

**Town of Urbanna
Town Council
Monthly Meeting
Council Chambers-390 Virginia St. Suite B
November 17, 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 8:28pm

Steve Hollberg

Bill Smith

Garth Wheeler-Town Administrator

Roy Kime-Zoning Administrator

Andrea Erard-Town Attorney-via Zoom

Michele Hutton-Town Treasurer

Martha Rodenburg-Town Clerk

Members of the public

All present said the Pledge of Allegiance

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

PUBLIC HEARING-ORDINANCE 22-03

Town Attorney, Andrea Erard presented the proposed Ordinance 22-03 which would amend the current Chapter 6 "Garbage, Refuse, and Weeds" ordinance and explained the changes.

Ms. Erard recommended

- Enforcing on a complaint driven basis and sending a courtesy letter prior to going to enforcement
- Violation should be visible from a public right of way
- Violations not visible from public right of way addressed dependent on the impact of the violation

Mayor Hartley opened public comment

- Don Drayer of 410 Obert Street spoke in favor of the ordinance
- John Ryland of Marston Avenue submitted a written comment against the ordinance

Councilmember Hollberg asked Ms. Erard to address Mr. Ryland's concerns regarding the wording of the ordinance and how it would be enforced. Ms. Erard responded she tracked State law in the wording of the ordinance. Regarding enforcement, she stated we should rely on staff to use common sense.

Councilmember Smith brought up his concern with the running bamboo provision, and discussion took place regarding removing “running bamboo” from the ordinance. Ms. Erard added, if it is removed, it can be added in the future by Council.

Mayor Hartley stated her worry about the ordinance being weaponized. Ms. Erard explained the current ordinance is more draconian.

Councilmember Chowing asked why the bamboo provision was included, and what was in the proposed ordinance that will make it more enforceable. Ms. Erard responded she followed the language in the State Code, and the addition of the clutter language would assist in enforcement.

Bill Hight addressed Council to request the running bamboo provision remain due to the damage it can do to property.

Councilmember Austin made a motion to approve Ordinance 22-03 as presented with the amendment to remove the running bamboo statement.

Councilmember Smith seconded

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

Motion passed 6-0

ORDINANCE NO. 22-03

ORDINANCE NO. 22-03 PROHIBITS TALL GRASS AND WEEDS AND REQUIRES THE REMOVAL OF GARBAGE, TRASH REFUSE AND CLUTTER; IT AUTHORIZES THE CUTTING OF TALL GRASS AND WEEDS AND REMOVAL GARBAGE, TRASH, REFUSE AND CLUTTER BY THE TOWN AFTER NOTICE TO THE PROPERTY OWNER; THE PROPERTY OWNER IS RESPONSIBLE FOR THE COST AND EXPENSE AND SUCH MAY BE COLLECTED AS TAXES ARE COLLECTED OR RECORDED AS A LIEN AGAINST THE PROPERTY. ORDINANCE NO. 22-03 IS AUTHORIZED BY THE GRANT OF AUTHORITY CONTAINED IN VA. CODE § 15.2-901.

BE IT ORDAINED by the Urbanna Town Council that Chapter 6, “Garbage, Refuse and Weeds,” be amended to read in its entirety as follow:

“Section 6-1. Prohibited disposal of garbage, trash, etc.

It shall be unlawful for any person to dispose of any garbage, trash, junk or waste of any kind or description upon any street, sidewalk or public place in the town other than at a public dumping ground designated as such by the town council, or upon the property of another without the knowledge and consent of the owner or occupant of such property, or in any well, cistem spring or watercourse within the town.

Section 6-2. Duty of owners, etc., of premises-To remove prohibited wastes, etc.

It shall be unlawful for owners, occupants and persons in charge of lots and premises within the town not to remove therefrom any and all trash, garbage, refuse, litter and other substances and liquids which might endanger the health or safety of persons or constitute a menace toward starting or spreading fire, or afford a breeding place for insects, rodents or reptiles.

