

**Town of Urbanna
Town Council
Work Session
Council Chambers-390 Virginia St. Suite B
February 10, 2022**

CALL TO ORDER & ROLL CALL

Mayor Hartley called the meeting to order at 7:03pm

Present

Mayor Barbara Hartley
Council Members
 Marjorie Austin
 Larry Chowning
 Bill Goldsmith
 Merri Hanson-via Zoom
 Steve Hollberg
 Bill Smith
Garth Wheeler-Town Administrator
Roy Kime-Zoning Administrator
Michele Hutton-Town Treasurer
Martha Rodenburg-Town Clerk
Andrea Erard-Town Attorney-via Zoom
Members of the public

Councilmember Hanson requested to participate electronically from San Diego, CA while she is with family during her infant grandson's cancer treatment.

Councilmember Goldsmith moved to allow Councilmember Hanson to participate electronically

Councilmember Hollberg seconded

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

Motion passed 6-0

All present said the Pledge of Allegiance

APPROVAL OF AGENDA

Councilmember Smith moved to amend the agenda to add the following under Closed Meeting:

Pursuant to Virginia Code section 2.2-3711(A)(29) for 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-Water infrastructure contract.

Councilmember Austin seconded

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

Motion passed 7-0

PUBLIC COMMENT & PUBLIC COMMENT RESPONSE

The following members of the public spoke:

Sarah Jane Wyatt- in favor of development of Virginia St Dock/Pier
Alana Courtney- against development of Virginia St Dock/Pier
Gari Lister- in favor of development of Virginia St Dock/Pier
Ron Courtney- against development of Virginia St Dock/Pier
Ricky Longest- against development of Virginia St Dock/Pier
Dan Snead- against development of Virginia St Dock/Pier
Phil Friday- against development of Virginia St Dock/Pier
Martha Lowe- against development of Virginia St Dock/Pier
Louise Friday- against development of Virginia St Dock/Pier
Beth Justice- against development of Virginia St Dock/Pier
Sandy Sturgill- against development of Virginia St Dock/Pier
George Delk- against development of Virginia St Dock/Pier
Tammy Putney- against development of Virginia St Dock/Pier
Latane Montague- against development of Virginia St Dock/Pier
Wanda Hollberg- in favor of development of Virginia St Dock/Pier
Carol Williams- in favor of development of Virginia St Dock/Pier
Don Drayer- in favor of development of Virginia St Dock/Pier
Bill Hight- against development of Virginia St Dock/Pier

The following members of the public sent letters to Town Council and Town Staff that have been added to the minutes:

William G. Talbott
Brian & Kelly House
Ken Fugett
Mark Singer
Fritz & Peper Heunemann
Mike Jolly
George Delk
Gloria Dana
Latane Montague
Tom Clarke

MATTERS OF THE TOWN COUNCIL

Councilmember Goldsmith suggested moving the Virginia Street Dock/Pier discussion to be the first item [under Matters of the Town Council]. Mayor Hartley agreed.

Virginia Street Dock/Pier

Mayor Hartley remarked

- Original permit was for boat dock, not a kayak launch.
- Council would not be making a determination as to which of the four options they wish to pursue until Feb. 27th

Councilmember Hollberg remarked

- Noted an option not included in packet 15x20 fix 50x80 long pier-\$55,000
 - Cost would be \$38,000 without bulkhead
- Clarified funding restrictions with using BIG grant monies at Town Marina
- Funding for pool is separate, developing Virginia Street would not negate pool funding
- Floating dock would benefit Town with tourism and meal taxes

Mayor Hartley remarked

- Gave history of the original plan and permit
- Original plan did not mention kayak dock
- Could be used to dock historic ships and tie in with museum system and possibly used for future film site
- At time of original permitting, the Town Attorney ensured upon sale of adjacent properties, the Town's intent to develop was disclosed to purchasers

Councilmember Hollberg asked Martha Rodenburg, Town Clerk to add letters from Tom Clarke and himself.

Councilmember Austin added a letter from Karin Kampinga should also be submitted.

- Martha Rodenburg responded any correspondence she had received prior to the meeting had been placed at each Councilmember's seat at the dais.

Mayor Hartley added to her remarks that the issue of maneuverability between Montague marina and proposed dock/pier could be solved by moving the location of the pier to be along the far-right boundary of property.

Councilmember Chowning remarked there was a 15' easement on the Virginia Street property for emergency vehicle access which cannot be blocked. Further discussion took place.

Councilmember Hanson made a statement and presented a plan on behalf of the Planning Commission, which were made public and presented to Town Council in the meeting packet.

- Stated the Planning Commission does not vote, they make recommendations to Town Council
- In favor of plan-Don Drayer, Gari Lister, Hank Dutton, Merri Hanson, and Wanda Hollberg ("In concept because she wants something to be done their, although they differ on length of development")
- Alana Courtney disagreed with plan

Conversation between Council and attending members of the public took place regarding the differing stands on the Virginia Street Dock/Pier project.

