66,338.07 - \$26,236.60 = \$40,101.47 - \$2,759.42 = \$37,342.05$  remains delinquent.
- Out of 15 notices being put out, a total of 3 shut offs have been completed.

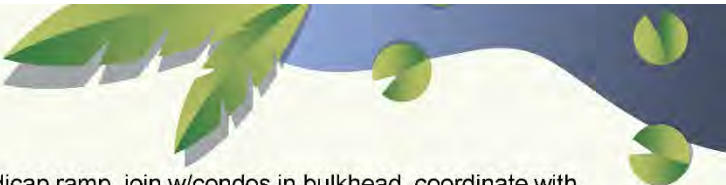
### As of 02/05/2025:

- We have collected another \$10,976.65 - \$6,489.84 from delinquent notices and \$4,486.81 from “word getting out”.
- A total of \$37,213.25 has been collected since notices have been sent out on January 2<sup>nd</sup> and a \$50.00 reconnection fee has also been collected.
- $\$66,338.07 - \$2,759.42 = \$63,578.65$       $\$63,578.65 - \$37,213.25 = \underline{\$26,365.40}$  remains delinquent.
- Out of 20 notices being sent out, a total of 3 shut offs have been completed.




## Discussion Notes:

- Purchase Town Hall  
Need to create a sense of urgency with legal
- Waterline  
hydrants passed pressure testing  
VA Rural Water Committee; conference  
need to work on grants – what we need to be successful with applications  
in-town vs out-of-town rates  
need to do something now, can't wait for grants – have to make it happen  
supposed to be self-funding, not funded by taxes  
new Fire Chief is more supportive
- Pool Costs  
changing hours to make it more useful for working residents  
Signature – number of life guards on duty  
sell banner ads to local businesses  
life-saving classes (YMCA limited by number of instructors)  
what paid for it before and what's the delta with running the new pool  
hoped that memberships would help w/a budgeted buffer  
do a mailing to let people know they can make donations



## Discussion Notes:

- VA Street Terminus – issue w/erosion, handicap ramp, join w/condos in bulkhead, coordinate with Montagues – neighborhood problem, whose pipes are they – VDOT says not theirs even though their name is on them; Council agrees to name it Payne Landing
- Oyster Festival – sustainable; work w/Foundation – meet w/them to discuss and help them continue to be there, not necessarily make more money off it for the town; 2<sup>nd</sup> oldest festival in the world; only volunteer run festival; better advertisement to attract volunteers
- Speeding – bill proposing local speed camera revenue to VDOT rather than local law enforcement
- Zoning enforcement – do what we can – processing permits, enforcing what's on the books; complaint-driven, Air B&B – treasurer bills when they are discovered; bill before GA that they report and pay fee to state and state informs locality; impacts rental housing; business licenses no longer issued without zoning permit; is TC still working to be ZA – yes;
- Fireworks – invest in a barge, could be rented out; work in conjunction with fireworks company



The Priorities for the Town of Urbanna are:

- **Priority 1: Closing on purchase of 390 Virginia St. or move to an alternative**
  - Express urgency, with attorneys hearing from mayor and Town Administrator by January 31 and receiving a timeline response
- **Priority 2: Water system infrastructure upgrades & revenue sources**
  - Engage w/organizations that give exposure and insight into loans and grants
  - Utilize MPPDC staff
  - Utilize existing information (in asset management plan in Cartograph)
  - Public safety and fire suppression aspect
- **Priority 3: Increase Pool revenues**
  - Explore ways to increase membership
  - Renting out
  - Sponsorships/signage
  - Annual fundraiser with music
  - Taber fund
- **Priority 4: Resolve VA Street Terminus Issue**
  - Work w/contractor to determine options
  - Work w/neighbors
- **Priority 5: Independence Day Fireworks**
  - Barge cost estimate with engagement of vendor
- **Priority 6: Oyster Festival Participation / Return**
  - Work w/Foundation to make sure it's sustainable for the future
  - Seek better communication and situational awareness
  - Council participation/engagement – volunteerism
  - Town branding
- **Priority 7: Zoning Enforcement**
  - Incorporate staff eyes
  - Work toward consistency in enforcement
- **Priority 8: Past Due Water Collection**
  - Continue to devote personnel time and effort to ongoing collection of past due water bills
- **Priority 9: Personnel Policy**
  - Express urgency with attorney
  - Factor in pay increases considering COLA and performance
- **Priority 10: Timely Responsiveness of Counsel**
  - On time sensitive, high-priority needs





