

**Town of Urbanna
Town Council
Monthly Meeting
Council Chambers-390 Virginia St. Suite B
September 22, 2022**

CALL TO ORDER & ROLL CALL

Mayor Hartley called the meeting to order at 7:00pm

Present

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

Absent

Councilmember Hollberg

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

Councilmember Austin moved to allow Councilmember Hanson to participate electronically

Councilmember Goldsmith seconded

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

Motion passed 5-0

All present said the Pledge of Allegiance

APPROVAL OF AGENDA

Councilmember Austin made a motion to accept the agenda as presented

Councilmember Chowning seconded

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

Motion passed 6-0

PRESENTATION

Mayor Hartley thanked Miss Rosabeth Rennolds for taking it upon herself to pick up litter in Taber Park and presented her with gift to thank her and show the Town's appreciation for her efforts.

PUBLIC HEARING

Request for Special Use Permit-Lot 20A-1-113 (41 Oyster Road)

Roy Kime, Zoning Administrator presented the staff position on the request by Oyster Road Docks, LLC for a special use

permit to allow for the construction of a residential dwelling structure within a B-2 zoned district.

The applicant presented their application at a public hearing to the Town of Urbanna Planning Commission on August 31, 2022, at which time the Planning Commission recommended unanimously that the Town Council vote to approve the Special Use Permit.

Lewis Hall, representing Oyster Road Docks, LLC presented their application, including a brief history of the property, along with their plans to build a small single-family home, and install a floating dock.

Mayor Hartley opened the public hearing

There were no comments from the public

The public hearing was closed

Councilmember Chowning asked if there would be a change in zoning. Roy Kime responded no; this was only a special use permit to allow a residential structure to be built in what is a B-2 zoned district.

Councilmember Austin made a motion to approve the Special Use Permit application by Oyster Road Docks, LLC for Lot 20A-113 (41 Oyster Road) as presented in the staff report (text below):

Because the Town Council finds that, after notice and hearing as required herein, that the proposed special use permit for 20A-1-113, 41 Oyster Road will not adversely affect the health, safety, or welfare of persons residing or working on the premises or in the neighborhood, will not unreasonably impair an adequate supply of light and air to adjacent property, nor increase congestion in the streets, nor impair the character of the district or adjacent districts, nor be incompatible with the Comprehensive Plan nor be likely to reduce or impair the value of buildings or property of surrounding areas, but that such establishment or use will be in accordance with Chapter 17 of the Urbanna Town Code; therefore the Planning Commission of the Town of Urbanna recommends to the Urbanna Town Council approval of Special Use Permit Application #22-01 with the following conditions:

1. *Consistent with Section 17-3.2, the applicant shall only construct the residential dwelling on the lot of record and in no case shall there be more than one main building on the lot.*
2. *Consistent with Section 17-13.2, any accessory building or structure is subordinate to or a portion of the main building and shall not be constructed prior to the construction of the main building.*
3. *Consistent with Section 17-18.11 any expansion to a non-confirming structure shall require a separate special use permit. If reconstruction or expansion of the prior non-confirming structure is not commenced within two years of the date of this special use permit, the non-confirming structure status shall expire.*
4. *The applicant must furnish the Town of Urbanna with evidence of connection to town sewer and water systems before construction is completed.*
5. *Once the property is dedicated for use as a residential dwelling, no commercial uses shall be permitted on the property, except a home occupation.*
6. *The residence to be constructed, as well as any accessory structures in a B-2 zoned district, are also within overlays districts, including but not limited to Historic district overlay and Chesapeake Bay district overlays. Applicant must comply with all rules and regulations of all applicable districts and obtain appropriate approvals before further zoning approvals will be considered.*
7. *Applicant will comply with all Town of Urbanna, County of Middlesex, Commonwealth of Virginia and federal laws and ordinances.*

8. *Prior to construction, the applicant must submit and receive approval from the Zoning Administrator as to the design, color scheme and materials to be used for the residential dwelling to ensure neighborhood compatibility.*
9. *Construction of the primary residence shall commence within two years of the date of the issuance of this special use permit or this special use permit shall automatically expire.*
10. *Outdoor construction activity may only occur Monday through Friday between the hours of 8:00AM and 5:00PM. During construction, the applicant will ensure that trash and debris are not scattered about on the property.*
11. *Lighting shall be dark sky compliant and shall be downward facing.*
12. *There shall be no music or other sound that is audible beyond twenty feet of the property line.*
13. *Two parking spaces shall be provided on the lot.*
14. *The applicant shall cooperate with the Town of Urbanna and the recordation of this special use permit in the Middlesex County Circuit Court.*

Councilmember Goldsmith seconded

Austin, Chowning, Goldsmith, Hanson, Smith, and Hartley voted yest

Motion passed 6-0

APPROVAL OF MINUTES

Councilmember Austin made a motion to approve the August 11, 2022 minutes as presented

Councilmember Goldsmith seconded

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

Motion passed 6-0

REPORTS

Town Administrator

Garth Wheeler stated he would not be giving a report as the items will be covered in the following committee reports

