

**Town of Urbanna
Town Council Monthly Meeting Minutes
February 25, 2021
Meeting Held via Zoom**

CALL TO ORDER & ROLL CALL

Mayor Hartley called the meeting to order at 7:01pm

Present

Mayor Hartley
Marjorie Austin
Merri Hanson
Larry Chowning
Steve Hollberg
Bill Smith
Bill Goldsmith
Garth Wheeler-Town Administrator

All present said the Pledge of Allegiance

Mayor read the following Town Codes Section 2.21(B), Section 2.26 (partial) for clarification

MINUTES

Minutes were unavailable

REPORTS

Town Administrator

Garth Wheeler & Roy Kime have completed third week in their positions as Town Administrator and Town Zoning Administrator

Projects they have identified and have been brought to their attention:

Rappahannock Rd & Taber Park drainage

There was a blockage, possibly due to Oyster Festival inserting pole and running conduit through drainage pipe. Several attempts were made by Joe Heyman, Church View, and VDOT to clear were not successful. Eventually, an employee of Mr. Heyman's was able to clear blockage. He thinks the culvert is broken and indicated he will make repairs.

Meeting scheduled with VDOT for Feb. 26, 2021 to discuss continuing drainage problems throughout the town

There is concern about the road between marina & condos. One estimate in hand from Church View, waiting for estimate from Will Wills, and there is a call to William Wright.

Getting an estimate from Will Wills for fixing standing puddle on paved road in front of condos, and parking lot between ABC & Something Different, which is owned by Marshall's but town is responsible for it due to public parking.

The Edmond's budget program is capable of various reports. However, Michele not provided necessary training and it's recommended to pay Edmund's for additional training for Michele, Roy, members of finance committee, and any other members who wish to participate. The cost is \$300

It is understood the budget is drafted by end of March and asked for input from council on procedure, ground rules, and goals. Councilmember Hollberg offered support with budget. Councilmember Goldsmith offered to share templates and explanation documents with Garth.

First staff meeting held Tuesday, February 23rd. Introductions and ideas were discussed. It was productive and good ideas were discussed. Regular meetings will be scheduled in future.

A letter was sent to Betsy Bristow's family signed by the Mayor Hartley and Garth

Will meet with Friends of Urbanna museum February 26th for introductions

In process of scheduling meetings with other volunteer organizations for the purpose of introductions

Water Committee

Councilmember Smith reported contract from Kimley-Horn to be discussed in executive session.

Work assignment to Bowman Consulting to find funding sources, due to Median Household Income (MHI) down. Asset Management Plan (AMP) and rate sheet have been sent and waiting on estimate

Meeting March 2nd with Cartegraph; Roy Kime, Bill Goldsmith, and Bill Smith will attend.

Meeting with Bowman March 2nd regarding funding

Meeting March 2nd with HRSD; Garth, Roy, Joe Heyman will attend

Clarification given regarding AMP; it's a document that inventories town water system assets and gives replacement times up 40 years.

PUBLIC COMMENT & RESPONSE (out of order from agenda)

Lisa Powers asked via Zoom chat that Waterman's Park area be part of drainage improvement plan.

Council responded they are aware of the problem, but that area is VDOT responsibility.

Residents should contact VDOT directly.

Tom Chillemi asked council to keep public session open on Zoom during executive session, as it had been ended during a previous meeting.

Council responded it was their intent to keep public session open during last meeting, but that did not happen. A new method will be used at this meeting that should keep the public in the Zoom meeting room, while the council goes into executive session.

Treasurer's Report (cont'd from reports)

Summarized by Garth Wheeler

Sona Bank operating account balance through 1/30/21 is \$580,233.32. This number includes outstanding checks.

Net operating general bank account is \$543,279.72
BB&T historic trust balance \$17,419.41. Account is funded by donations to fund
Pool replacement account \$36,759.45
Sona Bank water fund reserve as of 1/31 \$113,549. Dropped from \$215,000 since last year due
to water mapping bill, AMP, and directional funding
General fund reserve \$94,490.24
Meals tax collected for January was \$7,964.61

PUBLIC COMMENT & RESPONSE (cont'd)

Lisa Powers commented via Zoom audio. The basement of her home at Colorado & Cross floods when it rains, due to poor drainage in area. While she understands it's a VDOT responsibility, VDOT has not been responsive and is requesting council's assistance.

Garth Wheeler stated he would bring issue up at meeting with VDOT on 2/26/21

Joe Heyman commented to clarify regarding the storm drain on Rappahannock. There are four manholes/drop inlets on Oyster Festival property and one on resident property which were completely clogged. Blockages caused by debris, not the Oyster Festival conduit. VDOT is only responsible for pipes in right-of-way. Problem on Rappahannock should be resolved.