Mayor Hartley suggested the matter be tabled and a committee be formed to build consensus and develop better solution

Councilmember Chowning made a motion to table the Virginia Street Dock/Pier project, and to form a committee to develop a comprehensive plan for the entire waterfront owned by Town to include private homes and marinas in order to work together as a group.

Councilmember Goldsmith seconded

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

Motion passed 7-0

Coffee with the Town Administrator

Garth Wheeler informed Council he will be hosting this event to be held Wednesday, March 2, 2022 at 9am in the new Town offices and open to the public. Mayor Hartley and Councilmember Goldsmith plan to attend. To avoid violating meeting laws, no other members of Council will be in attendance.

Marina Update

Meeting with Preston Smith regarding improvements and whether or not they fall under BIG grant, including replacing some finger docks with floating docks

- Councilmember Smith requested a copy of planned improvements and Mr. Wheeler said he would send them to Council

Docks of the Bay will begin work on boat ramp soon, prior to working on Montague marina

Taber Park Pool

Councilmember Goldsmith reported

He and Martha Rodenburg attended an informational webinar regarding possible grant funding through Land & Water Conservation Fund

- Paperwork due March 15, but there will be future rounds of funding available
- Will begin work to be prepared to file application next round

ACTION ITEMS

Fireworks-July 1, 2022

Councilmember Austin made a motion to approve the Town Administrator to enter a contract with America Fireworks in the amount of \$12,500.00 for the Town of Urbanna's 2022 Independence Day Celebration

Councilmember Smith seconded

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

Motion passed 7-0

Garth Wheeler updated Council on the opening of DMV Select (not on agenda)

- Maribel Kimble is the DMV Select Clerk
- Appointments open
- DMV employees to be in office to assist first week

Councilmember Hollberg mentioned the vandalism of the Oyster Festival sign at 17 and Townbridge Road

- Garth Wheeler responded that it had been brought to the attention of the Sheriff's Department and was being repaired
- Councilmember Hollberg recommended the Town should investigate taking over the lease of billboard from Urbanna Business Association (UBA)

CLOSED MEETING

Councilmember Goldsmith made a motion to go into closed meeting pursuant to Virginia Code section §2.2-3711(A)(1) for the following purpose: Discussion or consideration, or interviews of prospective candidates for employment; appointment, performance, and salary of a specific public officer, or appointees of the Town Council, and Virginia Code section 2.2-3711(A)(29) for 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-Water infrastructure contract.

Councilmember Chowning seconded

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

Motion passed 7-0

OPEN MEETING

Mayor Hartley stated there was motion to reconvene in open meeting and to certify that only the matters that were identified in the motion to go into closed meeting were heard, discussed, or considered, and there was a unanimous "aye" vote.

Councilmember Goldsmith made a motion to make the Town Clerk position a full-time position with a salary of \$32,760.00 per year with benefits.

Councilmember Austin seconded

Austin, Chowning, Goldsmith, Hanson, Hollberg, Smith, and Hartley voted to accept amendments

Motion passed 7-0

Councilmember Austin made a motion to reduce the salary of the Town Administrator and the Zoning Administrator by \$6,000.00 each.

Councilmember Goldsmith seconded

Austin, Chowning, Goldsmith, Hanson, Hollberg, Smith, and Hartley voted to accept amendments

Motion passed 7-0

Point of clarification added per Council approval 3/10/2022: This is a voluntary salary reduction at [Mr. Wheeler's and Mr. Kime's] request as a cost savings

Councilmember Smith made a motion to enter a contract with AH Environmental with a fee of \$5,824 for the identification of grant and/or low interest loan funding. Also, to approve the Town Administrator and Zoning Administrator to sign change orders in not to exceed \$16,664.

Councilmember Austin seconded

Austin, Chowning, Goldsmith, Hanson, Hollberg, Smith, and Hartley voted to accept amendments

Motion passed 7-0

Point of clarification added per Council approval 3/10/2022, the motion should read: ...to enter a contract with AH Environmental with a fee of \$5,824 for the identification of grant and/or low interest loan funding for infrastructure upgrades. Also, to approve the Town Administrator and Zoning Administrator to sign change orders in not to exceed \$16,664 for assistance in the application process for funding.

ADJOURN

Councilmember Austin made a motion to adjourn

Councilmember Smith seconded

Austin, Chowning, Goldsmith, Hanson, Hollberg, Smith, and Hartley voted to accept amendments

Motion passed 7-0

Meeting adjourned at 9:57pm

Submitted by:



Martha J. Rodenburg

Town Clerk

Approved by Town Council 03/10/2022

Bill Smith

8 February 2022

Urbanna Town Council

Urbanna, Virginia

Dear Mr. Smith,

As you know, I am writing to express my opposition to the proposal for the property at the end of Virginia street. Specifically, the construction of an extended pier for Kayak launching and site for the docking of the Lynx.