Section 6-3. Removal of trash, clutter, cutting of grass and weeds.

- A. It shall be unlawful for a property owner to have trash, garbage, refuse, litter, clutter, except on land zoned for or in active farming operation, and other substances that might endanger the health or safety of other residents of the Town on his/her property. For purposes of this section, "clutter" includes mechanical equipment, household furniture, containers, and similar items that may be detrimental to the well-being of a community when they are left in public view

for an extended period or are allowed to accumulate. Clutter is further defined miscellaneous items, including but not limited to trash, appliances or furniture that are scattered in and about a yard and/or on a porch; a disordered collection of items in a yard or on a porch or up against an accessory structure; items that collect water, are rusted, inoperable or no longer usable. Examples of clutter are:





B. Trash, garbage, refuse, litter, clutter, except on land zoned for or in active farming operation, and other debris shall be disposed of in personally owned or privately owned receptacles that are provided for such use and for the use of the persons disposing of such matter or in authorized facilities provided for such purpose and in no other manner not authorized by law.

C. Upon notice from the Town by letter to a property owner, mailed by first class mail, to the property address and any such other address provided by the property owner for the purpose of receiving tax bills, the property owner shall promptly remove any and all trash, garbage, refuse, litter, clutter, except on land

zoned for or in active farming operation, and other substances that might endanger the health or safety of other residents of the Town.

D. If a property owner does not promptly remove any and all trash, garbage, refuse, litter, clutter and other substances that might endanger the health or safety of other residents of the Town within seven (7) days of the date of the notice, the Town may have such trash, garbage, refuse, litter, clutter and other like substances, removed by its own agents or employees, in which event the cost and/or expenses shall be chargeable to and paid by the property owner and may be collected as taxes are collected.

E. The owners of occupied or vacant developed or undeveloped property, including such property upon which buildings or other improvements are located, shall keep the grass, weeds and other foreign growth on the property, or any part thereof, cut. No grass, weeds and other foreign growth shall exceed twelve (12) inches in height.

F. Upon one notice per growing season, by letter from the Town, to a property owner, mailed by first class mail to the property address and any such other address provided by the property owner for the purpose of receiving tax bills, the property owner shall promptly cut the grass, weeds and other foreign growth on the property, or any part thereof, and remove any and all trash, garbage, refuse, litter and other substances which might endanger the health or safety of other residents of the Town.

G. If a property owner does not promptly cut the grass, weeds and other foreign growth on the property, or any part thereof remove, and remove any and all trash, garbage, refuse, litter and other substances which might endanger the health or safety of other residents of the Town within seven (7) days of the date of the notice, the Town may have such grass, weeds and other foreign growth on the property, or any part thereof, cut and removed by its own agents or employees, in which event the cost and/or expenses shall be chargeable to and paid by the property owner and may be collected as taxes are collected.

H. Every charge authorized by this section with which the owner of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local real estate taxes and enforceable in the same manner as provided in Articles 3 (§ 58.1-3940 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1 of the Code of Virginia, 1950, as amended. At the option of the Town of Urbanna, a lien may be waived in order to facilitate the sale of the property to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

Section 6-4. Clearance of sidewalk or street and overhanging shrubs or trees.

It shall be unlawful for any owner, lessee or occupant, or agent, representative or employee of any owner, lessee or occupant, having control of any lot or parcel of land within the town to allow or permit any part of any shrub or tree to overhang any sidewalk at a height of less than eight (8) feet or to overhang any street or alley at a height of less than fourteen (14) feet.

Section 6-5. Reserved.

Section 6-6. Same-Lien created for charges incurred by town.

Every charge authorized by this chapter with which the owner of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property.”

This Ordinance shall take effect upon adoption.