Treasurer's Report

Michele Hutton, Town Treasurer presented the Treasurer's report for August 2022



Treasurer's Report

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

Account Balance thru 8/31/2022	Prior Year	Prior Month	Statement Date
	8/31/21	7/31/22	8/31/22
Primis Bank General Operating Bank Account	583,885.32	639,319.37	658,223.65
Renter Water Deposits	14,551.66	16,101.66	16,551.66
Net Operating General Bank Account	564,998.69	613,689.21	645,877.97
TRUIST Historic Trust	21,795.73	21,333.14	27,003.65
TRUIST Pool Replacement Account	36,761.57	36,764.91	94,765.68
Primis Bank Water Fund Reserve	113,782.20	114,133.07	114,189.82
Primis Bank General Fund Reserve	94,628.82	94,825.78	94,855.79
Primis Bank Cares Local Recovery	237,602.06	475,302.77	475,324.26
Primis Bank DMV	n/a	4,289.45	5,817.83
Taber Trust – Account Value	1,471,259.67	1,361,671.49	1,300,340.91
	8/31/21	7/31/22	8/31/22
Meals Tax collected in August	16,638.47	14,635.00	14,992.16
Lodging Tax collected in August	1,625.18	3,422.19	3,213.42
Cigarette Tax collected in August	n/a	1,150.72	670.32

AUGUST EXPENDITURES:

- \$4,600 painting museum

REVENUE as of 8/31/2022

- \$5,000.00 Grant from MOM deposited to Truist Historic Trust

Notes: Real Estate Past Due notices sent 8/11/22

Lodging Tax

September 1, 2022
10:13 AM

Town of Urbanna
2023 Revenue Summary by Month

Page No: 1

Range of Accounts: 100-12100-0001 to 100-12100-0001 Start Month: July Start Year: 2022
Type: Revenue Activity Includes Accounts with Zero Activity: N Year To Date As Of: 09/01/22
Subtotal CAFR: No

Account No	Description	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Total													
100-12100-0001	Lodging Tax												
6635.61	3422.19	3213.42	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Fund Total													
6635.61	3422.19	3213.42	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Grand Total	Count: 1												
6635.61	3422.19	3213.42	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Meals Tax

September 1, 2022
10:12 AM

Town of Urbanna
2023 Revenue Summary by Month

Page No: 1

Range of Accounts: 100-12110-0001 to 100-12110-0001 Start Month: July Start Year: 2022
Type: Revenue Activity Includes Accounts with Zero Activity: N Year To Date As Of: 09/01/22
Subtotal CAFR: No

Account No	Description	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Total													
100-12110-0001	Meals Tax - Local												
29627.16	14635.00	14992.16	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Fund Total													
29627.16	14635.00	14992.16	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Grand Total	Count: 1												
29627.16	14635.00	14992.16	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Water Sales

September 1, 2022
10:05 AM

Town of Urbanna
2023 Revenue Summary by Month

Page No: 1

Range of Accounts: 500-17010-0001 to 500-17010-0001 Start Month: July Start Year: 2022
Type: Revenue Activity Includes Accounts with Zero Activity: N Year To Date As Of: 09/01/22
Subtotal CAFR: No

Account No	Description	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Total													
500-17010-0001	Water Sales Charges												
68709.34	2878.78	65830.56	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Fund Total													
68709.34	2878.78	65830.56	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Grand Total	Count: 1												
68709.34	2878.78	65830.56	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

September 1, 2022
10:14 AM

Collected RE Tax - Delinquent

Range of Accounts: 100-11010-0002 to 100-11010-0002
Type: Revenue Activity Include
Subtotal CAFR: No

Account No	Description	Jul	Aug	Sep
Total				
100-11010-0002	Real Estate Tax - Delinquent			
2356.93	1029.48	1327.45	0.00	
Fund Total				
2356.93	1029.48	1327.45	0.00	
Grand Total	Count: 1			
2356.93	1029.48	1327.45	0.00	

September 1, 2022
10:15 AM

Collected PPT - Delinquent

Range of Accounts: 100-11030-0002 to 100-11030-0002
Type: Revenue Activity Include
Subtotal CAFR: No

Account No	Description	Jul	Aug	Sep
Total				
100-11030-0002	Delinquent Personal Property			
58.31	1.84	56.47	0.00	
Fund Total				
58.31	1.84	56.47	0.00	
Grand Total	Count: 1			
58.31	1.84	56.47	0.00	

Finance Committee

Councilmember Goldsmith reported the following items

- Old Town Hall-Sale of the old Town Hall will be discussed later in meeting and again at the Finance Committee meeting scheduled for Tuesday, September 27
- Water delinquencies-staff has begun procedures to collect past due accounts and deliver shut-off notices

Pool Committee

Councilmember Goldsmith reported the following:

- Mayor Hartley and Marnie Harte made a presentation to the Middlesex County Board of Supervisors requesting financial assistance from the county with building the pool. While the board did not say “no”, they were not receptive to giving a lump sum to the town.
- The Committee will continue to meet on Friday afternoons to work out a plan to finance and begin construction on the pool.

Planning Commission

Councilmember Hanson reported the following:

- The Commission did not meet in September
- A meeting of the Urbanna Virginia Main Street is being held to form a task force
- Next Planning Commission meeting scheduled for October 12th at 6pm

Water Committee

Councilmember Smith reported the following

- Kimley-Horn sent a link to a GPS unit that will cost approximately \$395 (plus subscription)
 - Previous units researched cost \$4,000-\$5,000
 - Will contact vendor to determine which unit and subscription is best for our needs
- Cartegraph contract has been approved for one year renewal
 - Currently only used for water system
- VDH application reviewed and revisions made during a Zoom call with AH Environmental
 - Application approved by the committee for AH to submit to VDH
- Bid package received for well #6, and currently under review by Water Committee

PUBLIC COMMENT & PUBLIC COMMENT RESPONSE

- Andy Anderson-spoke regarding water customers being able to use boat ramp for free, against golf cart permits being given to people who do not reside in town limits, finding other sources of income for the Town, and trash pick-up should be cut back or discontinued to save costs.
 - Garth Wheeler responded that was not the policy and would follow-up with marina staff
 - Councilmember Goldsmith responded non-tax payers shouldn't get things for free. He added that trash service costs approximately \$20 per month and would cost residents more to contract with a provider individually
 - Councilmember Chowning commented he is for finding every way we can to provide additional services
- William Mayo-spoke regarding the need for golf carts to be policed

OLD BUSINESS

Kayak Trail

Councilmember Chowning updated Council on the Kayak Trail on Urbanna Creek.

