

**Town of Urbanna  
Town Council  
Monthly Meeting  
Council Chambers-390 Virginia St. Suite B  
October 27, 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-arrived at 8:29  
    Steve Hollberg  
    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

All present said the Pledge of Allegiance

Mayor Hartley announced VDOT was repairing sidewalks and the Town received notice from them the requested 4-way stop at Virginia and Cross Streets had been approved.

**APPROVAL OF AGENDA**

**Councilmember Austin made a motion to accept the agenda as presented**

**Councilmember Smith seconded**

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

**Motion passed 6-0**

**APPROVAL OF MINUTES**

**Councilmember Austin made a motion to approve the September 8, 2022 minutes as presented**

**Councilmember Goldsmith seconded**

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

**Motion passed 6-0**

## **REPORTS**

### **Town Administrator**

#### Boundary Line Adjustment

- Bay Design has removed two parcels along Red Hill from proposal
- Mr. Wheeler is scheduling a meeting with Matt Walker, Middlesex County Administrator, and Heather Lewis, Middlesex County Attorney, as well as individual Board of Supervisors, to address any concerns they have
- Plans to make a presentation at the Board of Supervisors meeting in December

#### Oyster Festival

- November 4<sup>th</sup> & 5<sup>th</sup>
- VDOT permit received
- Schedule of events posted and placed in the newspaper

#### Town Marina

- Docks of the Bay has been contacted regarding the approved repairs to main walkway and shoreline
- BIG funds have been approved to cover 75% of the \$50,000 cost

#### Sidewalk Repairs

- VDOT in process of repairing sidewalk on south side of Watling Street
- Sidewalk and curbing repairs on Virginia Street to take place after first of the year

#### Christmas Parade

- To be held Friday, December 2<sup>nd</sup>
- Town staff will be assisting Lois Brooks and filing for the permit

Presentations will be made by the Pool Committee and the Urbanna Creek Committee, and Mr. Wheeler thanked all the volunteer members of the committees for their work

### **Treasurer's Report**

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

Mrs. Hutton reported taxes will be mailed out soon, and online payments available

Hollberg inquired about the growth of the Historic Trust Fund since beginning of the year. Mrs. Hutton responded that it had made approximately \$14,000



# Treasurer's Report

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

Account Balance thru <b>9/30/2022</b>	Prior Year	Prior Month	Statement Date
	<b>9/30/21</b>	<b>8/31/22</b>	<b>9/30/22</b>
Primis Bank General Operating Bank Account	543,394.28	658,223.65	637,772.34
Renter Water Deposits	14,326.66	16,551.66	16,551.66
Net Operating General Bank Account	540,032.04	645,877.97	635,222.66
TRUIST Historic Trust	21,795.91	27,003.65	28,314.72
TRUIST Pool Replacement Account	36,761.87	94,765.68	94,764.46
Primis Bank Water Fund Reserve	113,814.93	114,189.82	114,243.79
Primis Bank General Fund Reserve	94,648.26	94,855.79	94,884.25
Primis Bank Cares Local Recovery	237,611.82	475,324.26	475,343.79
Primis Bank DMV	n/a	5,817.83	7,628.20
Taber Trust – Account Value	1,488,465.53	1,300,340.91	1,205,718.35
	<b>9/30/21</b>	<b>8/31/22</b>	<b>9/30/22</b>
Meals Tax collected in September	15,450.08	14,992.16	13,319.79
Lodging Tax collected in September	2,123.60	3,213.42	7,522.80
Cigarette Tax collected in September	n/a	670.32	1,310.85

**SEPTEMBER EXPENDITURES:**

- \$15,000 Fire Grant to Middlesex FF

**REVENUE as of 9/30/2022**  
 Processed Oyster Fest Business Licenses \$16,150.00  
 Notes: none





### **Finance Committee & Pool Committee**

Councilmember Goldsmith told Council the reports for the Finance and Pool Committees would be covered in their presentations later in the meeting

### **Planning Commission**

Roy Kime reported the next meeting of the Planning Commission was scheduled for November 2<sup>nd</sup>

### **Water Committee**

Councilmember Smith reported

- Well project at bidding stage and will go out to bid after the holidays per Kimley-Horn's recommendation
- VDH application submitted and will be reviewed May 2023
- Cartegraph renewal contract has been signed

### **PUBLIC COMMENT & PUBLIC COMMENT RESPONSE**

There was no public comment

### **OLD BUSINESS**

#### **Pool Committee financing proposal**

Marnie Harte made a presentation to Council regarding funding options and the committee's recommendations for the construction of the new pool.

- Option 1-Use/borrow Taber Park Fund
- Option 2-Borrowing more funds from a commercial organization
- Option 3-Apply a special assessment to town residents

The Pool Committee recommends option 1

Ms. Harte requested action be taken during the meeting to determine funding option as time is of the essence

Ms. Harte gave an overview of the timeline and background of the Taber Fund, to include:

- Income vs interest definitions as stated in the Virginia Code provided in Articles 4 (§64.2-1048 et seq.), 5 (§ 64.2-1051 et seq.), and 6 (§ 64.2-1055 et seq.)
- Court approval not required to withdraw funds
- No proof of Town going to court and being denied use of funds in past
- Town funded original pool with monies from the general fund, then withdrew \$36,391.81 in 1971 from Taber Fund, which was transferred to the General Fund to refund pool construction costs
  - It is unknown if the monies withdrawn were accumulated interest or from the principal
- Power of fiduciaries to adjust the designations as assets between income and principal cited in Virginia Code Section 64.2-1038
- General powers of the trustee as cited in Virginia Code Section 64.2-777 and 64.2-778
  