# Treasurer's Report

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

Account Balance thru 12/31/2024	Prior Year 12/31/23	Prior Month 11/30/24	Statement Date 12/31/24
Primis Bank General Operating Bank Account	1,074,889.37	1,071,865.64	1,132,775.73
Renter Water Deposits	-16,326.66	-17,101.66	-18,276.66
Net Operating General Bank Account (Adjusted Bal)	1,073,031.70	1,073,496.38	1,108,722.48
Primis – USDA Well Replacement reopened (8/2/24)	2,509.13	67,880.75	64,847.26
C&F Bank Historic Trust (new 3/1/2023)	46,718.19	60,533.76	62,120.19
C&F Bank - Water Fund Reserve (11 mo CD) 11/16/25	115,388.41	119,741.16	120,723.73
C&F Bank - General Fund Reserve (11 mo CD) 11/16/25	95,477.37	99,064.36	99,877.26
C&F Bank -Operating Reserve (11 mo CD) 11/16/25	N/A	414,925.34	418,330.12
Taber Trust – Account Value	932,715.71	1,063,289.62	1,034,480.76
Taxes listed below are collected for prior month(s)	<b>12/31/23</b>	<b>11/30/2024</b>	<b>12/31/24</b>
Meals Tax collected in December	5,777.51	13,278.88	15,974.11
Lodging Tax collected in December	514.88	6,055.32	2,737.22
Cigarette Tax collected in December	402.20	1,055.48	580.95

## EXPENDITURES:

- Business as usual

## REVENUE:

- Three Certificate of Deposits at C&F Bank renewed 12/16/2024 for 11-month term, 4% interest and a one-time penalty free withdrawal. Prior term received a total of \$29,833.01 in interest.

**Meals Tax**

Range of Accounts: 100-12110-0001 to 100-12110-0001 Start Month: July Start Year: 2024  
 Type: Revenue Activity Includes Accounts with Zero Activity: N Year To Date As Of: 01/21/25  
 Subtotal CAFR: No

Account No	Total	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb
100-12110-0001									
92945.71	14797.23	16604.09	15038.79	13071.47	13278.88	15974.11	4181.14	0.00	
Fund Total									
92945.71	14797.23	16604.09	15038.79	13071.47	13278.88	15974.11	4181.14	0.00	
Grand Total	Count: 1								
92945.71	14797.23	16604.09	15038.79	13071.47	13278.88	15974.11	4181.14	0.00	

**Lodging Tax**

Range of Accounts: 100-12100-0001 to 100-12100-0001 Start Month: July Start Year: 2024  
 Type: Revenue Activity Includes Accounts with Zero Activity: N Year To Date As Of: 01/21/25  
 Subtotal CAFR: No

Account No	Total	Jul	Aug	Sep	Oct	Nov	Dec	Jan
100-12100-0001								
20187.39	2610.92	1869.72	1194.09	6055.32	2737.22	33.76		
Fund Total								
20187.39	2610.92	1869.72	1194.09	6055.32	2737.22	33.76		
Grand Total	Count: 1							
20187.39	2610.92	1869.72	1194.09	6055.32	2737.22	33.76		

# Water Sales

January 21, 2025  
03:18 PM

Town of Urbanna  
2025 Revenue Summary by Month

Range of Accounts: 500-17010-0001		to 500-17010-0001		Start Month: July	Start Year:			
Type: Revenue Activity		Includes Accounts with Zero Activity: N		Year To Date As Of:				
Subtotal CAFR: No								
Account No	Description	Jul	Aug	Sep	Oct	Nov	Dec	Jan
500-17010-0001	Water Sales Charges							
184607.83	58031.08	26379.71	58031.08	21701.77	20767.86	28954.24	28773.17	0.00
<b>Fund Total</b>		26379.71	58031.08	21701.77	20767.86	28954.24	28773.17	0.00
<b>Grand Total</b>	Count: 1	26379.71	58031.08	21701.77	20767.86	28954.24	28773.17	0.00



## MEMORANDUM

**Date:** February 13, 2025  
**To:** The Honorable Mayor and Members of the Town Council  
Town Administrator  
**From:** Christine H. Branch, Town Clerk  
**Subject:** Monthly Clerk's Report  
(for informational purposes only, no action required)

### COMPLETED PROJECTS

- Reviewed website and logged all changes needed; contacted Mr. Lipscomb about possibility of updating it myself and he provided details
- Reviewed Town Code draft from Municode and compiled questions and actions needed
- Spoke with Municode representative and developed a plan for project completion; project was initiated and paid for by the Town in 2021
- Created information binders for Councilmembers
- Met with Middlesex County administration for introductions and relationship building

### CURRENT PROJECTS

- Updating website
- Working on Municode project completion plan
- Investigating hardware and software upgrade needs to develop cost analysis

### ONGOING PROJECTS

- Continue reviewing past minutes to compile a listing of all Resolutions, Ordinances, and Council Actions
- Continue researching and organizing all town files
- Agenda preparation and coordination with Town Administrator