- Has gathered hundreds of photos and written “cut lines”
- He requests that Council review them and provide feedback

Sale of old Town Hall

As discussed previously, Council has recommended moving forward with the sale of the old Town Hall building, 45 Cross St. An appraisal of \$367,000 has been received.

After discussion, it was decided to send the matter to the Finance Committee for recommendations.

NEW BUSINESS**Ordinance 22-03 Clutter Ordinance Proposed**

Andrea Erard, Town Attorney presented a proposed ordinance to replace Chapter 6 in the current Town Ordinance. The new ordinance would add language to add the category of “clutter”, as well as enabling enforcement.

Discussion took place as to clarifying the definition of “clutter”.

Before taking action, a public hearing will need to be held.

Councilmember Austin made a motion authorizing advertising a public hearing to be held on October 27, 2022 on the proposed [Ordinance 22-03 Clutter Ordinance Proposed]

Councilmember Hanson seconded

Further discussion took place regarding various concerns with the proposed ordinance as presented.

It was determined Ms. Erard would modify the proposed ordinance to include pictures that would provide a visual definition of “clutter” for discussion at the next Town Council meeting.

Councilmember Austin withdrew her motion

Oyster Festival 2022-Master Plan

Councilmember Austin made a motion to approve the 2022 Oyster Festival Master Plan as presented

Councilmember Goldsmith seconded

Councilmember Chowning asked if insurance coverage was included in the plan, and staff responded that it was.

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

Motion passed 6-0

65th URBANNA OYSTER FESTIVAL MASTER PLAN
November 3rd, November 4th & 5th, 2022

**65th Urbanna Oyster Festival
November 3rd, 4 & 5th 2022
Urbanna, Virginia**

"The Official Oyster Festival of the Commonwealth of Virginia"

MASTER PLAN

I. Purpose:

The purpose of this 2022 Urbanna Oyster Festival Master Plan is to comply with the requirements of Chapter 7.1, Licenses and Business Taxes, of the Urbanna Town Code (1973), as amended. Specifically, Section 7.1-22(b) requires a written Master Plan that addresses non-profit civic status, proof of liability insurance coverage, special licensing procedures, and public safety plans. This Master Plan with addenda is designed to meet the applicable provisions of the Urbanna Town Code (1973), as amended, and the Code of Virginia (1950), as amended, regarding public festivals, and provides the written basis for obtaining approval of the Urbanna Town Council to conduct the 2022 Urbanna Oyster Festival on November 3rd, 4, 5th, 2022.

II. Organization:

The Urbanna Oyster Festival Foundation is a non-profit organization registered as such under the applicable provisions of the Internal Revenue Service. A copy of the organizational charter is included as addendum 1.

III. Festival Dates and Hours:

Thursday, November 3, 2022	8:00 AM - 6:00 PM
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(Setup and School Education Day)

Friday, November 4, 2022	8:30 AM - 12:00 AM
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Saturday, November 5, 2022	8:30 AM - 6:00 PM
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**FESTIVAL OFFICIALLY CLOSSES AT 6:00 PM ON SATURDAY,
NOVEMBER 5, 2022 - NO EXCEPTIONS**

IV. Public Safety (Unified Command Structure)

The Public Safety Functions of the event will be managed through a Unified Command of the Middlesex County, VA Sheriff's Office and Garth Wheeler in his capacity as the Town of Urbanna Emergency Services Coordinator.

An Incident Action Plan will be developed for the event, which will outline the Command and General Staff functions, as well as the deployment of all Fire, Emergency Medical and Law Enforcement resources for the duration of the event.

V. Public Safety (Law Enforcement):

15.2-1730.1 In counties where no police department has been established and the Sheriff is the Chief Law Enforcement Officer, the Sheriff may enter into agreements with any other governmental entity providing law-enforcement services in the Commonwealth, and may furnish and received inter-jurisdictional law enforcement assistance for all law enforcement purposes, including those described in this Chapter, and for purposes for Chapter 3.2 (44-146.13 et seq.) for Title 44.

Crowd and traffic control will be provided through a joint public safety effort by the Town of Urbanna, the Oyster Festival Foundation, Middlesex County Sheriff's Office, Virginia State Police, The Department of Transportation, the Virginia Department of Alcoholic Beverage Control. The Sheriff shall exercise 15.2-1730.1 entering agreements with other law enforcement agencies to ensure adequate crowd control, pedestrian safety and emergency health care, motor vehicle parking and traffic flow, parade control.

VI. Public Safety (Emergency Services):

Emergency service functions, to include Emergency Medical Services and Fire Protection, will be managed by the Town of Urbanna, VA, Emergency Service Coordinator. The primary resources required to complete these responsibilities will be provided by the Central Middlesex Volunteer Rescue Squad and the Middlesex Volunteer Fire Department. Additional Rescue Squad and Fire Department resources from Middlesex County, VA and surrounding jurisdictions will be utilized to supplement the primary resources.

