

The Town Council of the Town of Urbanna held a work session on June 13, 2019 at 6:32 pm in Town Hall. Mayor Diane Gravatt welcomed everyone to the meeting. Council Members present were: Diane Gravatt, Barbara Hartley, Larry Chowning, Bill Smith, Bill Goldsmith and Boyd Wiley and George DeVries. Also present were Holly Gailey – Town Administrator, Traci Wright – Town Treasurer, 2 guests and one member of the press.

Ms. Gailey called the roll to which the following answered present: Diane Gravatt, Barbara Hartley, Larry Chowning, Bill Smith, Bill Goldsmith, George DeVries and Boyd Wiley.

The first item of business was the public hearing for the proposed FY 2019-2020 budget. Mayor Gravatt opened the public hearing and asked for any public comments. There were no public comments. Resident Kristi Anzivino stated that it was unfair to the citizens because council has not had an open discussion on the budget and yet the public was being asked to comment prior to the town council discussion. She stated that she had no comments but what she wanted was to hear the members of town council comments on the proposed budget and then give the citizens the opportunity to ask questions following council discussion.

Mayor Gravatt closed the public hearing and opened discussion to members of the council. Bill Smith stated that he noticed that there was no funding budgeted for the Rescue Squad. He stated that this funding had been an annual budget item and it was almost not funded last year. He continued to state that he feels it is important to continue to support our first responders as much as a small town could afford. Larry Chowning asked if this money was from the Taber Fund and also when the town ever considered not funding the Rescue Squad. It was stated that during the last fiscal year there was discussion about not funding. Chowning also stated that never in his mind did he ever consider not funding the Rescue Squad and that this item was not voted on as a collective body to discontinue funding. Both Smith and Chowning stated that funding should be included in the budget. At this time, Finance Chair, Dr. Goldsmith stated that the simplest way to approach this is to approve the budget as written and then do an addendum to the budget.

Ms. Gailey explained that since the budget had already been published as required by law, the budget cannot increase at this point in the process. She explained that after the budget is adopted that an amendment can be brought forth for adding funding for the Rescue Squad.

Boyd Wiley stated that since the rescue squad was in transition between Middlesex County and being independent at that particular time, the money was held during the process of transition. He also stated he believed that it was not intentionally omitted from funding. Larry Chowning stated that Deltaville spent time during this transition period running calls for Urbanna and that he was not opposed to giving the Deltaville Rescue Squad the funds allocated. He continued to say that he would give the funds to the volunteers that serve the community. Boyd Wiley, Bill Smith and Larry Chowning agreed to give the funds to Deltaville at least designate it for equipment and maintenance. George DeVries asked if the town ever received the accounting report from the rescue squad that the town requested to which Barbara Hartley stated that because the local squad was dissolving, there was no accounting report available. She also stated that Urbanna is relying on the surrounding rescue squads. Mayor Gravatt asked if they were a paid organization at this point. Town Attorney, Andy Bury,

explained that the town gave the money to Deltaville last year because the local squad was disbanding. It was also stated the equipment is being utilized by other rescue squads. Larry Chowning stated Middlesex County is covering the debt for the building that housed the rescue squad. Bill Goldsmith explained that the clean way to move forward was approve the proposed budget and then during the amendment process, designate funds to the Rescue Squad. Barbara Hartley added that it might be good to know how many times Deltaville Rescue Squad made calls to the Urbanna area during the time that the local organization was out of service and recognize them for the service they provided.

Barbara Hartley stated in regards to the budget, specifically capital projects, that even though there was no support previously that funds be allocated for the development for what has been erroneously called Payne's Crab House. She added that it is historically known as Chowning's Landing. She stated that she feels like we still need to develop and hold a spot open for it so that it does not get buried and somebody thinks it is okay to negotiate a sale or trade for the property. She asked that this be recorded on the record that we need to put some funding in place to keep the project open.