In short, I believe that the kayak launching site is already present at the Town Marina and there are other more deserving ways to spend the money without getting the local inhabitants in an uproar, who will be affected by parking problems, traffic congestion, and a significant loss of view, the latter for which we've chosen to become part of our wonderful community.

As you know, the Tabor Park pool is in significant need of repair and the town lacks a decent court where local youths could play basketball. If you are thinking that there needs to be additional storage space for kayaks, it would be far less expensive and more proximate to the existing launch to just add a few more kayak racks to the already existing ones. Further, Town Marina would be the ideal place to moor the Lynx, just as we currently moor the masted ships that come in for special events and holidays. Deeper water, more space, etc.

In summary, it's fairly simple. Fix what needs fixing; don't fix what isn't broken; and consider adding to what is already there without spending an unnecessary amount of taxpayer money.

Respectfully,

William G. Talbott, MD

26 Oyster Harbor, unit #12

Proposed town project adjacent to Oyster Harbour

1 message

Brian S. House <scot.house@gmail.com>

Sat, Feb 5, 2022 at 3:58 PM

To: Kelly House <kelly.house@nmrk.com>, "b.smith@urbannava.gov"

<b.smith@urbannava.gov>, fritz.peper@yahoo.com

Urbanna town Counselors,

I have a number of concerns about this proposed project, including the following:

This expenditure should not be a priority for the Town when it has many other more critical infrastructure projects to address, including: a town marina that lacks floating docks, a ramp that is too short and has a large hole at the foot, a bridge to the town marina that can't bear the weight of fire trucks, and a swimming pool that can't be opened for safety issues.

Respectfully,

Brian & Kelly House

26 Oyster Rd unit 15

Fwd: Proposed Town project at end of Virginia Street

1 message

Ken Fugett <fugettken@gmail.com>

Sat, Feb 5, 2022 at 3:03 PM

To: Bill Smith <b.smith@urbannava.gov>

Cc: fritz heunemann <fritz.peper@yahoo.com>, Sandy Sturgill <sansturgill@gmail.com>, Michael Jolly <jollyinc@aol.com>, Ken Fugett <fugettken@gmail.com>, gwilly3363@aol.com

Councilman Smith,

Please see attached email regarding my concerns for the project proposed next to Oyster Harbor Condominiums. Fritz Heunemann has notified each of the unit owners that you would read each of our letters at the council meeting next week in our absence.

Thank you in advance for your attention to this matter.

Ken

Sent from Ken's iPad

Begin forwarded message:

From: Ken Fugett <fugettken@gmail.com>**Date:** January 21, 2022 at 2:07:43 PM EST**To:** g.wheeler@urbannava.gov**Cc:** Ken Fugett <fugettken@gmail.com>, fritz heunemann <fritz.peper@yahoo.com>, Michael Jolly <jollyinc@aol.com>, gwilly3363@aol.com, Sandy Sturgill <sansturgill@gmail.com>**Subject:** Proposed Town project at end of Virginia Street

Dear Mr. Wheeler,

My name is Kenneth Lee Fugett. I have been the owner of unit 22 of Oyster Harbor condominiums , town resident, and registered voter in the town since 2013. I would like to go on record as opposing the project that the town has proposed adjacent to our condominium property. I am in support of the attached email that Mark Singer sent to you and ask that my opposition be voiced through you to town council.

Thank you,

Ken

Dear Town Council Members and Mayor Hartley:

My name is Mark Singer and I own a condo unit at Oyster Harbor. I am writing to express my concern and opposition to Council voting at this time on the boat launch and dock project currently under consideration at the end of Virginia Street. Both Council, and the town's citizens that you serve, require much more information on the goals and objectives of this project, its actual cost, the possible ramifications on adjacent properties, budget implications both one-time and re-occurring, and site alternatives that may be available and better suited for this proposal.