Emergency Medical Aid Stations will be strategically located throughout the Festival Area, and additional Emergency Medical personnel will be moving throughout the Festival Area. Transport Resources will be strategically located throughout the Festival Area, predominantly on the perimeters, as not to cause a hazard to citizens. Patients will be moved from the interior to the Festival Areas on "Gator Type" vehicles and transported to a hospital or

Medivac Landing Area. Medivac Helicopter Landing Areas will be located at the Rosegill Plantation airstrip, in the field behind 296 Rappahannock Avenue in Urbanna and Red Hill cemetery on State Route 1011, just west of town.

VII. Public Safety (In Town Parking and Vehicle Movement):

Most unrestricted streets and *many* private properties within the corporate limits of the Town of Urbanna will be available for parking on Friday, November 4, 2022 and until 8:30 AM on Saturday, November 5, 2022.

The following street closures are made pursuant to a resolution passed by the "Town Council" of the Town of Urbanna, and in accordance with the 2022 Urbanna Oyster Festival permit, as issued by the Virginia Department of Transportation.

On Friday, November 4, 2022, Virginia Street from Cross Street to the Waterfront and from Cross Street to Grace Street, Rappahannock Avenue from Marston Avenue to Virginia Street, and a portion of Prince George Street will be closed to vehicular traffic as required by public safety officials. Notwithstanding the foregoing, various streets and locations may be closed at any time on Friday, November 4, 2022 to insure public and/or pedestrian safety as determined by public safety officials.

On Friday, November 4, 2022 vehicular traffic entering or leaving the town will be prohibited from 5:00 PM to 9:00 PM on the West side (Route 602) and from 6:00 PM to 9:00 PM on the East side (Rosegill) for the Fireman's Parade. During this time, the movement of traffic within the town will be limited. Vehicular traffic, except for parade participants will be strictly prohibited along the Fireman's parade route.

At 9:00 AM, or earlier if deemed necessary by State Police, on Saturday, November 5, 2022, State Route 227 (Urbanna Road) will be closed to all vehicular traffic, except law enforcement, fire and rescue vehicles, with a police manned barricade at Molly's Way. Vehicles will be directed to park in the "official" festival parking lots or they will be allowed to turn around and leave the area.

At 9:00 AM, or earlier if deemed necessary by State Police, on Saturday, November 5, 2022, State Route 602 (Old Virginia Street) will be closed to all vehicular traffic, except law enforcement, fire and rescue vehicles, with a police manned barricade at Route 1011 (Red Hill Drive). The only exceptions for further entrance past the police barricade will be vehicles that display an "Official 2022 Urbanna Oyster Festival" vehicle permit, issued by the Urbanna Oyster Festival Foundation. The issuance of these permits will be regulated to vehicles for festival sponsors, dignitaries, medical personnel and "parade participants". Vehicles that do not have a permit will be directed to park in the

"official" festival parking lots or they will be allowed to turn around and leave the area.

On Saturday, November 5, 2022, beginning at 8:00 AM, Virginia Street from Cross Street to Grace Street, Rappahannock Avenue from Marston Avenue to Virginia Street, and all of Prince George Street will be closed to vehicular traffic, except law enforcement, fire and rescue vehicles.

On Saturday, November 5, 2022, motor vehicles located within the corporate limits of the Town of Urbanna will not be allowed to leave town, until approximately 8:00 PM or earlier as deemed appropriate by law enforcement.

Vehicular traffic shall include, but not be limited to, all golf carts as defined under Chapter 14, Article 4, Sections 14-38 et seq. of the Town Code (except "official golf carts" defined under S14-45 of the Town Code). All golf carts, except for "official golf carts" operating within the Town of Urbanna boundaries as may be expanded for this event shall be properly licensed under S14-38 et seq. of the Town Code and properly display a Town of Urbanna vehicle license sticker.

VIII. Public Safety (Outlying Parking Areas):

On Saturday, November 5, 2022, traffic approaching Urbanna from the east will be directed by Oyster Festival parking concessionaires into "official" parking areas on private property (Rosegill Farm) on the east and west side of State Route 227 (Urbanna Road). Vehicles reaching the Virginia State Police barricade and/or traffic control point will be directed to turn around and will not be allowed to enter the town.

On Saturday, November 5, 2022, traffic approaching Urbanna from the west will be directed by Oyster Festival parking concessionaires into "official" parking areas on private property on the north and south sides of State Route 602 (Old Virginia Street). The "official" parking lots at Lord Mott corner and Knapps Hill, closest to Town will be filled first. After these lots have been filled, as determined by the Virginia State Police, the "official" parking lot at Hewick Plantation may be opened for parking. Vehicles reaching the Virginia State Police barricade and/or traffic control point will be directed to turn around and will not be allowed to enter the town.