Adopted November 17, 2022

Certified to be true and accurate:



Martha J Rodenburg, Town Clerk

Ms. Austin	Aye
Mr. Chowning	Aye
Dr. Goldsmith	Aye
Ms. Hanson	Absent
Mr. Hollberg	Aye
Mr. Smith	Aye
Mayor Hartley	Aye

PRESENTATION

Brian Manetz, First Vice-President Investments, Davenport & Company

Mr. Manetz address Council regarding current performance of the Taber Fund

- As of close of business November 16, 2022, valuation of \$1,321,531 with a little over \$16,000 in cash
- Anticipate an \$8,500 dividend to be paid mid-December
- Unknown if there will be capital gain distributions
- Account is down this year approximately 8.42%
- American Funds doing a good job protecting account against losses

Councilmember Hollberg asked about the impact of withdrawing funds, and Mr. Manetz responded it would negatively impact the income generation.

Councilmember Chowning asked if Mr. Manetz saw a problem with taking out \$500,000 from fund. Mr. Manetz responded we should refer to our attorney, as Davenport is a broker not a fiduciary or trustee of the account.

APPROVAL OF MINUTES

Councilmember Austin made a motion to approve the September 22 and October 13 minutes as presented

Councilmember Goldsmith seconded

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

Hollberg abstained

Motion passed 5-0-1

REPORTS

Treasurer's Report

Roy Kime stated when budget preparations began in February, Middlesex County had provided assessed assets at \$132,308,000. When assessment arrived for taxes, assessment amounts were reduced to \$125,000,000 due to appeals. The larger number had been used to come up with .21% tax rate. Due to reduction, the Town will collect \$13,000 less than anticipated.

Michele Hutton reported as of November 17, \$70,679 in real estate taxes and \$4,242 in personal property taxes had been collected. Taxes dues December 5, 2022.

Online payments are available. Pre-payments can be made.

In response to Councilmember Chowning's question about assessment appeals, Mr. Kime stated that over \$6 million dollars in reductions had been made.

Michele Hutton, Town Treasurer presented the October 2022 report



Treasurer's Report

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

Account Balance thru 10/31/2022	Prior Year 10/31/21	Prior Month 9/30/22	Statement Date 10/31/22
Primis Bank General Operating Bank Account	558,974.22	637,772.34	653,145.29
Renter Water Deposits	14,401.66	16,551.66	16,551.66
Net Operating General Bank Account	547,968.95	635,222.66	648,832.80
TRUIST Historic Trust	21,796.10	28,314.72	29,160.31
TRUIST Pool Replacement Account	36,762.18	94,764.46	94,767.26
Primis Bank Water Fund Reserve	113,846.58	114,243.79	114,321.41
Primis Bank General Fund Reserve	94,667.06	94,884.25	94,924.54
Primis Bank Cares Local Recovery	237,621.26	475,343.79	475,363.98
Primis Bank DMV	n/a	7,628.20	1,505.56
Primis Bank USDA Well Replacement (new 10/14/22)	n/a	n/a	2,500.37
Taber Trust – Account Value	1,488,465.53	1,205,718.35	
	9/30/21	9/31/22	10/31/22
Meals Tax collected in October	11,506.33	13,319.79	10,045.11
Lodging Tax collected in October	00.00	7,522.80	1,946.30
Cigarette Tax collected in October	n/a	1,310.85	845.35

OCTOBER EXPENDITURES:

- 10/14/22 – Transferred \$2,500.00 from General Operating acc't to open new USDA account.

REVENUE as of 10/31/2022

10/3/22 transferred \$7,528.20 from DMV acc't to General Operating acc't
 Notes: none

Lodging Tax

November 9, 2022
09:53 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: 11/09/22
 Subtotal CAFR: No

Account No	Description	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Total													
100-12100-0001	Lodging Tax												
16104.71		3422.19	3213.42	7522.80	1946.30	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Fund Total													
16104.71		3422.19	3213.42	7522.80	1946.30	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Grand Total	Count: 1												
16104.71		3422.19	3213.42	7522.80	1946.30	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Meals Tax