Specifically, I believe that action by Council to proceed at this time should not occur for the following reasons:

- The proposal in its current form is not, in my opinion, in compliance with the existing VRMC permit (usage, setbacks, etc.);
- Safety concerns should always be paramount in development decisions and situating a high traffic kayak launch sandwiched in between two active marinas containing large boats (the existing Oyster Harbor marina and the one shortly to be constructed by Mr. Montague) creates a potentially unsafe boating situation;
- The specific needs identified by the town that this project addresses can be adequately met, and more cost-effectively realized, by utilizing/improving the existing facilities at the town marina;
- In a town that is struggling with funding issues to address renovations at Tabor Park and the associated pool, does not own the only road accessing its own marina, has knowledge of the limited structural capabilities of the culvert leading to that marina as it relates to emergency vehicles and the potential liability that knowledge represents, has a retaining wall in front of its museum that needs immediate attention, and just cancelled its recycling program at a time when the rest of the world is moving in the other direction, can this new expenditure be justified over other, more pressing needs?;
- From the viewpoint of an Oyster Harbor resident, given that fifty yards down the road is a town marina that already has a boat launch, rest rooms, trash receptacles, and impacts include, but are not limited to, issues associated with noise, trash, parking in our private lot or alongside the narrow road to the marina, and the restroom needs of folks who have been on the water for a few hours;
- More information regarding the Blue Water Trail proposal may point Council to a situs more suited to the usage envisioned by that program if selected, yet I don't believe Council has even heard from their representative much less had a thorough discussion of their perspective on this proposed project.

There are those who want to frame this issue as a "have and have not" argument regarding access to the harbor for residents of the town. Please don't go down that rabbit hole. This is not a discussion about access to the harbor. No one I have spoken with wants to limit access to everyone who seeks to enjoy the creek. Instead, it is about developing the safest and most cost-effective way to provide that access along with the amenities doing so must include (parking, toilets, etc.), while respecting the concerns of adjoining property owners and not creating hazards to residents and visitors that presently don't exist.

Given that the permit for this project expires more than a year from now, I respectfully suggest that Council defer any action on this project and appoint a committee consisting of Council members and affected property owners to do a comprehensive assessment of this proposal, research the options and alternatives, and report back to the Council in ninety days with their recommendations.

Thank you for your consideration and the work you do on behalf of the Town of Urbanna.

Mark Singer
Unit 23
Oyster Harbor Condominiums

Sent from Ken's iPad

Dear Council Member,

I want to start by thanking you for being on the council and the work you do on our behalf. A thankless job, I'm sure.

I am writing to voice my position on the Virginia Street Pier Project as a resident of the Oyster Harbor Condominium. I was pleased that the town was willing to meet with the Oyster Harbor Condominium Board several months ago to hear our position on the project. I felt the meeting was productive and my take away was that the town wanted a buy-in from those affected by the project.

Unfortunately, we have not had a meeting since. I'm sure it's a rumor, but I have heard that the council may vote on 1 of 3 scenarios for the Virginia Street Pier Project at the Town Of Urbanna Council Meeting this Thursday, January 27. I now understand the meeting has been postponed.

If this is true concerning a pending vote, I am not sure when the buy-in took place as we have not had a meeting with anyone on the town council. We have not been informed of the 3 choices except through the rumor mill, nor has the town addressed all the issues the community has expressed in past meetings and emails. My concern is the same as others that the town has been vague and unclear how this area will be policed for mooring, fishing, motorboat docking on the pier, trash, parking, lighting, signage, bathroom facilities, loitering, or design for landscaping, pier, kayak launch, etc.

To summarize, I am personally for the development of the property with limitations. A bulkhead would be required as I'm sure the council has seen the pictures of the property at an extreme high tide. Any improvements on the property could not be used at times of high tides and I am sure the improvements would deteriorate significantly over time. A white plastic privacy fence would be required between the property and the Northern condominium to curtail litter and noise. A floating or fixed dock will not work for an array of issues to include: power boating surrounding a non power dock, other docks in close proximity and concern for the safety and security issues mentioned above that would be exacerbated with a dock. I am in favor of limited historical signage, and a tasteful landscape.

Please contact me at your convenience for questions or clarification.

Thank you for reading our position and concerns,

Best Regards,

Fritz and Peper Heunemann
804 815-8236

VA Street Pier

1 message

Michael G. Jolly <jollyinc@aol.com>

Sat, Feb 5, 2022 at 7:36 AM

Reply-To: "Michael G. Jolly" <jollyinc@aol.com>

To: "b.smith@urbannava.gov" <b.smith@urbannava.gov>

Bill, thank you for taking your time to speak with me the other day onsite. As I told you Oyster Harbor Condos are not opposed to some sort of development of the property. However we don't believe a public dock and pier are the best option. We don't believe the town, has provided enough information on, use, trash removal and receptacles, bathrooms, parking, lighting, protect egress to the rear of our property, policing. This does not include long term cost to maintain and such. We have such an opportunity with the current marina to make something really nice that people want to visit. Let's focus our efforts on VA. Street and the entrance to the current marina. Thank you. Mike Jolly

sent from mobile device, please ignore typos, errors or spelling.