Ms. Gailey addressed concerns from Larry Chowning in reference to where the money allocated for debt service was placed in the proposed budget since the loan has been paid off. Ms. Gailey explained how the money was allocated. This document has been attached to the minutes. Barbara Hartley asked about the boat ramp repairs funding. Ms. Gailey explained that there was \$5000 allocated for the project in FY18/19 that was not expensed and after further investigation, more funding was required to repair the boat ramp. Therefore, additional monies have been allocated to the project and that the remaining \$5000 would be brought in as an amendment to add to the total funding of the project. Ms. Gailey noted that this would require a VMRC permit and that the application process had not yet begun.

Boyd Wiley asked if \$15,000 was enough for rebuilding the retaining wall bordering Virginia Street in front of the museum. Ms. Gailey noted that it was likely not enough to complete the project but it would likely cover engineering cost and other associated planning. Ms. Gailey also stated that she was working through Delegate Hodges to assist in finding a solution to the VDOT right-of-way that includes the retaining wall. Ms. Gailey stated that Delegate Hodges seems to be making some headway towards a solution. Boyd Wiley offered historical knowledge on the retaining wall by stating that when the old Urbanna Bridge was removed, the concrete was busted up and then used by the highway department to build the wall. He stated that it was VDOT materials that built the wall and VDOT did the work and yet now, VDOT claims no responsibility for the walls failure. Ms. Gailey stated that the issue was finding proof of this action in writing to give the town options. Ms. Gailey stated that working through archived minutes to piece the information together.

George DeVries stated that the dredging equipment had been seen onsite and asked if the project was finally underway. Ms. Gailey responded by giving an update and timeline of the dredge of the marina slips. Ms. Hartley asked why the contractor had not started even though the equipment was onsite. Ms. Gailey clarified that as part of the permitting process with the Army Corp of Engineers, VMRC and the provisions of the grant, there was a requirement that

an on-site meeting with all the permitting agencies and the contractor take place after the staging of the equipment.

At this time, Mayor redirected the meeting back to the budget discussion and asked for any further comments. Being there were none, Mayor Gravatt moved to the next item on the agenda.

Mayor Gravatt began the discussion on a draft marina commercial use policy by reading the proposed document particulars. She stated that the marina committee worked on the document as well as proposed rates for commercial annual leases and rules and regulations. Bill Smith stated that the document presented was stated as being a new policy and asked if anyone had received a copy to review. Mayor Gravatt replied that it was included in the work session packet that was emailed to each member of town council. Barbara Hartley also stated that she did not receive the document in her packet. Ms. Hartley also stated that she had previously requested to receive hard copy of the packet as well as email copy and that she did not receive them. Other town council members also stated that the policy was not included on their packet. Barbara Hartley asked who the members of the marina committee were. Mayor Gravatt responded Boyd Wiley, Tyler Burgess, Holly Gailey, Joyce Eanes and herself. Hartley asked why designate 4 slips for commercial use? Mayor Gravatt stated that the committee chose 4 slips. She added that under the provisions of the grant, the marina must remain 50% transient. Boyd Wiley added that having to keep slips open for transients was a requirement and with annual slip holders, space could be limited. Barbara Hartley after hearing there are 32 slips at the town marina that only 4 slips for commercial use was a far cry from 50 percent. Boyd Wiley asked if she felt like we needed more than 4 commercial slips.

Barbara Hartley replied by saying she wasn't sure but maybe 6 would be better and asked if there was a definition of "commercial use" within the document. Hartley continued to state that one could drive a fleet of mac trucks thru this document and she thinks that town council should spend some serious time reviewing the document, making sure that what is proposes is appropriate and not be a detriment to the town but to augment the town and its citizens. Hartley stated that this is a good first draft but would not put it to a vote to approve until town council had time to review. Bill Goldsmith added his concerns that the commercial business boat owner can use the facilities but not the patrons of the commercial boat. This is specific to the request of a new commercial charter type business at the town marina. Goldsmith stated that adjusted so that the people involved with a commercial boat can use the facilities. An example was offered by Mayor Gravatt of if you have a large tour boat with 20 or 30 people on board, then you would have up to 30 persons using the facilities, which the town would end up paying for all of the toiletries, amenities and cleaning of the facility. She continued to say that this was the reasoning behind the decision to limit facility use to the boat owner and not their guest. Bill Goldsmith stated that he understood but felt it doesn't make it conducive to have a commercial business at the marina if the patrons can't use the facility. He continued by saying that it would be more if there was an agreement that all could use the facility on a cost per diem basis than to say you can't use it at all. Goldsmith also stated that if a boat of 20 people came for an overnight that having to provide port-o-johns for them for a one night stay seemed cumbersome and it would be better with a per diem rate or per person charge that way the town would benefit and not the company providing the outdoor facilities for one day. Mayor Gravatt added that under the grant which designates the town marina as transient and that