IX. Public Safety (No Parking Areas):

Pursuant to Resolution of The Urbanna Town Council and Virginia Department of Transportation Parade Permit approval, the following streets are designated "no parking" areas within the corporate limits of the Town of Urbanna between the dates and times indicated

in order to ensure pedestrian safety, expedient movement of fire and rescue vehicles, and safe parade operations:

A. Between 2:00 AM Friday, November 4, 2022 and 11:00 PM Saturday, November 5, 2022 major "No Parking Tow Away Zones" within the corporate boundaries of the Town of Urbanna shall be prominently marked and shall include;

1. Urbanna Road (State Route 227) from the Urbanna Bridge to the Watling Street (State Route 227 and State Route T1015) intersection, both sides of the street;

2. Watling Street (State Route 227) from its intersection with Urbanna Road (State Route 227) at the traffic triangle to Cross Street (State Route 227), both sides of the street;

3. Cross Street (State Route 227 and State Route T1005) from its intersection with Watling Street (State Route 227) all the way past the Marston Avenue (State Route T1006) intersection, both sides of the street;

4. Prince George Street (State Route T1003) from Cross Street (State Route 227) to Virginia Street (State Route 227), both sides of the street;

5. Virginia Street (State Route 227), east from Waverly Road (State Route 1010) to Oyster Road (T1002) on the waterfront, both sides of the street;

6. Marston Avenue (State Route T1006) from Cross Street (State Route T1005) to Rappahannock Avenue (State Route T1001), both sides of the street; Rappahannock Avenue (State Route T1001) south from the Marston Avenue (State Route T1006) intersection to Virginia Street (State Route 227), both sides of the street; Marston Avenue (State Route T1006) east from Cross Street (State Route T1005) to first house on each side of street (excludes Sears house).

7. Bonner Street (State Route T1020) west from Rappahannock Avenue (State Route T1001) to Linden Avenue (State Route T1021), both sides of the street; Grace Avenue (State Route 1010) from Bonner Street (State Route T1020) to Virginia Street (State Route 227), both sides of the street; Park Street (State Route T1019) from Rappahannock Avenue (State Route T1001) to Linden Avenue (State Route T1021), both sides of the street;

8. Upton Lane (State Route T1017) in its entirety, both sides of the street. Post Office patron 10-minute parking will be authorized on Friday until the road is closed by the Sheriff.

9. Hilliard Street in its entirety, both sides of the street.

10. Rappahannock Avenue in its entirety, Cross Street in its entirety, Kent Street in its entirety.

B. Between 2:00 AM and 8:00 PM Saturday, November 5, 2022 there shall be a no parking area from the intersection of Virginia Street (State Route 602) and Lord Mott Road (State Route 615) to the intersection of Virginia Street (State Route 227 and State Route 602) and Waverly Road (State Route 1010) and Red Hill Road (State Route 1011).

C. No parking signs will be placed on State Route 227 and State Route 602 outside the corporate limits of the Town of Urbanna by the Virginia Department of Transportation, Saluda Residency. Tow away zone signs will be placed accordingly.

Additional details of the no parking areas are contained in the 2022 Oyster Festival Public Safety Plan. "No Parking" areas will be designated as tow away zones, and towing charges will be at the violator's expense.

X. Public Safety (Parking Permits and Vehicle Passes):

Parking permits and vehicle passes are not issued by the Town of Urbanna or the Urbanna Oyster Festival Foundation for passage into or out of Urbanna during the hours that routine vehicle traffic is restricted within the Town of Urbanna.

Also, please see Section VI of this document that also discusses parking permits and vehicle passes.

Parade and other Oyster Festival participants must follow published instructions in order to arrive, park, and meet scheduled activities.

XI. Parade Permit and Public Safety Agency Approval:

Pursuant to Section 7.1-22, Urbanna Town Code (1973), as amended, a Virginia Department of Transportation (VDOT) Application For A Parade Permit shall be submitted for approval to the Virginia Department of Transportation, District Resident Engineer for approval of the Friday, November 4, 2022 Fireman's Parade and the Saturday, November 5, 2022, Oyster Festival Parade in order to

temporarily close affected streets and restrict parking. A copy of this Master Plan and its addenda shall be submitted along with the Parade Permits to secure the coordination and approval of the Town of Urbanna Administrator, Middlesex County Sheriff, the Virginia State Police, and the Virginia Department of Transportation. Copies of the Parade permits are attached as addenda to this Master Plan. Final Parade Permit approval is required no later than seven days prior to the event.

XII. Fireman's Parade (Route and Time): The Fireman's Parade will begin at 7:00 PM, Friday, November 4, 2022 and commence east on Virginia Street (State Route 602) from the area of the Urbanna Professional Center (State Route 1011) left on Grace Street (State Route 1010), right on Bonner Street (State Route 1019), left on Rappahannock Avenue, right on Marston Avenue, right on Cross Street, right on Virginia Street to a disband area where the parade began, at the Urbanna Professional Center. The Fireman's Parade duration -approximately one (1) hour. The Fireman's Parade will be restricted to sixty-five (65) self-propelled units.

XIII. The Oyster Festival Parade (Route and Time):

The Oyster Festival Parade will begin at 2:00 PM, Saturday, November 5, 2022 and will commence east from the staging and formation area at the Waverly Commons Office Building on State Route 602 on Virginia Street, left on Grace Street, right on Bonner Street, left on Rappahannock Avenue, right on Marston Avenue, right on Cross Street, right on Prince George Street, left on Virginia Street to the disband area where the parade began. Oyster Festival Parade duration - approximately one (1) hour or less. Parade route signage will be furnished by the Oyster Festival Foundation. The maximum number of parade units will be 80 with the slower marching units in front. Parade units may not stop to perform during the parade, except at the reviewing stand. The Oyster Festival Foundation agrees to provide reasonable funding to the Town of Urbanna for additional police officers. The Oyster Festival Foundation will be responsible for any damage along parade route and returning the landscaped areas of Virginia Street back to pre-festival condition.

