

**Town of Urbanna  
Town Council  
Work Session  
Council Chambers-390 Virginia St. Suite B  
October 13, 2022**

**CALL TO ORDER & ROLL CALL**

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

**Present**

**Members of Council**

Mayor Barbara Hartley

Council Members

Marjorie Austin

Larry Chowning

Bill Goldsmith

Merri Hanson-arrived at 8:09pm

Steve Hollberg

Bill Smith

Garth Wheeler-Town Administrator

Roy Kime-Zoning Administrator

Martha Rodenburg-Town Clerk

Michele Hutton-Town Treasurer

Andrea Erard-Town Attorney via Zoom

Members of the public

All present said the Pledge of Allegiance

**APPROVAL OF AGENDA**

Mayor Hartley announced the agenda should be amended to remove item 10-Closed meeting

**Councilmember Austin moved to approve the agenda as amended**

**Councilmember Goldsmith seconded**

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

**Motion passed 6-0**

**PRESENTATION**

Mayor Hartley recognized Kerri Robusto as the winner of the 48-Hours in Urbanna contest. Her entry will be published in the Main Street magazine.

**PUBLIC COMMENT & PUBLIC COMMENT RESPONSE**

No member of the public spoke

**MATTERS OF TOWN COUNCIL**

**Annual Report**

Garth Wheeler presented the Annual Report, highlighting services and accomplishments of Council and Staff over the past fiscal year. A copy of the report is available on the Town website.

Mr. Wheeler thanked Council, Staff, volunteers, and Patty Wheeler for their efforts in compiling the report.

Mayor Hartley read her opening letter published in the report

### **Clutter ordinance**

Andrea Erard, Town Attorney gave a review of the revised proposed Ordinance 22-03. The revision includes pictures to represent “clutter”.

If approved to move forward, a public hearing would be advertised and held prior to Council adopting the ordinance.

Councilmember Smith raised his concern regarding the term “running bamboo”, referencing multiple residents with bamboo on their property.

Ms. Erard responded running bamboo is referenced in the State Code, and refers to when the bamboo makes the property a hazard. The Zoning Administrator and Town Attorney would make that determination.

Garth Wheeler added the proposed ordinance should be considered of as “a tool, not a weapon” to aid the Town in helping residents what they should be striving for in terms of appearances.

Mayor Hartley added enforcement would be complaint driven

### **Councilmember Austin made a motion for a public hearing on [Ordinance 22-03-Clutter Ordinance]**

#### **Councilmember Hollberg seconded**

Martha Rodenburg, Town Clerk explained the public hearing would have to be advertised for two consecutive weeks, with the second notice being published no less than 7 days prior to the public hearing. The public hearing could be scheduled for the November 17, 2022 Town Council meeting.

### **Councilmember Austin amended her motion for a public hearing on [Ordinance 22-03-Clutter Ordinance] November 17, 2022**

#### **Councilmember Hollberg seconded the amended motion**

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

**Motion passed 6-0**

### **Boundary Line Adjustment update**

Garth Wheeler reported the most recent survey was included in Council’s meeting packet, including metes & bounds provided by Bay Design, which has been requested by the Middlesex County Attorney, Heather Lewis.

On July 12, 2022 a presentation was made before the Middlesex Board of Supervisors by Mr. Wheeler. The Board of Supervisors voted to assign County Administrator, Matt Walker and County Attorney, Heather Lewis to discuss the Board’s concerns and formulate a plan to move forward.

Due to the concerns of several members of the Board of Supervisors, two plats along Red Hill Drive have been removed from the proposal.

After a follow-up meeting with Matt Walker, Heather Lewis, Andrea Erard, and Garth Wheeler the following “next-steps” have been determined:

- Presentation before Middlesex County Board of Supervisors for their approval to move forward
- Public hearing for the Town of Urbanna
- Public hearing for Middlesex County
- Vote from Urbanna Town Council and Middlesex County Board of Supervisors to approve
- Petition Circuit Court for approval

Mayor Hartley clarified this is not an “annexation” as all affected property owners have either approved or requested to be a part of these boundary changes.

Councilmember Hollberg stated one of the reasons for this proposal was to ensure the land that will be used for the future mandated well will be within Town limits.

Councilmember Smith added, the Town's current well and water tower are not within Town limits, but would be under this proposal.

### **Finance Committee**

Councilmember Goldsmith reported the following:

The committee discussed the possibility of hiring off-duty law enforcement for the purposes of parking and golf cart enforcement.

- The cost would be approximately \$40 per hour
- Mr. Wheeler recommended the matter be discussed further, and a proposal to be brought before Council at a later date.

The committee discussed adjust marina fees to be more competitive with other marinas. A proposal will be brought before Council at a later date.

A letter has been sent to all delinquent water account holders stating the Town's shut-off policies, that due to Covid mandates, had not been enforced. The letter informed them that to avoid their water being shut-off, they had until January 4, 2023 to bring their accounts current.

Options for financing the purchase of 390 Virginia St (current Town Hall), including CARES funds, sale of old Town Hall, and current agreement with Mr. Mullins.

Councilmember Chowning commented in reference to marina fees, to keep rates competitive for local oystermen.

- Councilmember Goldsmith responded that would be in their consideration.
- Mr. Wheeler added discounts had been provided in the past and would continue.
- Additional discussion took place on the matter

Councilmember Hollberg commented the Finance Committee had discussed increasing reserves, and wanted to make sure it has been done before closing out the books. Discussion took place that it had happened and would be addressed in the agenda item for the 2021-2022 audit.