should be the primary focus and that the town has never allowed commercial business at the marina so we are trying to be amenable to allowing some commercial use and make it amenable for citizens to have a small business down at the marina. George DeVries asked specifics about the grant and why the town was still under the provisions of the grant. It was explained by Mayor Gravatt that 10 years is added to the life of the grant each time the town utilizes the Boating Infrastructure Grant Program. Mayor Gravatt explained that this grant is the reason our marina is considered transient and we are here to serve those transients and we have never allowed commercial business so when we had a request council asked the marina committee to come up with a policy for a commercial business that is what was done and this is the policy that we have presented. At this time, Barbara Hartley stated that actually there was a permitted use and it was up to the town administrator. Barbara Hartley read directly from the Urbanna Town Marina Operations, Rules and Regulations, Article 11, which states, " the boat owner shall use the boat for pleasure and recreation only, no commercial venture of any kind shall be undertaken from the marina except with the written authorization from the town administrator so she has always had the ability to look at this on a one by one case and determine if it's going to be a good fit for our marina so you can't say we have never allowed it. Boyd Wiley and Mayor Gravatt agreed that town council has never allowed it or made any decision about commercial use except under the Oyster Festival or a special event making this a new area for the town to consider. Hartley stated that council appreciated the recommendations from the marina committee and reminded council that committees can only recommend policy not establish policy. Larry Chowning read a segment from the draft policy stating that the water service was discontinued from November to April and no commercial activity during shall be permitted during that time. Mr. Chowning felt this was extreme and needed to be reviewed. Boyd Wiley asked if there was a way for the town to pass a conditional use permit to allow the new business to get started and sign a temporary lease while the town reviews the proposed policy and makes the necessary changes. This is an effort to allow the business to begin operating from the town marina. Being that there were many uncertainties about the policy, Bill Smith put a motion forth to table the Town of Urbanna Commercial Use Policy until the town council meets again to make the changes needed to the proposed policy. This was seconded by Larry Chowning. Ms. Gailey called the roll to which the following responded aye: Bill Smith, Larry Chowning, Boyd Wiley, Barbara Hartley, George DeVries and Bill Goldsmith.

At this time Barbara Hartley stated that she had other issues regarding the marina in regards to annual slip renters and the unresolved WIFI problems and that putting these issues off another month without being answered. Hartley stated that we have very few annual slip holders at the marina who by multiple accounts are exactly the kind of clients that we want to keep and she knows of at least 3 separate occasions where clients have been treated badly and requested that this type of behavior on our part cease immediately before we irreparably damage the town name in the boating community. There are unresolved issues dealing with these individuals, who I will not name at this public meeting, each of which should begin with an apology and resolutions to the problems caused to them. Hartley continued to add that we already covered the general use policy for the marina but there is still a WIFI issue. She stated that she had been told that it has been three weeks since the new provider was contacted and he has failed to respond or fix the problem. Ms. Hartley asked who authorized the firing of the previous IT person and the hiring of the new one, what are we paying for the services and at