### FUTURE PROJECTS

- Develop draft bylaws for BZA and Planning Commission for their review and approval
- Develop a records management policy and procedure
- Conversion of paper records to electronic to ensure compliance with Virginia Public Records Act and best practices

### TRAINING REPORT

I attended the International Institute of Municipal Clerks Region II Conference from January 21-24, 2025 in Henrico. Sessions included leadership training, building relationships with community stakeholders, crisis communications and media relations, ethics, situation awareness and safety, and eGovernment. I found all the topics relevant, useful, and valuable to my role as Urbanna Town Clerk. I will be completing assessments over the coming weeks to earn certification points. We were told this year's Virginia Municipal Clerk education conference will take place virtually.



## **TOWN COUNCIL**

### **Agenda Item Summary**

**FEBRUARY 13, 2025**

#### **Agenda Item: 9 – PUBLIC COMMENT 1**

Mayor opens Public Comment Period and asks if all who desire to speak have had a chance to sign up.

NO SPEAKERS: Mayor closes Public Comment Period.

SPEAKERS: Mayor explains that each individual has five minutes to address Council on matters not scheduled for Public Hearing. Clerk will keep time.

#### **Agenda Item: 10 – COUNCIL RESPONSE TO PUBLIC COMMENT 1**

After all speakers have been heard, Mayor asks for any councilmember response.

Councilmembers may provide brief responses to issues such as clarifications of facts, answers to questions, etc. Councilmembers shall limit their response to only those comments presented during the immediately preceding public comment period.





**TOWN  
COUNCIL**

**Agenda Item Summary**

**FEBRUARY 13, 2025**

**Agenda Item: 11 – UNFINISHED BUSINESS**

**11a. Friends of Urbanna Memorandum of Understanding (MOU)**

**Background:** In April it was reported:

Meetings with the Friends of Urbanna concerning essay contest, open house, funding, and other matters turned up an undocumented understanding that The Friends of Urbanna serve in an advisory role to the council pertaining to the historic Scottish Factor Store serving as the Urbanna Museum and Visitor Center. All parties desire formalizing this understanding with a Memorandum of Understanding (MOU).

Following is some language that can be used that was provided by the Friends of Urbanna as well as some questions that can be addressed in the document.

The language put into the Draft MOU addresses council's expectations. The MOU has been reviewed by the town's attorney and leading members of the Friends of Urbanna.

**Fiscal Impact:** Unknown, but some staff time to coordinate report appearances proposed.

**Staff Recommendation:** As documentation is crucial to long-term understanding of relationships, commitment, and authority, such a document should be adopted to establish the role of The Friends of Urbanna as advisors to the council pertaining to the historic Scottish Factor Store serving as the Urbanna Museum and Visitor Center. The document proposed accomplishes that and also requires regular reporting by the Friends of Urbanna as well as a funding commitment by the town.

**Council Action Requested:** Adopt the MOU.

**Sample Motion(s):** I move to adopt the Memorandum of Understanding before us this evening between the Town of Urbanna and the Friends of Urbanna concerning the historic Scottish Factor Store serving as the Urbanna Museum and Visitor Center.



## **Memorandum of Understanding**

**between**

### **The Town of Urbanna and The Friends of Urbanna**

This Memorandum of Understanding (MOU) entered into this \_\_\_\_ day of \_\_\_\_\_, 2025 by and between the Town of Urbanna, a municipal corporation, and The Friends of Urbanna, a 501(c)(3) organization (the “parties”)>

WHEREAS the Town of Urbanna recognizes the rich history of the Town of Urbanna to include the Urbanna Scottish Factor Store which houses the Mitchell Map and wishes to share that rich history with citizens and visitors; and

WHEREAS the Town of Urbanna, recognizes the need for assistance in the ongoing preservation of the Scottish Factor Store and guidance in the identification of the necessary actions to preserve and enhance this property and its contents; and

WHEREAS the Friends of Urbanna have knowledge of Urbanna’s significant history and exists to enhance and preserve the Urbanna Scottish Factor Store to include its properties be they grounds or contents owned or on loan while expanding its use as a Museum and Visitor’s Center; and

WHEREAS the Town of Urbanna has designated, and herein reaffirms that designation, of the Friends of Urbanna to advise in the maintenance and management of the Urbanna Scottish Factor Store, as well as Museum and Visitor’s Center to attract citizens and visitors to highlight the history of the Town of Urbanna.

NOW THEREFORE, the parties, in exchange for the mutual promises and other good and valuable consideration, the receipt of which is hereby acknowledged, agree as follows:

1. The preceding paragraphs are hereby incorporated as if fully set forth.
2. The parties agree that all interactions of the parties are intended to foster continued use and enjoyment of these one-of-a-kind town assets and will support each other’s individual efforts in those regards.