XIV. Parade (Safety):

Parade participants are instructed that no objects are to be thrown from any parade vehicle or floats or by any parade marchers. Parade participants will be instructed that no stopping will be allowed along the parade route. Parade officials will be located at critical areas and intersections along parade routes to establish and maintain roadblocks and barriers to keep the parade

flowing smoothly at all times and to limit pedestrians from obstructing the parade route. Air cannons, explosive devices and other objects to create excessive noise are prohibited. No sirens to be blown if parade stops.

XV. Virginia Oyster Shucking Contest:

The Oyster Shucking Contest of the Official Oyster Festival of the Commonwealth of Virginia will be held at 11:00 AM, Saturday, November 5, 2022, at the Firehouse. Duration - approximately one and one-half (1½) hours.

XVI. Waterfront/Scottish Factor Store:

The Waterfront will provide opportunities to view the harbor, enjoy entertainment and view many displays. The Town of Urbanna hereby grants the use of portions of the docks designated slips 21, 22, 23, 24, 25 and 26 for the use of in water displays. On Thursday, the waterfront is used to further educate the children of the community with the heritage of the oyster industry. The Scottish Factor Store now houses the Town of Urbanna Visitor Center. Visitors may purchase Town of Urbanna souvenirs and listen to soft entertainment.

XVII. Sanitation:

Portable public sanitation facilities and supplies will be provided under contract by a private waste management firm, and the portable bathrooms will be positioned throughout the festival area to optimize utilization by festival participants. Handicapped facilities will be made available and conveniently located. Positioning of the portable sanitary facilities and solid waste dumpsters will be a coordinated effort between the Oyster Festival Foundation staff and the Town of Urbanna. Festival officials will contract for cleanup services and traffic control signs/devices with the Virginia Department of Transportation, Saluda Resident Engineer.

The Oyster Festival Foundation will provide trash cleanup and disposal services throughout the festival in coordination with, and in addition to, Middlesex County, the VDOT and private waste management contracted services. The Urbanna Oyster Festival Foundation, in coordination with the Town of Urbanna, shall obtain the approval of the Middlesex County Administrator for the private waste contractor and the Virginia Department of Transportation to dispose of permitted solid wastes in the Middlesex County solid waste transfer station, if required. The Oyster Festival Foundation shall guarantee to the citizens of the Town of Urbanna that the Town of Urbanna will be returned to pre-festival condition as soon as possible after the conclusion of the event.

XVIII. Virginia Department of Health Certification of Temporary Restaurants:

Pursuant to Section 7.1-22, Urbanna Town Code (1973), as amended, the Urbanna Oyster Festival Foundation shall require all food handlers and concessionaires to have a permit from the Middlesex County Health Department. The Oyster Festival Foundation shall provide each food vendor applicant a copy of the Virginia Department of Public Health Division of Sanitation Services regulations governing the permitting of temporary restaurants as part of the application for Special Business License process. Copies of the 2022 Urbanna Oyster Festival Foundation Concession Rules and Regulations, Special Business License application form, and Virginia Department of Health regulations governing temporary restaurants are included as addenda to this master plan.

XIX. Communications:

The Oyster Festival Foundation will maintain a communication capability with key staff personnel of the Oyster Festival through the use of a mobile radio net provided exclusively for the Oyster Festival. The command post will be the established communication during oyster festival operations. The command post will be located on the corner of Rappahannock and Virginia Street.

XX. Motorized Carts:

The Oyster Festival Foundation will utilize clearly identifiable golf carts or "street carts" for the transportation of key staff in and around the festival grounds. The carts will be maintained by the Oyster Festival Foundation or at the residence of the authorized festival staff member. Only authorized members of the Oyster Festival staff are allowed to operate the carts, and they remain responsible for the vehicle and its operation. Motorized carts for the handicapped will be permitted in the festival areas as crowd density permits. Golf carts or "street carts" motorized skateboards, scooters or mopeds, operated by town citizens or festival attendees will not be permitted on any streets that are otherwise closed to motor vehicles. Any law enforcement officer witnessing an unsafe condition involving a motorized cart may terminate the use of the cart by the individual involved for the duration of the Oyster Festival.

XXI. Musical Entertainment:

The Oyster Festival Foundation shall provide entertainment during the festival.

XXII. Town of Urbanna Special Business Licenses:

Pursuant to Chapter 7, Article IV, Sections 7.1-17 through 7.1-29, both inclusive, Urbanna Town Code (1973), as amended, the Urbanna Oyster Festival Foundation, as the sponsoring organization, shall provide for the application and payment of Special Business Licenses by concessionaires. The Special Business Licenses issued by the Town of Urbanna is comprised of two parts; the first part which is payable to the Town of Urbanna and the second part which is payable to the Urbanna Oyster Festival Foundation as more fully described in the Urbanna Oyster Festival Foundation Concession Application attached hereto as Addenda XVIII(3) and incorporated herein by reference. Application forms, to include Special Business License fees, are included as an addendum to this Master Plan. The Special Business Licenses can only be obtained by concessionaires from the Oyster Festival Foundation. Any person or business entity which engages in or conducts any business, calling, profession, or concession in the Town of Urbanna solely or primarily during the Oyster Festival shall qualify for the Special Business License prior to engaging in any business activity. No Special Business License shall be issued to any such person or business entity unless they have entered into a reciprocal agreement with the Urbanna Oyster Festival Foundation to comply with the provisions of this Master Plan and the ordinances and regulations of the Town of Urbanna, the Virginia State Police, the Virginia Department of Health and the Virginia Department of Transportation. Any person or business entity which has obtained a regular Town of Urbanna business license and whose business activities within the Town of Urbanna are not limited to the Urbanna Oyster Festival shall be exempt from obtaining a Special License Permit provided that such person or business entity does not allow unlicensed parties to conduct any business activity ostensibly under the authority of their Urbanna business license during the annual Urbanna Oyster Festival. Notwithstanding the foregoing, all regular Town of Urbanna business licenses issued to a person or business entity engaged as a peddler or itinerant merchant with no definite place of business as defined in Section 7-1.2 of the Town Code shall be null and void during the Urbanna Oyster Festival. Pursuant to Section 7.1-17 of the Urbanna Town Code, any such person or business entity that does not receive remuneration for its activities shall not be required to pay the Town Special Business License fee.