Proposed Public Pier

1 message

George Delk <gdelk123@hotmail.com>

Wed, Sep 22, 2021 at 3:09 PM

To: "b.goldsmith@urbannava.gov" <b.goldsmith@urbannava.gov>, "b.smith@urbannava.gov" <b.smith@urbannava.gov>, "s.hollberg@urbannava.gov" <s.hollberg@urbannava.gov>

Urbanna Town Councilors and Administrator,

In the recent months, the improvements in Urbanna have been plentiful. Town Council and the Administration deserve to be commended. On the surface, the proposed public pier appears to be a solid idea. I absolutely support the Town in promoting its waterfront property.

Closer evaluation reveals inherent flaws with the project. The extremely small footprint of the property, lack of any parking and bathroom facilities, close proximity to slips on both sides, and the close proximity to neighbors that object, deem the project impractical. Additionally, posting signs prohibiting fishing and parking are inherently ineffective. We daily see these types of infractions ignored simply because enforcement is nearly nonexistent. This pier would clearly place additional burden on town staff.

If the property were three times the size, I would be one of its biggest proponents. It seems clear that the town marina more suitably accommodates the Towns waterfront objectives. I kindly suggest the project be more closely evaluated from a practical standpoint.

Thanks for your consideration.

George Delk

Urbanna

Re: Proposed Town project at end of Virginia Street

1 message

GLORIA DANA <gwilly3363@aol.com>

Thu, Feb 10, 2022 at 12:33 PM

To: Bill Smith <b.smith@urbannava.gov>

Cc: Ken Fugett <fugettken@gmail.com>, fritz heunemann <fritz.peper@yahoo.com>, Sandy Sturgill <sansturgill@gmail.com>, Michael Jolly <jollyinc@aol.com>, Bill Goldsmith <b.goldsmith@urbannava.gov>

Dear Councilman Smith,

As owners of the South building in Oyster Harbor Condominium, we wish to go on record in support of Mr. Fugett's and Mr. Singer's statements objecting to the proposed town project.

We concur with your position that there are better uses of public funds to benefit all residents of Urbanna.

Sincerely,

Gloria Dana

Jack Howell

From: g.wheeler@urbannava.gov
To: [Martha Rodenburg](#); r.kime@urbannava.gov
Subject: FW: proposed public pier
Date: Thursday, February 10, 2022 9:12:51 AM

FYI...

Garth L. Wheeler
Town Administrator
390 Virginia Street Suite B
PO Box 179
Urbanna, VA 23175
(804)758-2613



From: Montague, R. Latane <latane.montague@hoganlovells.com>
Sent: Wednesday, February 09, 2022 6:28 PM
To: g.wheeler@urbannava.gov
Cc: 'tchillemi@ssentinel.com' <tchillemi@ssentinel.com>; 'b.hartley@urbannava.gov' <b.hartley@urbannava.gov>; 'b.smith@urbannava.gov' <b.smith@urbannava.gov>; 'b.goldsmith@urbannava.gov' <b.goldsmith@urbannava.gov>; 'm.austin@urbannava.gov' <m.austin@urbannava.gov>; 'm.hanson@urbannava.gov' <m.hanson@urbannava.gov>; 's.hollberg@urbannava.gov' <s.hollberg@urbannava.gov>; 'l.chowning@urbannava.gov' <l.chowning@urbannava.gov>
Subject: RE: proposed public pier

Dear Garth and Town Councilors,

I was disappointed to learn this week that the Town Council had drafted a motion to move forward with construction at the foot of Virginia street for discussion at this week's Council meeting.

I have a number of serious concerns about this proposed project, including the following:

- **Building Additional Town Docks At A New Location Is A Very Poor Use of Limited Tax Payer Dollars:**

This expenditure should not be a priority for the Town when it has many other more critical infrastructure projects to address, including: the Town Marina that needs major improvements (including floating docks), and the town swimming pool which is unuseable. The Town Council, Staff, and Tax Payers should focus their time and resources on all of these much more important projects. Most importantly, there is clear public support and consensus around these other projects, unlike the Virginia street pier/kayak launch.

- **If A Kayak Launch, or Luna Landing /S In Fact A Town Priority, the Existing Town Marina Is A Vastly Superior Place To Do Both of Those Things:**

The town marina is a fantastic facility that has not been developed to its full potential. The Town Marina is the ideal location to host both Kayaking, and visiting tall ships like the Luna. The Town marina has much deeper water off of its main pier, and in fact, that is exactly where Tall Ships have been docked in the past, including the Pride of Baltimore, and the Alexandria which have both visited for the Oyster Festival. None of these boats could be accommodated at the foot of Virginia street for a variety of reasons. In fact, when the Town Marina was originally built, the main stem of the dock extending from the current bath house extended 10 feet further than the slips, and facilitated berthing large vessels in a T configuration at the Town Marina. This feature of the original dock was removed when the dock was rebuilt by Lewis Filling and it should be restored for use by visiting large vessels.