- Councilmember Hollberg asked if trust language limits what mayor can do without consent of council
  - The response was the Finance Committee would report to Council, then Council would vote to authorize the mayor to take action
  - Mayor cannot take action without approval of Council

Councilmember Chowning requested staff to invite a Davenport representative to address Council and answer questions

### **CONTRACTS**

Ms. Harte gave an overview of contracts necessary to begin construction. Specifics of contracts will be discussed in closed meeting:

- Bay Design previously awarded site contract for \$47,000
- Architecture contract awarded to Irby Architects, PC for approximately \$27,000 to design the facilities
- Paddock Pools selected to build pool at an estimated cost of \$430,000
  - As of the meeting, the contract had not yet been signed
- General construction contract needed to build bathhouse, walkways, fencing etc., approximately \$600,000
  - Cannot get the contract until architectural renderings are complete

Based on Virginia Code, the Committee is comfortable recommending right to use funds and move forward with or without court approval

Next steps

- Council point of view on funding option
- Finalize contracts
- Begin fundraising

Discussion took place regarding language of will and the definition of “income”

Councilmember Chowning asked about grants

- Ms. Harte responded that grants are still being explored
- Councilmember Goldberg added grants would be used to pay back Taber fund first

Councilmember Chowning spoke about the Harris Fund, a \$38 million fund which provides grants to Middlesex County.

**Councilmember Chowning made a motion to direct staff to look into the possibility, immediately of how to explore the use to obtain Harris Fund monies and explore how we can get it.**

**Councilmember Hollberg seconded**

Additional discussion took place

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

**Motion passed 6-0**

Councilmember Hollberg asked to the status of the Circuit Court filing regarding withdrawing monies from the Taber Fund.

Ms. Erard responded it has not been assigned to a judge yet, would probably be Judge Shaw. Finalizing notice to the fiduciary.

### **Sale of old Town Hall**

Garth Wheeler addressed the sale of the old Town Hall

- There is an agreement with John Mullins that he will purchase the property \$150,000 if another offer is not received
- The property has been appraised at \$367,000
- The Finance Committee recommends Town sell the building
- Send correspondence to the 3 firms to get listing a listing proposal
- All bids and offers must be voted on after holding a public hearing before a sale can take place

Discussion took place between Council and staff

**Councilmember Austin made a motion to authorize the Town staff to begin the process of selling the Town property at 45 Cross Street**

**Councilmember Smith seconded**

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

**Motion passed 6-0**

## **NEW BUSINESS**

### **Urbanna Creek Committee-recommendation to Council**

Sarah Jane Wyatt of the Urbanna Creek Committee reported on the background of the committee and their “wish list” of items they recommend to be adopted by council, noting that some had already been accomplished:

- Repair and extend existing boat ramp. (completed)
- Mitigate erosion under the main pier at the Marina and the beach areas (voted on at last meeting)
- Create a kayak access launch point at the north end of the Marina by relocating the fence and clearing the area to create a beach access point. Move the kayak storage area to this area and add informational signage
- Add mooring balls in the eastern section of Urbanna Harbor to encourage large sailboat traffic.
- Build a dinghy dock at Virginia Street to complement the added mooring balls and to provide additional dinghy access to town.
- Improve the safety and accessibility of the north end of the town marina dock by removing current finger piers and adding floating pers. This will also help mitigate the erosion currently being experienced. Continue with the remainder of the town marina docks until all are completed, on a yearly rotation.
- Repair or replace the town marina bridge in the next few years. Currently, the bridge can accommodate large trucks and emergency vehicles. The Middle Peninsula Planning Commission has informed the town administrator and staff in a meeting they are willing to assist in the repair or replacement of this bridge. Those discussions should continue and solutions for a replacement explored.
- The Waterfront Committee recommends they continue to meet and work with Council to ensure the above items are completed and to assess additional needs.

Mike Jolly of the Urbanna Creek Committee also addressed Council:

- The committee would like to continue to work and work on funding options, to include available grants
- He used an aerial photo of the marina to illustrate the locations and scope of proposed improvements
- Additional discussion took place to include:
- Suggesting the proposed Blue Water Trail beginning point for kayaks to launch would be the beach area to the north end of the marina
- At the Town owned Virginia Street property, 15’x20’ fixed dock centered on the property, with a 6’x30’ dinghy dock, with landscaping on the property
- Approved projects would be done in phases

Possible funding options discussed, including ADA grants

Council agreed to table any action until the next meeting

### **Pool cont’d**

Council went into recess at 8:50pm in order for staff to verify a motion made at a previous meeting regarding the pool. Mayor Hartley called the meeting back to order at 8:52

Andrea Erard, Town Attorney informed Town Council she and Martha Rodenburg, Town Clerk, had reviewed the tape from a previous meeting and confirmed on October 13, 2022 Council had approved 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, subject to review and approval by the Town Attorney prior to execution

This would encompass any contracts and would prohibit need to go into closed session.

## **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 8:53pm**

**Submitted by:**

A handwritten signature in blue ink, consisting of a large, loopy initial 'M' followed by a long, horizontal stroke that loops back under itself.

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**Martha J. Rodenburg**

**Town Clerk**

**Approved by Town Council 12/15/2022**