whose advice was the individual selected. She continued to say that the individual was not returning phone calls to address the WIFI issues. Ms. Hartley stated that concerned citizens have asked to demand the previous provider be reinstated or at a minimum, a local company that is qualified to repair and to be responsive to such an imperative operation be hired. Hartley asked that this be part of the record. Mayor Gravatt asked if there was any discussion. Bill Smith asked for a history of the WIFI. Ms. Gailey offered an explanation of the WIFI from the inception of the service and current issues with the WIFI signal. She explained that when Net Interop was hired, a request to supply WIFI to the docks was addressed as previously we had some issues with the signal reaching the extreme ends of the docks. Ms. Gailey stated that she felt like it possibly fell through the cracks while the provider was on site in February as the marina is closed and the issues didn't become apparent until the boating season got into full swing. Ms. Gailey also noted that she was not made aware of any issues with the WIFI until after the Memorial Day weekend when she returned to the office. Ms. Gailey stated that the contact for the new provider had been given to each of the town locations that have computer services and that if a problem occurs; the individual must call from that terminal so that the technician can assist remotely to resolve the issues. It was stated by Barbara Hartley that the marina staff called the number for assistance and was still waiting for a return call and had been waiting 3 weeks. Ms. Hartley asked who decided to make this change in providers and why was the council unaware of such change. She continued to say that this type of activity is not transparent. After receiving no response, Ms. Hartley demanded an answer. Larry Chowning stated that we were on the edge of transparency as we didn't name anybody but that there were issues with personnel that would need to be discussed in a closed session to protect the individuals involved. At this time Mayor Gravatt asked Hartley to hold her questions until the closed session. Ms. Gailey added that she is working on options to fix the WIFI issues whether it be the current provider or a new service all together. Ms. Gailey also stated the phone system is powered by WIFI so that if the phone system is working there is proof of WIFI services being active but that repeating the signal out to the docks is the issue.

Moving on to the next item on the agenda, Mayor Gravatt presented a draft Town Property Alcohol Use Policy. She stated that this policy includes all town properties to include the pool, museum and the marina grounds. Mayor Gravatt stated that a meeting was held with an ABC agent and that the regulations that were included in the recommended policy were directly taken from the ABC Regulations. Bill Smith presented questions about Music Under the Stars and the use of coolers that may or may not contain alcoholic beverages. Mayor Gravatt explained that having the policy protects the town and will allow for the Sheriff's Office to proceed with citations if warranted. Ms. Gailey added that she had spoken with the ABC Board in reference to availability of a blanket permit that the town could purchase to cover the many events that require ABC permits and that there is not a permit available for what the town is seeking. She noted that the town was trying to assist by getting a blanket policy, however, there is not a policy to cover all that we requested leaving it up to the individual or group to purchase a single policy. She also added that having a policy in place is protection for the town. Bill Smith asked that the marina portion of the proposed policy be revised to remove the word "slips" where it states that alcohol consumption is prohibited on the slips, piers and other facilities. Alcohol is permitted on individual boats but not the slips. George DeVries added that the document stated that the policy is available at the town office and asked if this document could be added to the website so that a visit to the town office would not be necessary. Mayor

Gravatt agreed to add to the website. Bill Goldsmith voiced several concerns: one being that the town policy should not include where visitors can purchase alcohol and recommended striking the second paragraph of the document. Council was in agreement. Also, he noted concerns about why alcohol would not be allowed at the pool under a private party rental. It was stated that this would create a liability to the town and should not be allowed at the pool facility. It was agreed that the policy be added to the website once the changes have been completed. Mayor Gravatt asked if there was a motion to approve as amended to which Barbara Hartley responded affirmatively by saying, so moved. Bill Smith seconded the motion. Those answering aye to the roll call vote were Hartley, Smith, Chowning, Wiley, DeVries and Goldsmith.