November 9, 2022
09:54 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: 11/09/22
 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												
52992.06		14635.00	14992.16	13319.79	10045.11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Fund Total													
52992.06		14635.00	14992.16	13319.79	10045.11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Grand Total	Count: 1												
52992.06		14635.00	14992.16	13319.79	10045.11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Water Sales

November 9, 2022
09:55 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: 11/09/22
 Subtotal CAFR: No

Account No	Description	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
500-17010-0001	Water Sales Charges												
123892.52		2878.78	65830.56	17448.96	37734.22	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Fund Total													
123892.52		2878.78	65830.56	17448.96	37734.22	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Grand Total	Count: 1												
123892.52		2878.78	65830.56	17448.96	37734.22	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Finance Committee & Pool Committee

Councilmember Goldsmith stated everything would be addressed under Old Business

Planning Commission

Roy Kime distributed the Planning Commission report to Council as prepared by Councilmember Hanson

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Urbanna Planning Commission

Meeting Report – November 1, 2022 PM ET

Submitted by: Merri Hanson, Chair

Present: Donald Drayer, Hank Dunton, Merri Hanson, Gari Lister, and Roy Kime (Zoning Administrator)

Not Present: Wanda Hollberg

The agenda for this meeting included:

1. *Comprehensive Plan*
2. *Urbanna Main Street*
3. *Zoning matters?*
4. *Ongoing projects*

Comprehensive Plan:

Roy Kime shared that he completed the draft update of the Comprehensive Plan and now we are awaiting feedback from the VDEQ. Many thanks to Roy for finding the maps and other resources that were so elusive and for completing this difficult but important task.

Urbanna Main Street:

Gari Lister hosted a Main Street Task Force event on October 11, 2022 at the Chesapeake Inn. Approximately 27 interested task force participants attended. The purpose was to share updates and enlist volunteers for a Urbanna Main Street Executive Committee. It was agreed that it is important to have executive committee members who are representative of the primary stakeholder groups to foster coordination of efforts among and between them (e.g. UBA, Friends of Urbanna, etc.). Gari also shared plans to: 1) meet in the new year to do strategic planning, 2) pursue 501.C3 status, 3) apply for the VADC Community Development grant funds in the spring. Next step is to finalize the initial executive board and for them to meet in December or January.

Zoning Matters:

There will be a public hearing at the November 17, 2022 Town Council Meeting regarding the proposed "Nuisance and Clutter Ordinance."

Ongoing Projects:

We got an update on the request we made through council for a 4-way stop at the intersection of Cross Street and Virginia Street. Garth Wheeler and Roy Kime met with VDOT to discuss this long languishing motion and we finally received approval. Many thanks for Garth and Roy for advocating for this as many people have pursued this over the years but you finally got it done.

One final task of this Planning Commission was to take stock of term expirations of members. They are as follows:

Terms expiring December 2022: Merri Hanson and Wanda Hollberg

Terms expiring December 2023: Carol Williams and Hank Dunton

Terms expiring December 2024: Gari Lister and Don Drayer

This concludes the report of the November 1, 2022 meeting of the Urbanna Planning Commission.

Water Committee

Councilmember Smith reported

- USDA gave final approval of bid package for well #3
- Kimley-Horn will put of the advertisement to bid in mid-January

PUBLIC COMMENT & PUBLIC COMMENT RESPONSE

- Sarah Jane Wyatt-spoke in favor of Council approving Waterfront Committee recommendations
- Martha Lowe-spoke against making decisions about large expenditures with a new Council coming in
- Sandy Sturgill-spoke in appreciation of Waterfront Committee against building dinghy dock or making large expenditures with a new Council coming in, and can money allocated for dock be moved to other projects
- Bill Hight-spoke against dinghy dock, his concerns with the condition of the Town Marina, and need for more transient slips
- Don Drayer-spoke to commend Waterfront Committee for their work, and to request fishing be allowed from dinghy dock
- Gari Lister-spoke to how well the Waterfront Committee worked together for the best needs of the Town interest

Councilmember Hollberg responded the Waterfront Committee recommendations would address Mr. Hight's concerns.