The Town Marina is also the ideal location for kayak launching. It has abundant shoreline fronting on both Jamison's cove and the Urbanna creek. Most Kayakers would prefer to launch and retrieve from a beach or a ramp, and not a dock, which can be very unstable and difficult, especially for older users. The Town Marina also has ample parking, bathroom facilities, room for porta-potties, and room to load and unload Kayaks. In fact, the Town Marina already has kayak racks, and a grassy lawn for loading and unloading, and has been used by Kayakers for years. The foot of Virginia Street has no parking, no bathroom, and no room for vehicles to turn around. In fact, the current proposal with bollards and a prohibition on loading and unloading would make the use of this location by Kayakers prohibitively difficult. Kayaks are transported on the tops of cars, and small trailers, and all legitimate Kayak launch facilities have room for the cars that carry them to park and maneuver near the water. People will simply never lug a kayak, paddle, and life jacket, etc. from the Town Marina Parking lot, to the Virginia Street dock. They will simply continue to launch at the town marina as they currently already do. But if for some reason they obey the proposed signage, trying to load and unload Kayaks on a narrow road with a sharp and dangerous curve is an accident waiting to happen, and users will attempt to do this in spite of any signs to the contrary.

There are plenty of parts of the town marina that don't have significant powerboat traffic, including the current dinghy dock (which is in shallow 2 foot water that prohibits the

operation of all but the smallest of dinghies, Jamison Cove (which has zero powerboats), and the beach on the east side of the property, which is protected from powerboats by the town dock itself.

If power boat safety is a truly a concern, then putting a kayak launch at the foot of Virginia Street, between two busy marinas full of power boats is a very bad idea, The Town marina would be much safer, and has been proven safe for such use for many years.

- **The Town Does Not Have A Permit For A Kayak Facility**

The Virginia Street location was permitted by Bill Hight in 2013 and the permit expressly stated that it was for the “Sole purpose . . . of providing a venue to unload seafood.” None of the Town’s proposed uses would or should be covered by that permit, and proceeding without a proper permit, could make this project subject to expensive and time consuming litigation which the town is very experienced with.

- **Project Proponents Are Trying to Pull a “Fast One” On Citizens by Relying On A Nearly 20-year-old Permit That Was Granted To Someone Else For A Completely Different Purpose**

This project has not been through a public notice permitting process since 2013. At that time, it was Bill Hight’s project, not the Town’s. He was supported at that time because the proposed use was connected to the history of this location an Oyster and Crabbers landing.

At that time Bill Hight was proposing a wharf for use in a Seafood business, and the permit was expressly granted for that purpose. In 2013, the Oyster Harbor Condos were not occupied, and the marina project on my property was nearly 10 years in the future. Using this 20 year old permit is not a loop hole that our town Council should try to exploit, no matter how sincerely members believe in this project.

- **The Planning Commission Proposal is Much Bigger Than It Needs To Be For Kayaks, and Will Be Improperly Expropriated By Power Boaters**

The average Kayak is 8 feet long. If you have ever launched one, you know that you don’t want to have to lug it any further from your car than you have to, and you would also know that it draws just a few inches of water. For all of these reasons, a 30 foot floating dock is way more than needed. And if it’s that big, it is likely to be used for other purposes that are not being discussed now. A thirty-foot dock is more expensive than needed and it will attract powerboats and other larger boats to use it that conflict with the stated kayak use.

- **The Planning Commission Review Is Based on Number of Incorrect Assumptions, And Did Not Include A Recent Consultation With All The Neighbors As Promised This**

Summer

Contrary to the Planning Commission report, and the draft motion, it is not true that I am installing bulkheading next to the town property. If the town installs bulkheading it will create a major erosion problem for me. These mistaken assumptions could have been avoided if the town had consulted with me BEFORE drafting the motion and Planning Commission report.

In addition, it is not true that this is the last or best location for additional public waterfront access. In addition to the Town Marina, discussed above, superior kayak launch facilities could be located at the foot of Watling Street, where the original town bridge/ferry landed. This location has more parking, more space to load and unload, no dangerous curve, and is closer to the headwaters of the Creek that Kayakers want to explore, and is safely removed from the high-speed boat traffic found at the mouth of the creek.

For all of these reasons, many of us are opposed to the proposed Motion, and recommend the Town focus its attention on Town Marina improvements, and the Town Pool.

Best Regards and Thank You All For You Public Service,

Latane Montague

If you would like to know more about how we are managing the impact of the COVID-19 pandemic on our firm then take a look at our brief [Q&A](#). If you would like to know more about how to handle the COVID-19 issues facing your business then take a look at our [information hub](#).

About Hogan Lovells

Hogan Lovells is an international legal practice that includes Hogan Lovells US LLP and Hogan Lovells International LLP. For more information, see www.hoganlovells.com.