The next item on the agenda was discussion on the consent agenda. Barbara Hartley stated that she would like to discontinue the use of a consent agenda. She stated her reasoning as if it only included the minutes it was not needed. She felt that items can possibly be pushed through without the full council's knowledge and in the effort to be more transparent, that all items be listed under the consent agenda separately. She also stated that all items included in the consent agenda be included in the packet. Mayor Gravatt responded by stating that all the items in the consent agenda have been included in the council packet for review at least one week prior to the date of the meeting as well as posted on the web. Barbara Hartley stated that by state law she is entitled to have a packet be delivered to her personally in hard copy and that this has not been done and requested again that she receive a hard copy of the packet. She reiterated that state law permitted her to have a physical copy of the packet. It was determined that Ms. Gailey will receive from each member of council how they would like to receive the packet, whether in person or via email. This will be done at the next work session. Larry Chowning asked that all items be listed under the consent agenda and have supporting documentation. He also added that it is a measure to save time but he agreed that the items be individually listed. George DeVries asked for clarification on if there is a change in the draft minutes, when was the proper time to have them corrected. Mayor Gravatt stated that if there were typos or corrections, Ms. Gailey should be informed prior to the meeting so that corrections can be made prior to the meeting and before being approved.

Moving on to the next item on the agenda, Mayor Gravatt introduced the LUNA Project. The LUNA is a ship being built in Deltaville. Mayor Gravatt asked council's permission to invite the group to speak to council about the project and the possibility of having the LUNA docked at the town marina. Boyd Wiley asked if we could have an article in the paper. The project is to be on the Chesapeake Bay and travel to ports carrying goods and cargo and being utilized as an educational ship and how goods were transported during colonial times. There was a discussion about the opportunity to have Urbanna as the homeport for the LUNA. Ms. Hartley added that even if they use Urbanna as a home port, that it would only be for a few weeks at a time and that they could easily move out of a slip when needed and moor out on the creek. She also added that the LUNA project has film maker contacts and that Urbanna could be used for the backdrop in a movie. Mayor Gravatt asked if there was a motion to invite the LUNA project to come and address council and elaborate on their project and plans for the future. Barbara Hartley so moved, which was seconded by Bill Smith. During the roll call vote the following answered aye: Barbara Hartley, Bill Smith, Bill Goldsmith, George DeVries, Boyd Wiley and Larry Chowning.

Moving on to Committee Reports, Bill Smith, Chair of the Committee, offered an update from the Water Committee. He stated that the committee is in the review process for potential engineering firms for the design/build of the new well and for the RFP work that will need to be completed. He also added that security fencing that has been included in the Capital Projects for FY 20 has now been added the priority list for the committee.

Mayor Gravatt briefly updated the council on the museum committee and the potential contractor for repairs to the structure by stating that the contractor has been out of the country and the town was awaiting the proposal and associated costs.

George DeVries stated that he is now attending the Urbanna Beautification Committee meetings and that there seems to be some confusion with regards to Christmas decorations and who is putting them up and removing them at the end of the holiday. Mayor Gravatt explained that the town will be putting the decorations up using the decorations that are already on hand and that there is no money allocated to purchase any new items. Boyd Wiley asked who was in charge of the Beautification Committee. It was determined that it was believed to be Karen Lowe or Betsy Bristow. At this time, Barbara Hartley stated that she had some concerns about volunteer organizations in general and specifically the Beautification Committee. She stated that she had been told that the town sent a bill to them after the fact for the removal of the decorations last Christmas (2018) and said this was billed ex post facto for man hours involved in taking the decorations down and that this they were not made aware that they would be charged for the removal. She continued to state that the law of the land does not allow any type of punitive action when something has been agreed on at one time and later becomes out of pleasure or now it's not legal anymore, you cannot impose that after the fact. Ms. Hartley stated that is has been discussed previously as to whether or not it is proper for the town to bill them for man hours, however a resolution has never been established and a vote has never happened and that any action shouldn't occur until future events happen and not be completed after the fact. Barbara Hartley noted that she had heard that a representative, who would remain unnamed, had been told that the town was going to take care of future decorations and Christmas plans and that she was unaware of that decision. She asked if she possibly misunderstood noting this was disturbing to hear. She stated that this policy looked punitive to the volunteer organizations whose existence is for the purpose of promoting our town and providing various types of assets to our citizens, visitors and potential tourist. Is the town staff prepared to take up all the efforts, expenses and man hours provided by all the volunteer organizations or are we so unimaginative and short sighted as to consider all of these services to be considered unnecessary fluff. I see this treated as causing a slowdown and a potential defeat of more than just the Beautification Committee, I see it as negatively impacting on a number of different of different organizations. Ms. Hartley strongly suggested that the town stop denigrating these fine people who are trying to do something because if we can't find better ways to work with them, they are not trying to take anything away from us, they are trying to help us cover the things that we cannot cover, our staff cannot cover and we couldn't possible cover the man hours that they put in without charge. And if we can't do that maybe we should just dissolve town council and dissolve the township and fall directly under the governness of the county because we sure are being sour grapes to these people who are trying to help us.