3. The Town of Urbanna formalizes its appointment of the Friends of Urbanna as their advisors on those matters associated the Urbanna Scottish Factor Store, Museum and Visitor’s Center.
4. The Friends of Urbanna will report quarterly before Council beginning March 2025, then June, September, and December.
5. The Town of Urbanna agrees to commit funds; some of which may come from cigarette tax revenues for the enhancement and preservation of the Urbanna Scottish Factor Store, its properties, and the Museum and Visitor’s Center operations.
6. The parties shall identify a primary point of contact and secondary point of contact and provide that information to one another within fourteen days of the date that this MOU is signed and affirm the points of contact annually in the month of January.
7. This MOU shall be for one (1) year and shall automatically renew unless terminated by either party in writing. Either party may terminate the agreement for any reason and at any time with thirty (30) days written notice to the other party.
8. This MOU is subject to an annual appropriation of funds by the Urbanna Town Council as required by law.

\_\_\_\_\_  
Mayor, Town of Urbanna

\_\_\_\_\_  
President, Friends of Urbanna

Approved as to Form: \_\_\_\_\_  
Andrea Erard, Town Attorney



## TOWN COUNCIL

### Agenda Item Summary

FEBRUARY 13, 2025

#### Agenda Item: 12 – NEW BUSINESS

##### 12a Resolution 2025-004 – Update FOIA Policy and Establish Written Costs/Charges Schedule

**Background:** Code of Virginia §2.2-3704.1 requires the public bodies of towns with a population of more than 250 to create a notice of rights and responsibilities under the Freedom of Information Act (FOIA) and make it available to the public upon request and through a link to the information on the homepage of the town's website. The Code also requires a written policy (i) explaining how the public body assesses charges for accessing or searching for requested records and (ii) noting the current fee charged, if any, for accessing and searching for such requested records.

Town Council last approved The Rights of Requesters and the Responsibilities of the Town of Urbanna Under the Virginia Freedom of Information Act on August 26, 2021. Since that time, FOIA code has changed making it necessary to update the policy.

#### Changes to the draft policy include:

- Basic formatting & verbiage
- Addition of wet signatures to commonly exempted records
- Updated Costs section to include new verbiage in VFOIA – main addition to code is “Prior to conducting a search for records, the public body shall notify the requester in writing that the public body may make reasonable charges...”
- Updated Costs/Charges Schedule that explains how charges are assessed and the current fee charged
- Addition of optional request form

**Fiscal Impact:** None

**Staff Recommendation:** Review the draft policy and cost/charge schedule and offer any changes or suggestions. Then, approve the policy and schedule by adopting Resolution 2025-004.

**Council Action Requested:** Yes

**Sample Adoption Motion:** I move to adopt Resolution 2025-004 updating the Town of Urbanna's FOIA policy and establishing a written cost/charge schedule.

***Motion, Second, Discussion, Voice Vote***



**The Town of Urbanna VFOIA Policy**  
**VIRGINIA FREEDOM OF INFORMATION ACT (VFOIA)**  
**Basic Information on Public Record Requests**

**CONTACT INFORMATION:**

Christine Branch, Town Clerk and FOIA Officer  
Town of Urbanna  
Physical Address: 390 Virginia Street, Suite B, Urbanna, VA 23175  
Mailing Address: P.O. Box 179, Urbanna, VA 23175  
Phone: 804-758-2613 Fax: 804-758-0389 Email: c.branch@urbannava.gov

[Records Request Form](#) (This form is NOT required, but can help both parties better understand the request.)

**WHAT IS VFOIA:**

VFOIA is a commonly used acronym for the **Virginia Freedom of Information Act (VFOIA or FOIA)** which is contained in the [Code of Virginia § 2.2-3700 et seq.](#) This act guarantees Virginia citizens open access to government records and meetings. The Town of Urbanna responds to all requests for public records in compliance with VFOIA.

**WHAT DOES VFOIA COVER:**

In a nutshell, VFOIA reinforces the Commonwealth's commitment to transparency in government and provides a framework for supplying the public with government records. The purpose of government is to serve the public so it stands to reason that the public has a right to know what's going on. As with most things in life, there are exceptions. VFOIA gives an exhaustive list of what information can and cannot be withheld and why.

VFOIA also makes sure the public has access to public meetings and provides a framework for public bodies to use to ensure meetings are open. Again, there are exceptions and VFOIA provides limited reasons for a public body to meet in Closed Meeting (meaning, without the public present). Since the pandemic, VFOIA also set up the framework for when all-virtual meetings are allowed and when public officials can participate virtually.