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From: [Garth Wheeler](#)
To: [Martha Rodenburg](#); [Roy Kime](#)
Subject: Fwd: Proposed Kayak Pier - Urbanna
Date: Thursday, February 10, 2022 2:54:30 PM

Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)

From: Tom Clarke <sebagoblue@gmail.com>
Sent: Thursday, February 10, 2022 2:46:32 PM
To: b.hartley@urbannava.gov <b.hartley@urbannava.gov>; s.hollberg@urbannava.gov <s.hollberg@urbannava.gov>; Larry Chowning <lchowning@ssentinel.com>; m.hanson@urbannava.gov <m.hanson@urbannava.gov>; m.austin@urbannava.gov <m.austin@urbannava.gov>; Garth Wheeler <g.wheeler@urbannava.gov>; b.smith@urbannava.gov <b.smith@urbannava.gov>; Bill Goldsmith <b.goldsmith@urbannava.gov>
Subject: Proposed Kayak Pier - Urbanna

Urbanna Creek and the nearby waters are a boating paradise. I grew up in Urbanna and from day one, I had a flat-bottomed skiff, and I swam, fished, crabbed, and enjoyed the creek as only a kid could. As an adult, I still enjoy the creek in my skiff, sailboat, and kayak – it is a treasure to behold, and I feel so fortunate to live here and have access to the water.

As we know, access to the creek and river are a big deal. Without it, we can only enjoy it from a distance, and we cannot enjoy it to its fullest. This is why I wanted to lend my support for a kayak and canoe launch at the end of Virginia Street. Having said that, a small boat launch must be exactly that; a launching site geared for small boats. There are other docking and access points on the creek for larger sail and motorized boats so this dock should be special for boaters that don't have access to a safe and secure launching/landing spot away from larger and more powerful boats.

This launch and landing site will give residents and visitors to our town a dedicated pier that provides a safe and usable amenity to explore Urbanna Creek, the Rappahannock River, and access to the Blue Water Trail. This launch site will enhance public access for all people and especially those with disabilities or special needs.

DOCK NOTES:

I support a dock that is no longer than 50' overall (kayaks and canoes don't need to go further into the creek) and would have at least 2 floating launch ramps that could be used simultaneously. This dock would have a low-profile design as once again, only small, non-motorized boats would have access. Also, this is not a dock that can be used for transient boaters or for short-term docking. This is only for launching and retrieving. A nearby dinghy dock provides excellent dock access providing these amenities.

LAUNCH RAMPS:

As for the launching ramps, these professionally designed floating entrance/exit ramps would have roller systems, or something similar, and grab rails for paddlers that need assistance (there are

numerous models available). These secure and safe ramps would also benefit older individuals that may have balance or strength issues.

PARKING:

At least two permanent parking spaces that are ADA compliant and well-marked for individuals with special needs is required. Fines would be levied for those illegally parked in these spaces.

Other able-bodied paddlers can use the parking lot (not the ADA spaces) temporarily to off-load boats and equipment, then move their vehicle to another parking area that is designed for public use.

RESTROOM:

Some restroom facilities would be nice, but a porta-potty may have to do.

SHORELINE PROTECTION:

Another unique opportunity is to build the dock with minimal interference of the shoreline. The natural shorelines of Urbanna Creek are disappearing and need to be protected. A bulkhead should not be installed and minimal use of riprap, if any at all.

You have an opportunity to make this not only a kayak/canoe launch site, but an opportunity to make it a special amenity that the citizens will be proud of. I know that all aspects of my requests may not be possible at this time, but they need to be in the overall long-range plan for this site to meet the needs of all people and not just a few.

Thank you for your time and consideration.

Tom (Tommy) Clarke
Town of Urbanna Resident

Steven S Hollberg, Council Member
Town Council of Urbanna, Virginia
P O Box 179
Urbanna, Va 23175
s.hollberg@urbannava.gov

August 22, 2021

Garth Wheeler, Town Administrator
Town of Urbanna
P O Box 179
Urbanna, Va. 23175
g.wheeler@urbannava.gov

Dear Mr. Wheeler,

Urbanna has a story worth sharing. Urbanna needs tourism. It needs visitors to spend money. The visitors help to keep taxpayers tax bills lower than otherwise would be possible. There have to be reasons to make the visitor's experience unique and worth sharing. Urbanna's history as a port and continued water access are unique assets worth extra investment.

The Town of Urbanna has had a permit for a 30 by 30 fixed platform dock with a 50 foot floating pier since 2013 granted for the end of Virginia Street at the edge of Urbanna Creek. The permit was granted by VMRC. In June of 2021 I asked Jay Woodward to forward to you the permit and plans from VMRC. My concern was that the permit would expire in October of 2022 and, if we do not act this year, Urbanna may well lose this opportunity. The contractor will be in the creek this fall. Now is the time to act. I am ready to seek solutions as Finance Committee member to work with you on a financing solution, but I'm convinced with year on year surpluses, a solution is near at hand without financing of more than a temporary nature.