Mayor Gravatt addressed the decorations by stating that the agreement with the Beatification committee and the taking down of the decorations last year. She stated that the agreement was that they would put them up and the town was going to pay \$4000 to help them have the decorations put up and there was agreement on taking them down. In the past, town staff has taken them down. She reminded council that at the time, the town didn't have the bucket truck. She stated that she called the Beautification Committee and asked them if they would share the cost of the removal because the town didn't have a bucket truck to take them down and they agreed to pay half of \$360.00. Mayor Gravatt stated that she had met with Karen Lowe and asked if the town was going to put up the decorations this year. Mayor Gravatt said that the town now has a bucket truck and could put up the decorations and that was the end of the discussion stating that this has not been considered by council. Mayor added that the town now owns the decorations and that the town had purchased a bucket truck and that the town could put up the decorations from last year. George DeVries stated that he would discuss this with the Beautification Committee when he attended their meeting.

Mayor Gravatt asked Ms. Gailey to introduce the new hire. Ms. Gailey introduced Katelyn Eubank who has been hired as the part time administrative assistant for the town office. Ms. Gailey offered updates on ongoing projects and announced the events for the Fourth of the July. She also stated that the survey for the west end town entrance sign has been completed and the sign will be ordered.

At this time, Mayor Gravatt asked for someone to make a motion to go into a closed session.

Council Member George DeVries moved to go into executive session pursuant to Sections 2.2-3711(A)(1), 2.2-3711(A)(4) and 2.2-3711(A)(29). Council Member Bill Goldsmith seconded the motion. Ms. Gailey called the roll to which the following answered aye: George DeVries, Barbara Hartley, Larry Chowning, Bill Smith, Bill Goldsmith and Boyd Wiley.

Council Member George DeVries made a motion to re-enter open session to which Council Member Bill Goldsmith seconded. Ms. Gailey called the roll to which the following answered aye: George DeVries, Barbara Hartley, Larry Chowning, Bill Smith, Bill Goldsmith and Boyd Wiley.

Upon returning to open session, Council Member Bill Smith moved to approve the following Certificate of Executive Meeting to which Council Member Larry Chowning seconded:

Whereas, the Urbanna Town Council has convened an Executive Session meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

Whereas, Section 2.1-344.1 of the Code of Virginia requires a certification by the Urbanna Town Council that such executive meeting was conducted in conformity with Virginia law;

Now, Therefore Be It Resolved that the Urbanna Town Council hereby certifies that to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this

certification resolution applies, and (i) only such public business matters as were identified in the motion convening the executive session were heard, discussed or considered by the Urbanna Town Council.

Ms. Gailey called for a roll call with the following answering aye: George DeVries, Barbara Hartley, Larry Chowning, Bill Smith, Bill Goldsmith and Boyd Wiley.

Upon entering open session, Barbara Hartley made a motion to terminate the contract with the Thrasher Group which was seconded by DeVries. Ms. Gailey called the roll to which the following answered aye: George DeVries, Barbara Hartley, Larry Chowning, Bill Smith, Bill Goldsmith and Boyd Wiley

Being there was no further business, Council Member Barbara Hartley made a motion to adjourn at 9:29 pm to which Council Member George DeVries seconded. Ms. Gailey called the roll to which the following answered aye: George DeVries, Barbara Hartley, Larry Chowning, Bill Smith, Bill Goldsmith and Boyd Wiley.

Clerk