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

**WHAT IS A PUBLIC RECORD:**

"Public records" means all writings and recordings that consist of letters, words, or numbers, or their equivalent, set down by handwriting, typewriting, printing, photostating, photography, magnetic impulse, optical or magneto-optical form, mechanical or electronic recording, or other form of data compilation, however stored, and regardless of physical form or characteristics, prepared or owned by, or in the possession of a public body or its officers, employees, or agents in the transaction of public business. All public records are presumed to be open, and may only be withheld if a specific, statutory exemption applies.

**WHERE CAN I LEARN MORE:**

You can read the full VFOIA online at <https://law.lis.virginia.gov/vacode/title2.2/chapter37/>. The Commonwealth has also established the Virginia Freedom of Information Advisory Council. They can be reached at <https://foiacouncil.dls.virginia.gov/foiacouncil.htm> or by phone at 804-698-1810.



## The Town of Urbanna VFOIA Policy **The Rights of Requesters and the Responsibilities of the Town of Urbanna Under the Virginia Freedom of Information Act**

The Virginia Freedom of Information Act (VFOIA), located in [§ 2.2-3700 et seq. of the Code of Virginia](#), guarantees citizens of the Commonwealth and representatives of the media access to public records held by public bodies, public officials, and public employees. The Town of Urbanna maintains an "open door policy" and is more than willing to sit down with any citizen to discuss the transaction of public business or provide access to public records, many of which are readily available on the Town website – [urbannava.gov](http://urbannava.gov).

"Public records" means all writings and recordings that consist of letters, words, or numbers, or their equivalent, set down by handwriting, typewriting, printing, photostating, photography, magnetic impulse, optical or magneto-optical form, mechanical or electronic recording, or other form of data compilation, however stored, and regardless of physical form or characteristics, prepared or owned by, or in the possession of a public body or its officers, employees, or agents in the transaction of public business.

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

### **REQUESTER RIGHTS:**

VFOIA applies to citizens of the Commonwealth of Virginia and members of the media with circulation in the Commonwealth of Virginia. As such, you have the right to request to inspect or to receive copies of public records, or both. You have the right to request that any charges for the requested records be estimated in advance. Those who believe their VFOIA rights have been willfully and knowingly violated may file a petition in district or circuit court to compel compliance with VFOIA. You may also contact the [Virginia Freedom of Information Advisory Council](#) for a nonbinding advisory opinion.

### **MAKING A REQUEST:**

**Direct all requests to the Town of Urbanna FOIA Officer: Christine Branch, Town Clerk**

Physical Address: 390 Virginia Street, Suite B, Urbanna, VA 23175

Mailing Address: P.O. Box 179, Urbanna, VA 23175

Phone: 804-758-2613 Fax: 804-758-0389 Email: [c.branch@urbannava.gov](mailto:c.branch@urbannava.gov)

- Requesters must provide their name and legal address pursuant to § 2.2-3704(A).
- The reason behind your request for public records from the Town is irrelevant, and you do not have to state why you want the records before we respond to your request.
- Requests can be made verbally, or by email, fax, or U.S. mail. Requests do not have to be in writing, nor do they need to specifically contain the word "VFOIA", "FOIA", or any variation of it. From a practical perspective, it is helpful to both parties to put requests in writing. This gives the requester a record of the request and gives the FOIA Officer a clear statement of what records are being requested, so there is no misunderstanding. The most efficient way is to use the Town's optional [Records Request Form](#). This form is just a tool and is NOT mandatory.
- Your request must identify the records you are seeking with "reasonable specificity." This is a common-sense standard and does not refer to or limit the volume or number of records requested. It merely requires the requester to be specific enough for the FOIA Officer to identify and locate the desired records.

- Your request must ask for existing records or documents. VFOIA gives you a right to inspect or copy records; it does not apply to a situation where you are asking general questions about the work of the Town, nor does it require the Town to create a record that does not exist.
- You may choose to receive electronic records in any format used by the Town in the regular course of business. For example, if you are requesting records maintained in an Excel database, you may elect to receive those records electronically via e-mail or on a thumb drive as either an Excel or pdf file, or to receive a printed copy of those records.
- If we have questions about your request, please cooperate with staff's efforts to clarify the type of records you are seeking, or to attempt to reach a reasonable agreement about a response to a large request. Making a FOIA request is not an adversarial process, but we may need to discuss your request with you to ensure that we understand what records you are seeking. The Town of Urbanna is committed to transparency and openness and your feedback helps us get better.

### **RESPONSIBILITIES OF THE TOWN OF URBANNA IN RESPONDING TO A REQUEST:**

One of the responses below must be made to the requester within five working days of receipt. "Day One" is considered the first working day after the request is received. The five-day period does not include weekends, holidays, or other days when Town offices are closed.