XXIII. Insurance and Indemnification Agreement:

Pursuant to Section 7.1-22, Urbanna Town Code (1973), as amended, the following insurance and indemnification agreement shall be executed between the Town of Urbanna and the Urbanna

Oyster Festival Foundation upon approval of the Master Plan by the Urbanna Town Council, but no later than thirty days prior to the date of the Oyster Festival. The duly executed Insurance and Indemnification Agreement shall be included as an Addendum to this Master Plan:

INSURANCE AND INDEMNIFICATION AGREEMENT

This Insurance and Indemnification Agreement is entered into this ____ day of _____, 2022 by and between the Town of Urbanna, Virginia, a Virginia municipal corporation, and the Urbanna Oyster Festival Foundation, a Virginia non-stock, not-for-profit corporation.

WHEREAS, the Urbanna Oyster Festival Foundation, and not the Town of Urbanna, but with the cooperation and support of the residents, businesses and the governmental authorities of the Town of Urbanna, sponsors an annual event known as the Oyster Festival within the municipal limits of the Town of Urbanna; and

WHEREAS, Section 7.1-22(5) of the Urbanna Town Code, 1973, as amended, requires, among other things, that the Urbanna Oyster Festival Foundation execute an Insurance and Indemnification Agreement that provides for an indemnity to the Town of Urbanna and a general liability insurance policy in an amount established by a resolution of the Urbanna Town Council (as herein described) as a condition precedent to holding the annual Oyster Festival; and

WHEREAS, it is the intent of the Town of Urbanna that the indemnity given in this Insurance and Indemnification Agreement be limited to those claims (as herein described) not covered by the insurance policy.

NOW THEREFORE, THE URBANNA OYSTER FESTIVAL FOUNDATION hereby agrees to save, indemnify and hold harmless the Town of Urbanna, Virginia against all liability claims, demands, losses, damages, judgments or actions of any nature whatsoever arising from acts, omissions, accidents or claims thereof, to persons or property occasioned in connection with the Oyster Festival Foundation and the agents, invitees, employees, volunteers, or others under the general aegis and control of the Urbanna Oyster Festival Foundation in its sponsorship of an annual event known as the Urbanna Oyster Festival (hereinafter "claims") not covered by the insurance policy.

Notwithstanding the foregoing, this indemnification shall be limited to any claim arising from the Oyster Festival (i.e. November 4th and 5th, 2022) and a period thirty days prior to and thirty days after the Oyster Festival, but alleged to be in connection therewith, and not otherwise covered by the insurance policy. In addition, this indemnification shall be subject to the

following:

- 1) Any defenses the Urbanna Oyster Festival Foundation may have, if any, against the Town of Urbanna, for any claim; and
- 2) In the event that any act or omission by the Town of Urbanna shall cause a lack or failure of the coverage of the claim by the insurance carrier, the Urbanna Oyster Festival Foundation shall not be obliged to indemnify the Town of Urbanna for any claim otherwise covered or provided for by the insurance policy; and
- 3) In the defense of the Town of Urbanna under this indemnity, the Urbanna Oyster Festival Foundation shall have and may exercise all of the same or similar rights, duties, obligations and privileges which accrue to the insurance carrier under the insurance policy, including without limitation any defenses available to the Town of Urbanna as a municipal corporation and political subdivision of the Commonwealth of Virginia.
- 4) Any claims arising from any existing business operation, including any claims arising from the operation of the expanded business area(s) for the consumption of alcoholic beverages, shall be expressly excluded from this indemnity.

The URBANNA OYSTER FESTIVAL FOUNDATION shall provide a general liability policy which covers both bodily injury and property damage with a per occurrence limit of One Million Dollars, Five Million Dollars aggregate, to include products coverage, liquor legal liability endorsement, and personal and advertising injury. Such policy shall be provided by an insurance carrier with an A.M. Best rating of B+ or better.

Said insurance shall insure against any and all liability of the Town of Urbanna with respect to the Urbanna Oyster Festival, in any connection therewith, whether thirty days before, during, or thirty days after the actual event. Any such policy of insurance shall be issued by a company reasonably acceptable to the Town of Urbanna and the Urbanna Oyster Festival Foundation, shall provide the Town Administrator a certificate of such insurance, without demand therefor, dated not more than thirty days prior to the date of the event showing evidence of current insurance as above stipulated with the Town of Urbanna as an additional insured. Such policy shall provide therein that such policy shall not be canceled or terminated without thirty days prior notice from the insurance company to the Town of Urbanna (the 'insurance policy').

The Executed Insurance and Indemnification Agreement is included as Addendum 5 to this Master Plan.