Council responded that was an item that could be brought up during meeting with VDOT on 2/26 to determine responsibility of other pipes that have been blocked.

Hank Dunton commented that VDOT raising road level on Kent, Colorado, West, and Taylor Avenues will only push water into yards. Wanted to know if adding curbing be town or VDOT responsibility. If town responsibility, look at possible funding such as grants for future capital improvements.

Council responded that was an item that could be brought up during meeting with VDOT on 2/26

Treasurer's Report Discussion

Councilmember Hollberg commented an audit needed and it was suggested an RFP for auditors should be put out.

Mayor Hartley stated Town Code 2.26 as to what can create a billing issue for legal services for town. The three ways it can happen are: Request or instigation from mayor. Majority vote of council. By town administrator.

The mayor disputed some of the recent invoices, totaling \$5,340, from town attorney that did not meet these criteria.

Council discussed whether or not some billable hours were justified, and the background of these issues

Marnie Hart, resident, commented on possible solutions

Gari Lister, resident commented on possible procedural alterations

Councilmember Hanson brought up discussion on having a contract or retainer document for town attorney position, create RFP (Request for Proposal)

Discussion about this issue took place

Councilmember Hanson move to offer to authorize the town manager to issue a solicitation for town legal counsel to be procured via an engagement letter and for service and to allow all authorized or all qualified interested parties to apply for consideration

Councilmember Austin seconded

Hanson, Austin, Hollberg voted yes
Chowning, Smith, Goldsmith voted no
As there was a 3-3 vote, the motion did not move

Old Business

Councilmember Chowning requested Garth Wheeler would find out if some of the VDOT funding given to Middlesex County could come to Urbanna

Councilmember Chowning updated that he has spoken with Karen Lowe regarding street lights, \$14,000 still available to match. George DeVries working with VDOT on whether or not town can move forward with lights

Additional Public Comment

Councilmember Hanson read public comments from Zoom regarding RFP for legal counsel

Joe Heyman thinks more research is needed for an RFP and a committee put together

Lisa (last name not given) said an RFP ensures whoever is bidding on contract is on level playing field, proposals should be given the same criteria

Gari Lister agreed with Joe Heyman, RFP needs to be specific about the qualifications and expertise needed to put together a well-rounded RFP. Someone needs to study the issues that have arisen in the past and are likely to arise in the future

New Business

Councilmember Hollberg made a motion the town council appoint Garth to examine and determine cost to have pool operable for the 2021 season. Councilmember Goldsmith wanted to add to the motion making sure VRSA, the town's insurance company, would cover the pool

Discussion was had regarding importance of pool to the town, possible solutions, and potential costs for repair/replacement

Councilmember Chowning seconded

Further discussion was had regarding pool repair/replacement, possible funding sources

Councilmember Hollberg restated his motion to task Garth with the assessment of what it would take in order to restore the pool to operating function for the upcoming summer.

Councilmember Chowning seconded

Hollberg, Larry, Austin, Smith, Goldsmith, Hanson voted yes

Motion passed 6-0

Councilmember Hanson made a motion to task Garth Wheeler as FOIA officer and parliamentarian

Councilmember Austin seconded

Hollberg, Larry, Austin, Smith, Goldsmith, Hanson voted yes

Motion passed 6-0

ANNOUNCEMENTS

There were no announcements

EXECUTIVE SESSION

Purpose of contract discussion

Mayor made motion to go into executive session pursuant to Section §2.2-3711(A) (29), *Code of Virginia* for the following purpose: Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

Councilmember Austin seconded

Austin, Chowning, Smith, Goldsmith, Hanson

Hollberg did not vote

The council entered executive session

Councilmember Austin made motion to go back into open session

Councilmember Smith seconded

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

Mayor Hartley read the certification of executive session:

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.

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

The council re-entered open session

OPEN SESSION

There was further discussion regarding Mayor's ability to vote, citing Town Code and Code of Virginia.

Councilmember Chowning made a motion to allow the mayor to vote

Councilmember Austin seconded

There was discussion about the motion

Chowning, Hollberg, Austin, Goldsmith, Hanson voted yes

Smith voted no

Motion passed 5-1

Councilmember Smith made a motion to move forward with the Kimley-Horn contract for well number 5 replacement, municipal supply well feasibility assessment

Councilmember Austin seconded

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

Motion passed 6-0

Mayor Hartley moved to recess and reconvene on Thursday, March 4th at 7pm.

Councilmember Austin seconded

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

Motion passed 7-0

Meeting recessed at 9:41pm

Submitted by:



Martha J. Rodenburg

Town Clerk

Approved by Urbanna Town Council May 13, 2021