1. All records requested are being provided in their entirety.
2. All records requested are omitted because all are subject to a specific statutory exemption. A written response identifying the volume and subject matter of the records being withheld and stating the specific section of the Code of Virginia allowing the records to be withheld must be provided.
3. Some records requested are provided but others are withheld. An entire record cannot be withheld if only a portion of it is subject to an exemption. In that instance, portions of some records may be redacted (blacked out). A written response stating the specific section of the Code of Virginia allowing portions of the records to be withheld must be provided.
4. There are no records responsive to the request - the records requested cannot be found or do not exist. If it is known that another public body has the requested records, their contact information will be provided.
5. It is practically impossible for the Town to respond to the request within the five working day period. A written response explaining the reason will be provided and the Town will receive an additional seven working days to respond to your request (a total of 12 working days).

If a request for a very large number of records is made which the Town is unable to fulfill within 12 working days without disrupting other organizational responsibilities, an agreement can be made between the requester and the FOIA officer outlining a deadline or deadlines and/or changing the scope of the request. If a reasonable effort to reach an agreement concerning the time frame for production of the records and the scope of records is not reached, the Town may petition the court for additional time to respond.

### **TYPES OF RECORDS:**

The following is a general description of the types of records held by the Town. Many of these are publicly available on the Town website.

- General administrative records such as correspondence, agendas, meeting minutes, etc.
- Financial records.

- Records of contracts entered into by the Town.
- Zoning and subdivision records including permits and violations.

### **COMMONLY EXEMPTED RECORDS:**

The Code of Virginia provides a number of exemptions specific to certain types of records which allow any public body to withhold certain records, or portions thereof, from public disclosure. These exemptions and exclusions are found, for the most part, in §§ 2.2- 3705.1 through 2.2-3706.1 of the Code. It is the general policy of the Town to invoke lawful exemptions from disclosure in matters involving protection of the privacy of individuals; protection of the interests or strategy of the Town in bargaining; negotiating, investigating, or prosecuting claims; and in matters involving public safety. The Town commonly withholds and/or redacts records subject to the following exemptions:

- Personnel records (§ 2.2-3705.1 (1) of the Code of Virginia)
- Records subject to attorney-client privilege (§ 2.2-3705.1 (2)) or attorney work product (§ 2.2-3705.1 (3))
- Vendor proprietary information (§ 2.2-3705.1 (6))
- Records relating to negotiation and award of a contract prior to a contract being awarded (§ 2.2-3705.1 (12))
- Records recorded in or compiled exclusively for use in lawful closed meetings (§ 2.2-3705.1 (5))
- Wet signatures to help prevent unauthorized use and identity theft.

### **COSTS:**

Requesters may have to pay for the records requested. A public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records and shall make all reasonable efforts to supply the requested records at the lowest possible cost. No public body shall impose any extraneous, intermediary, or surplus fees or expenses to recoup the general costs associated with creating or maintaining records or transacting the general business of the public body. Any duplicating fee charged by a public body shall not exceed the actual cost of duplication. Prior to conducting a search for records, the public body shall notify the requester in writing that the public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for requested records and inquire of the requester whether he would like to request a cost estimate in advance of the supplying of the requested records as set forth in subsection F of § 2.2-3704 of the Code of Virginia.

The Town, making all reasonable efforts to supply the requested records at the lowest possible cost, may charge for:

- Staff time spent accessing, duplicating, supplying, or searching for the requested records. This may also include time spent redacting records. § 2.2-3704(F)
- Supplying records produced from a geographic information system at the request of anyone other than the owner of the land that is the subject of the request. § 2.2-3704(F)
- Initial legal review of public records to assure that those records are responsive, are not exempt from disclosure, and may be disclosed without violating other provisions of law.
- Paper copies, thumb drives, or other physical media.

Prior to conducting a search for records, the Town shall notify the requester in writing that reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for requested records may be made and inquire of the requester whether they would like to request a cost estimate in advance of the supplying of the requested records.



If requested, the Town shall provide the requester with a cost estimate. The estimate is not a fixed amount. Actual costs may be greater or less than the estimated amount. In such a case, the Town will refund any overage paid or provide an invoice for additional payment which must be paid within 30 days directly to the FOIA Officer. The period within which the Town shall respond under this section shall be tolled for the amount of time that elapses between notice of the cost estimate and the response of the requester. If the Town receives no response from the requester within 30 days of sending the cost estimate, the request shall be deemed to be withdrawn. Any costs incurred by the Town in estimating the cost of supplying the requested records shall be applied toward the overall charges to be paid by the requester for the supplying of such requested records. § 2.2-3704(F)

In any case where the Town determines in advance that charges for producing the requested records are likely to exceed \$200, the Town may, before continuing to process the request, require the requester to pay a deposit not to exceed the amount of the advance determination. The deposit shall be credited toward the final cost of supplying the requested records. The period within which the Town shall respond under this section shall be tolled for the amount of time that elapses between notice of the advance determination and the response of the requester. § 2.2-3704(H)

Pursuant to § 2.2-3704(I), before processing a request for records, the Town may require the requester to pay any amounts owed for previous requests for records that remain unpaid 30 days or more after billing.