XXIV: SERVICE MARK:

All participants in the Urbanna Oyster Festival under this Master Plan, hereby acknowledge and agree, as a condition to participate in the festival:

1. That the Urbanna Oyster Festival Foundation (the "Foundation") is the sole and exclusive owner of all right, title and interest in and to the Service Mark, i.e. oysters logo and/or the words, "Urbanna Oyster Festival", (the "Mark") and any colorable imitations, designations, counterfeits or copies of the Mark; and
2. That the Mark has become distinctive of the Foundation's services and has become famous under 15 U.S.C. Section 1125; and
3. The Foundation has registered the Mark in the United States Patent and Trademark office (Registration Nos. 2,198,679 and 2,208,800) and any use of the Mark, without the expressed written consent of the Foundation shall constitute an infringement on this Foundation's federally registered service mark in contravention of 15 U.S.C. Section 1114(1)(a).; and
4. Not to engage in any conduct in violation of this Section XXIV; and
5. That if the Foundation determines, in its sole discretion, that a participant has used the Mark without the expressed written authorization or license from the Foundation, then the participant after receiving a demand, whether written or oral, from the Foundation to cease and desist from any further use of the Mark, hereby consents to the follows actions:
 - a) The chief law enforcement officer and his deputies or officers may close any activity in violation of this Section XXIV upon written notice from the Foundation; and
 - b) The person or entity in violation of this provision of the Master Plan consents to the

entry of an ex parte order granting injunctive relief to the Foundation to enjoin any unauthorized use of the Mark; and

- c) The person or entity in violation of this provision of the Master Plan hereby acknowledges that the Foundation is entitled to recover all of the profits earned as a result of the use of the Mark; together with other damages that the Foundation has suffered, which shall be trebled, including but not limited to actual attorney fees.

XXV: Controlled Consumption of Alcoholic Beverages:

The Virginia Alcoholic Beverage Control Board ("ABC") has recommended the establishment of controlled areas for the consumption of alcoholic beverages during events such as the Urbanna Oyster Festival ("Expanded Area"). In accordance with that recommendation and to accommodate certain existing businesses operating within the Town of Urbanna, such businesses shall, in addition to complying with any existing laws and regulations in the Commonwealth of Virginia, agree to the following terms and conditions, which must be included and made a part of their application to the ABC for an administrative expansion to their existing license during this event:

1. Provide adequate security within the expanded area to the satisfaction of the appropriate government authorities of the Town of Urbanna and the Urbanna Oyster Festival Foundation; and
2. Provide a general liability insurance policy which covers both bodily injury and property damage with an occurrence limit of One Million Dollars and include products coverage, a liquor legal liability endorsement, and personal and advertising injury. Said policy shall be provided by an insurance carrier with an A.M. Best rating of B+ or better. In addition, the business shall name the Urbanna Oyster Festival Foundation and the Town of Urbanna as an additional insured; and
3. Agree to operate within the hours prescribed by the Urbanna Oyster Festival Foundation and the appropriate governmental authorities of the Town of Urbanna; and

4. Agree to abide by all of the rules and regulations promulgated by the Urbanna Oyster Festival Foundation.

All businesses authorized to operate an Expanded Area hereby acknowledge, as evidenced by their application to the ABC, that this business activity is a privilege agreed to by the Town of Urbanna under this Master Plan and not a right under any existing business license issued by the Town of Urbanna. The failure of any business operating an Expanded Area to comply with one or more of the conditions contained in this Master Plan shall constitute a default under this Master Plan and result in the automatic termination of the privilege to operate an Expanded Area.

XXVI: Raffles:

The Urbanna Oyster Festival Foundation (Foundation) has not permitted raffles and other games of chance at the Urbanna Oyster Festival because these activities were thought to conflict with the family-oriented nature of the Urbanna Oyster Festival. However, the Foundation recognizes that some bona fide non-profit organizations utilize raffles as a fundraising tool for the benefit of the community that they serve as part of their non-profit mission. This shall not apply to the Virginia Lottery.

Therefore, the Foundation may permit raffles during the Urbanna Oyster Festival for which the Foundation receives an advance application for review and approval, and which includes evidence of the sponsoring organization's tax-exempt status granted by the U.S. Internal Revenue Service as well as evidence of compliance with the Commonwealth of Virginia's charitable gaming regulations, as amended. Approval of such raffle applications shall be at the sole discretion of the Urbanna Oyster Festival Foundation.

XXVII: Financial Responsibility:

The Urbanna Oyster Festival Foundation agrees to fully fund any short fall in revenues that would result in any financial loss to the Town of Urbanna.

XVIII. Addenda:

1. Urbanna Oyster Festival Foundation Charter.
2. Urbanna Oyster Festival Foundation Concession Rules and Regulations.
3. Urbanna Oyster Festival Foundation Concession Applications.
4. The Virginia Department of Health Guidelines And Checklist For Temporary Food Events, and Application For Temporary Restaurant Permit.
5. Executed Insurance and Indemnification Agreement.
6. Ordinance of the County of Middlesex authorizing the Town of Urbanna to apply its Master Plan to certain portions of Middlesex County during Oyster Festival weekend, Friday, November 4, 2022 and Saturday, November 5, 2022.
7. VDOT Permit Application for Oyster Festival 2022.
8. VDOT Permit for Oyster Festival 2022.

ADJOURN

Councilmember Austin made a motion to adjourn

Councilmember Smith seconded

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

Motion passed 6-0

Meeting adjourned at 8:23pm

Submitted by:



Martha J. Rodenburg

Town Clerk

Approved by Town Council 11/17/2022