The original intended use was for seafood. The pier is envisioned as being multipurpose. Some proponents support its use as a potential calling point for Luna, a historic replica trading vessel that we had hoped would be completed at about the same time as this pier. Others have seen it as a small craft pier for canoes, kayaks, and design sailboats, as well as Stand Up Paddleboards (SUPs). In addition, it has been envisioned as a launch point for a historical trail on the water. These are all great and positive ideas.

One opponent of the scope of the project complained he had to bring at his expense a floating pier right next to the site of this proposed permitted floating pier to host a regatta. (See Town Meeting video, Latane Montague, 2021.08.12) The Town could, therefore, by retaining the original footprint permitted, gain public access for a one design regatta and spare the opponent his personal expense and bring more similar events to Urbanna. Mr. Montague's own words were that he had about 40 participants for his regatta for Hampton One Designs. We can help him with that challenge.

I see it as a way for us to bring kids and parents or family members together at the water's edge who otherwise have no direct public access. It is, in short, a teaching platform. As such, grants may help with future programs or funding, but at this point, time is too short.

One of the key reasons to have a separate location for the small craft is that the current Town Marina is tough on small hulls. The ramp is concrete and the piers are fixed. Launching small craft into Jamieson Cove at the marina is now impractical. The original concept of kayak launching from that point is prevented due to the large chunks of concrete that have fallen from the bridge into the waterway leading from the Cove to Urbanna Creek. They block navigation, effectively, under the bridge.

The Boating Infrastructure Grant (BIG) funds big projects at the marina only, not the ramp improvements nor small craft launch piers. BIG administration has expressed the importance of keeping the small craft without engines separated from the power boats using the piers and ramp.

So, the permitted pier is a solution. Separate the marina and small craft footprints. Reduce risk. Stop people smacking their heads while paddling under the marina docks. Keep the propeller traffic separated from the human powered. Reduce the trip and fall risk while carrying a kayak or canoe or SUP over the dinghy dock. Reduce the foot traffic at the beach where erosion has taken hold in some places.

The ramp is scheduled for upgrades this fall and that is why doing this project now is critical. The contractor will be here working on the Town ramp and we can have him work on the pier in the same port visit. Mr. Montague's marina work is apparently scheduled, as well. Further, if we do not do this project now, the permit runs out next year and it becomes more difficult to gain a new one once this has expired.

As a member of the Finance Committee, past two term Mayor of Urbanna and past Treasurer and current member of the Urbanna Business Association, I know that the greater good of the Town is served by this project in its original configuration and we can easily finance this \$62,000 project or pay part in cash and part financing using the pier as collateral.

We have not neglected the needs of the marina. The BIG Grant has been used to fund the original marina, its maintenance and scheduled upgrades, the dredging to 6' MLW and currently has a project list of improvements with over \$100K available in reimbursement from BIG for maintenance to decking and structure. We have scheduled maintenance of \$136k by 2023 to use the reimbursement in full. We have spent over \$100K in dredging at a cost to the taxpayer of \$25K to improve revenue and continue the profitable operation of the marina. Here, too, temporary or bridge loan financing would allow us to do projects within our cashflow highs and lows.

Let's get this project done in 2021!! You have not heard all the views on this issue, only those tipped off that an opportunity to voice an objection would be vetted at the most recent Town Work Session.

The pool and the marina are on separate tracks. We can get all these done. But the pool plan is apparently on hold to gather more ideas. Here we have a rare thing. It is rare to have a permitted plan in hand with an expiration date set by an outside government agency. Mr. Kime, of the Finance Committee and I are in agreement that we have the money to do this. The planning commission has supported it.

Thanks for following up on this project and for all your hard work and for making it a priority.

Sincerely,

Steven S Hollberg, Council

Kampinga / Du Toit

331 Howard St
Urbanna, VA
23175

January 22, 2022

To whom it may concern

This letter serves as our approval for the development of a jetty/pier near the marina for the sole use of non-motorized river craft.

We feel this would be a good investment for the people of Urbanna and surrounding areas, especially those that do not have the privilege of owning waterfront property.

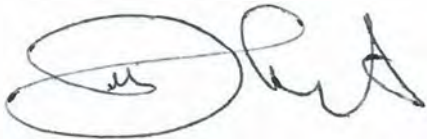
It will encourage tourism and through that improve business activities in the town.

Sincerely yours,

A handwritten signature in black ink that reads "K. Kampinga". The signature is stylized with a large, looped "K" and a cursive "Kampinga".

Karin Kampinga

(804 912 0565)

A handwritten signature in black ink that reads "Glenn Du Toit". The signature is stylized with a large, looped "G" and a cursive "Du Toit".

Glenn Du Toit

(804 912 4186)