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**The Town of Urbanna FOIA Costs/Charges Schedule**  
 Effective February 14, 2025

**COSTS/CHARGES SCHEDULE:**

**Staff Time - \$26 per hour.** This may include costs for time spent accessing, duplicating, redacting, reformatting, supplying, or searching for the requested records and is the actual hourly rate of the FOIA Officer, which is an administrative/support staff position, not including the cost of fringe benefits. This also may include the cost, if any, to the Town for initial legal review of public records to assure that those records are responsive, are not exempt from disclosure, and may be disclosed without violating other provisions of law.

**There is no charge for the first thirty minutes of Town staff time.**

**Copying/Printing/Reproducing Records** - publications, books, documents, maps, plats, etc.:

Document Size	Number of Pages	Charge
8.5x11 color	1-4 pages	No charge
8.5x11 color	5+ pages	\$0.05 per page – single-sided \$0.10 per page – double-sided
11x17 color	1-2 pages	No charge
11x17 color	3+ pages	\$0.10 per page – single-sided \$0.20 per page – double-sided
8.5x11 black & white	1-4 pages	No charge
8.5x11 black & white	5+ pages	\$0.03 per page – single-sided \$0.06 per page – double-sided
11x17 black & white	1-2 pages	No charge
11x17 black & white	3+ pages	\$0.06 per page – single-sided \$0.12 per page – double-sided
Larger documents, maps, plats, etc.		actual cost the Town incurs
Thumb drive	Up to 32gb	\$5.00 each

**Payment of VFOIA Fees** - The FOIA Officer will provide the requester with a written invoice detailing the costs involved in fulfilling the request. All amounts shall be remitted within thirty (30) days directly to the FOIA Officer in cash or by check made payable to The Town of Urbanna.



**Town of Urbanna  
Virginia Freedom of Information Act  
Optional Request for Records Form**

This form is **not required** to make a request for records, but is designed to help both parties document and better understand the details of the request.

<b>Your Name:</b>	
<b>Legal Address:</b>	<b>Mailing Address:</b>
<b>Email Address:</b>	
<b>Phone Number:</b>	

**Description of Requested Records**

(Be as specific as possible and include the name, types of documents, etc. if known.)

**Dates of Records Being Requested:**

From \_\_\_\_\_ to \_\_\_\_\_

**How would you like to receive your records?** (Please check one.)

- Electronic copies (email)
- Electronic copies (thumb drive)
- Paper copies by US Mail
- Paper copies for pick up
- Only to review/inspect in person

The Town of Urbanna may make reasonable charges not to exceed its actual cost incurred in assessing, duplicating, supplying, redacting, or searching for requested records. You have the right to request a cost estimate prior to the Town beginning the search for records. **If you would like a cost estimate, please check this box.**

Requests must be for existing public records. FOIA gives citizens a right to inspect or copy public records; it does not apply to general questions about the work of the Town, nor does it require the Town to create a record that does not exist. Records will be released in accordance with the Virginia Freedom of Information Act (FOIA), located in § 2.2-3700 et seq. of the Code of Virginia. If the Town is not in possession of the requested records, the name and contact information of the possessing agency will be provided when known.

Town of Urbanna FOIA Officer  
Physical Address: 390 Virginia Street, Suite B, Urbanna, VA 23175  
Mailing Address: P.O. Box 179, Urbanna, VA 23175  
Phone: 804-758-2613 Fax: 804-758-0389 Email: c.branch@urbannava.gov

<b>For Office Use Only</b>	
Date Rec'd:	_____
Date Response Due:	_____
Date of Response:	_____
Response:	_____



21 **BE IT FURTHER RESOLVED** by the Town Council of The Town of Urbanna, Virginia that “The  
22 Town of Urbanna FOIA Costs/Charges Schedule” is hereby adopted and approved as follows;  
23 and

24 [Enter schedule here.]

25 **BE IT FINALLY RESOLVED** that this Resolution shall supersede any previous FOIA policy or  
26 cost/charge schedule for the Town of Urbanna and shall be effective upon passing.

27 **DONE** this 13th day of February, 2025.

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## **TOWN COUNCIL**

### **Agenda Item Summary**

**FEBRUARY 13, 2025**

#### **Agenda Item: 13 – PUBLIC COMMENT 2**

Mayor opens Public Comment Period and asks if all who desire to speak have had a chance to sign up.