Councilmember Chowning said the Waterfront Committee should continue to work.

Councilmember Goldsmith commended the Waterfront Committee's work in laying out a template of work that needs to be done on a step-by-step basis.

OLD BUSINESS

Pool Funding

Councilmember Goldsmith spoke regarding the need to withdraw money from the Taber Fund in order to sign contracts and move forward with construction of the pool.

Mayor Hartley said the pool was the type of thing for which the Taber Fund was intended

Councilmember Goldsmith and Mayor Hartley stated the Town will contribute to fire & rescue and library from the General Fund and roll back dividends into Taber Fund. Depending on the market, the Taber Fund should build back to \$1million in 6 to 6 ½ years.

Councilmember Hollberg asked Ms. Erard about the status of the request to the court to withdraw from the Taber Fund. Discussion took place that, while the paperwork had been filed, no court date had been set. It was further discussed that per the opinions of attorneys, court approval was not necessary and the paperwork could be withdrawn.

Discussion took place about fundraising and the need to have contracts for pool design and construction in place.

Councilmember Austin made a motion to accept the Pool Committee's recommendation of "Option 1" to pay for the build of the Town Pool, including taking \$500,000 from the Taber Fund and financing the rest as recommended.

Councilmember Smith asked for the motion be amended to add the interest [earned from the Taber Fund] will be rolled back into the [Taber]Fund.

Councilmember Austin seconded the amendment

Councilmember Goldsmith seconded the motion

Councilmember Chowning commented while he doesn't want to use the Taber Fund, he see's the pool as a 40–50-year investment in the community, and if we are ever going to take any money from the Taber Fund, this is the time to do it.

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

Hollberg voted no

Motion passed 5-1

Waterfront Committee Recommendations

Mike Jolly of the Waterfront Committee stated the committee had not made any formal changes to the report presented on October 27th, there have some ideas floated that can be addressed in the future, but the committee's report stands. The Council's charge is to accept or deny the report as presented, it will be up to the Council in the future to decide how to prioritize and fund recommendations.

Councilmember Smith commented each recommendation should be looked at singularly.

Garth Wheeler commented the committee was making recommendations as to what they feel is needed for the waterfront and the betterment of the Town. It is up to Council to prioritize and fund as they see fit.

Councilmember Goldsmith made a recommendation to accept the report as presented with the Council prioritizing each phase

Councilmember Smith seconded

Councilmember Chowning mentioned the Town owned property at the end of Virginia Street and people should be aware that something will be done to that property in the future

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

Motion passed 7-0

Additional conversation took place regarding construction of the dinghy dock, the restrictions that come with the installation of mooring balls, and the importance of having public access to the water.

Pool Funding (cont'd)

Councilmember Austin made a motion to authorize the Town Attorney to withdraw Taber fund paperwork from the courts.

Councilmember Smith seconded

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

Hollberg abstained

Motion passed 6-0-1

NEW BUSINESS

Mayor Hartley brought forth the following for consideration

- Make Virginia Municipal League (VML) training mandatory for all members of Town Council on an annual basis
- Limit virtual participation by Members of Council

Ms. Erard explained that the State statute regarding virtual participation is similar to what it was pre-Covid

Further discussion took place with no action being taken

Recommendations were made for staff to improve current technology for virtual participation

CLOSED MEETING

Councilmember Goldsmith moved to go into 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-pool contracts-listing agreement for sale of 45 Cross Street, old Town Hall

Councilmember Hollberg seconded

**Chowning, Goldsmith, Hanson, Hollberg, Smith, and Hartley voted yes
Motion passed 6-0**

OPEN MEETING

Councilmember Goldsmith made a motion for Price Realty to get the listing contract for the old Town Hall at 45 Cross Street

Councilmember 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 9:07pm

Submitted by:



Martha J. Rodenburg

Town Clerk

Approved by Town Council January 12, 2023