### **ACTION ITEMS**

#### **2021-2022 Audit**

Garth Wheeler stated staff recommended contacting Davis & Associates to make arrangements to have an audit for FY 2021-2022 done.

Mr. Wheeler addressed Councilmember Hollberg's previous comments on reserve increases. Once the audit is completed, staff and Council will have accurate numbers to address increasing reserves.

**Councilmember Austin made a motion for the Town Administrator to contact Audrey Davis, CPA, with Davis & Associates, to make arrangements to have an audit for the last fiscal period, 2021-2022 done.**

**Councilmember Goldsmith seconded**

Councilmember Hollberg requested the motion be amended to include the audit be completed by a certain date. Additional discussion took place, and Councilmember Hollberg withdrew his request.

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

**Motion passed 6-0**

### **Marina-maintenance work**

Councilmember Hollberg reported the Urbanna Creek Committee had agreed to move forward with a Phase 1 which would replace north end of marina with floating docks. This would address the safety issues with the dock and the foundation which has begun to wash away. Removing the north ramp would give more linear beach.

The fiscal impact is approximately \$15,000.00. Councilmember Hollberg noted grant funds available are approximately \$90,000.00. Seventy-five percent of the \$60,000 in costs estimated for this phase are covered by the BIG Grant. Estimated net cost to the town is \$15,000. This will come out of the operating budget for the marina.

**Councilmember Hollberg made a motion to approve the contract from Docks of the Bay to undertake repairs and modifications to the Town Marina to repair the dock foundation and construct living shoreline as described.**

**Councilmember Austin seconded**

Councilmember Hollberg questioned why removing the fence was not included.

Mr. Wheeler responded the Urbanna Creek Committee would make a full report with recommendations at the next Council meeting, to include plans for fence removal.

Councilmember Hollberg asked Mr. Wheeler if he had spoken with Preston Smith, head of the Boating Infrastructure Grant. Mr. Wheeler responded he had spoken with Mr. Smith, and his recommendation was Council move forward, pending Mr. Smith getting the final result.

Councilmember Hollberg commented we can apply for additional grants as we move through the different phases.

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

**Motion passed 6-0**

### **Pool Financing**

Mayor Hartley and Marnie Harte of the Pool Committee gave an overview of their September 13, 2022 presentation to the Middlesex County Board of Supervisors requested Middlesex County assist the Town of Urbanna with funding for the proposed new pool.

Mayor Hartley opened with a statement regarding the Board's lack of interest in assisting the Town, and the decision by Council that the pool project is important enough to continue without the County's buy-in. The pool will benefit all members of the community.

Marnie Harte gave an in-depth presentation on the project, background, future uses of the pool, financing options, and membership options.

The Pool Committee recommends constructing a competitive pool and presented the committee's preferred financing plan.

- Financing of approximately \$1.1million
- Funding option recommended by the Pool Committee
  - Taber Trust-\$500,00
  - Charter Memberships-\$200,000
  - Fundraising & donations-\$100,000
  - CARES-\$200,000
  - Loan-\$100,000

Charter Memberships would attach to the property in perpetuity.

Anticipated \$81,000 annual operating expenses-to be paid with revenue generated by the pool and the Town.

Goal is to have pool open for 2023 season, but the timeline is tight

- Funding needs to be finalized
- Contracts need to be signed

Councilmember Goldsmith added

- Membership fees modeled after the Deltaville pool membership fees
- If Taber funds not used in some kind of leveraged way, the pool cannot be built

Additional financing options were discussed at length, including amounts spent on project to date, differing opinions on intent of the Taber Fund usage, previous use of Taber funds for the original pool construction, and the definition of “corpus” and “principal” in regards to the Taber Fund.

Councilmembers Smith, Hollberg, and Chowning expressed their opposition to withdrawing from the principal of the Taber Fund.

Councilmember Hollberg recommended applying for a \$1.1million loan

- Ms. Erard stated any loan would have to be paid back in 12 months, otherwise it would be a violation of public finance act. She suggested one option would be to create a non-profit for pool fundraising. This would give more flexibility in applying for loans and grants.

Councilmember Hollberg, asked about a previously discussed suggestion of having a memorandum of understanding with Friends of Urbanna

- Ms. Erard responded a verbal but not written agreement existed, and recommended setting up a separate 5013c.

**Councilmember Chowning made a motion to authorize the Town staff to enter into an agreement for the construction of a new pool up to a maximum of \$1.1 million. The contract is subject to review and approval by the Town Attorney prior to execution**

Further discussion took place

**Austin seconded**

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

**Motion passed 7-0**

**Councilmember Hollberg made a motion that recommendations for financing for the pool are to be brought forward to Council for a vote as soon as practical.**

Ms. Erard clarified Councilmember Hollberg’s motion was for the Town staff to bring options to Council for financing the pool so that the council can select the best option.

**Austin seconded**

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

**Motion passed 7-0**

**ADJOURN**

**Councilmember Austin made a motion to adjourn**

**Councilmember Smith seconded**

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

**Motion passed 7-0**

**Meeting adjourned at 8:42pm**

**Submitted by:**



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**Martha J. Rodenburg**

**Town Clerk**

**Approved by Town Council 11/17/2022**