NO SPEAKERS: Mayor closes Public Comment Period.

SPEAKERS: Mayor explains that each individual has five minutes to address Council on matters not scheduled for Public Hearing. Clerk will keep time.

#### **Agenda Item: 14 – COUNCIL RESPONSE TO PUBLIC COMMENT 2**

After all speakers have been heard, Mayor asks for any councilmember response.

Councilmembers may provide brief responses to issues such as clarifications of facts, answers to questions, etc. Councilmembers shall limit their response to only those comments presented during the immediately preceding public comment period.



**TOWN  
COUNCIL**

**Agenda Item Summary**

**FEBRUARY 13, 2025**

**Agenda Item: 15 – COUNCIL ANNOUNCEMENTS & REQUESTS**

Mayor calls on each councilmember by name to share any announcements or requests.

This time is generally used for individual councilmembers to share information with other councilmembers and the public and to make any announcements of interest to citizens. Councilmembers may also request information from staff and/or items requiring action for inclusion on a future agenda during this time. This time should not be used to respond to Public Comment issues.



## TOWN COUNCIL

### Agenda Item Summary

FEBRUARY 13, 2025

#### Agenda Item: 16 – CLOSED MEETING

##### 16a – Motion to Convene Closed Meeting

**Motion:** I move that the Town of Urbanna Town Council convene in Closed Meeting in accordance with Section 2.2-3711 (A)(1) of the Code of Virginia for the discussion, consideration, or interview of prospective candidates for appointment to the Town of Urbanna Planning Commission; and to discuss the performance review of the Town Administrator; and in accordance with Section 2.2-3711 (A)(29) of the Code of Virginia to discuss the award of a public employment contract involving the expenditure of public funds, including discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the Council.

*Motion, Second, Discussion, Roll Call by Clerk*

##### 16b – Motion to Reconvene in Open Session

**Motion:** I move that the Town of Urbanna Town Council reconvene in open session.

*Motion, Second, Discussion, Voice Vote*

##### 16c – Certification of Closed Meeting

**Motion:** I move that the Town Council of the Town of Urbanna approve Standing Resolution 1 (SR-1) in accordance with Section 2.2-3712 (D) of the Code of Virginia, 1950, as amended, certifying that the Closed Meeting was conducted in conformity with the requirements of the Virginia Freedom of Information Act.

*Motion, Second*

*Discussion - If any councilmember disagrees, they must so state at this time.*

*Roll Call by Clerk*

##### 16d – Action on Closed Meeting (if necessary)

Action on the contract would be done here, if necessary.

An appointment to the Planning Commission would be done under Item 17 – Appointments, if necessary.



## CERTIFICATION OF CLOSED MEETING

### STANDING RESOLUTION – 1 (SR-1) A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM OF INFORMATION ACT REGARDING MEETING IN CLOSED MEETING

**WHEREAS** the Town Council of the Town of Urbanna has convened a Closed Meeting on February 13, 2025 pursuant to an affirmative recorded vote, and in accordance with the provisions of the Virginia Freedom of Information Act; and,

**WHEREAS** Section 2.2-3712 (D) of the Code of Virginia requires a certification by the Town Council of the Town of Urbanna that such Closed Meeting was conducted in conformity with Virginia law;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council of the Town of Urbanna hereby certifies that, to the best of each member's knowledge:

1. Only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were heard, discussed, or considered by the Town Council of the Town of Urbanna in the Closed Meeting to which this certification resolution applies; and
2. Only such public business matters as were identified in the motion convening the Closed Meeting were heard, discussed, or considered by the Town Council of the Town of Urbanna.

**DONE** this 13<sup>th</sup> day of February, 2025.



**TOWN  
COUNCIL**

**Agenda Item Summary**

**FEBRUARY 13, 2025**

**Agenda Item: 17 – APPOINTMENTS**

**17a Resolution 2025-XXX – Appointment to Planning Commission**

**Background:** There is one vacant seat on the Planning Commission due to a term which expired on December 31, 2024 that has not been filled. This seat has a term expiration of December 31, 2025. The term expiration dates were updated to correct staggering.

Because it is uncertain whether a candidate will be chosen at this meeting, the Resolution is currently numbered XXX. If Council does choose a candidate tonight, the number would be 2025-005.

**Fiscal Impact:** None

**Staff Recommendation:** Appoint a member and adopt Resolution 2025-XXX (will be 2025-005 if a candidate is chosen).

**Council Action Requested:** Yes

**Sample Adoption Motion:** I move to adopt Resolution 2025-005 appointing \_\_\_\_\_ to the Town of Urbanna Planning Commission for a one-year term expiring December 31, 2025.

***Motion, Second, Discussion, Voice Vote***

