

**Town of Urbanna
Town Council
Public Hearing
Work Session
Council Chambers-390 Virginia St. Suite B
January 25, 2024**

CALL TO ORDER & ROLL CALL

Members of Council

Present

Mayor Bill Goldsmith
Marjorie Austin
Larry Chowning
Alana Courtney
Merri Hanson
Beth Justice
Sandy Sturgill

Others Present

Ted Costin-Town Administrator
Martha Rodenburg-Town Clerk
Michele Hutton-Town Treasurer
Andrea Erard-Town Attorney
Members of the public and press

Mayor Goldsmith called the meeting to order at 7:01pm
All present said the Pledge of Allegiance

APPROVAL OF AGENDA

**Councilmember Austin made a motion to approve the agenda as presented
Councilmember Sturgill seconded
Austin, Chowning, Courtney, Hanson, Justice, Sturgill, and Goldsmith voted yes
Motion passed 7-0**

PUBLIC HEARING

Special Use Permit Application-2023-SUP-04-Harte-Miniature Pony

**Councilmember Austin made a motion to open the public hearing
Councilmember Hanson seconded
Austin, Chowning, Courtney, Hanson, Justice, Sturgill, and Goldsmith voted yes
Motion passed 7-0**

Mayor Goldsmith opened the public hearing
Town Administrator Ted Costin presented the staff report for SUP Application 2023-SUP-04. The applicant, Marnie Harte of 301 Kent Street, is requesting permission to allow for the keeping of a miniature pony at her property. Mr. Costin reported, after a public hearing by the Planning Commission on December 12, 2023, they recommended the application be approved subject to certain conditions.

Councilmember Hanson commented the condition to erect a privacy fence was not required by the Planning Commission, but volunteered by the applicant to do so.

The applicant, Marnie Harte, spoke regarding her application and discussed some of the improvements that would be made to ensure the safety of the public and Teddy, her miniature pony. Some of the improvements included erecting a privacy fence along one side of the property to prevent people from entering the neighboring property. Teddy spends winters at a farm.

Public Comment

Mike Sheffield spoke in favor of the SUP.

Councilmember Austin made a motion to close the public hearing

Councilmember Hanson seconded

Austin, Chowning, Courtney, Hanson, Justice, Sturgill, and Goldsmith voted yes

Motion passed 7-0

Councilmember Austin made a motion to approve 2023-SUP Application-04 for Marnie Harte and Sean Hackney subject to the conditions contained in the staff report before us this evening

Councilmember Sturgill seconded

Mr. Costin asked Council if they wanted to amend the conditions to add a signage requirement

Councilmember Austin made a motion to amend the previous motion to erect signage to caution and educate on the feeding process

Councilmember Hanson made a motion to accept the amendment

Councilmember Sturgill seconded

Austin, Chowning, Courtney, Hanson, Justice, Sturgill, and Goldsmith voted yes

Motion passed 7-0

Councilmember Hanson made a motion to approve the motion as amended to accept the special use permit for Marnie Harte

Councilmember Austin seconded

Austin, Chowning, Courtney, Hanson, Justice, Sturgill, and Goldsmith voted yes

Motion passed 7-0

Special Use Permit Application-2023-SUP-05-Jay Wolfson-Small Town Burger

Councilmember Austin made a motion to open the public hearing

Councilmember Sturgill seconded

Austin, Chowning, Courtney, Hanson, Justice, Sturgill, and Goldsmith voted yes

Motion passed 7-0

Mayor Goldsmith opened the public hearing

Mr. Costin presented the staff report for the SUP application 2023-SUP Application-05. The applicant is Jay Wolfson, owner of Small Town Burger (STB), who is requesting permission to construct a restaurant with outdoor tables and seating on property located at 241 Virginia Street (Town Green). The restaurant's kitchen will be a mobile food truck. Mr. Costin reported after a public hearing by the Planning Commission on December 12, 2023, they recommended the application be approved subject to certain conditions.

Letters of from the public regarding the application have been added to the public file.

Councilmember Hanson and Mr. Costin clarified that since STB is classified as Class 2 establishment by the Health Department, it would be inspected twice a year.

The applicant, Jay Wolfson, owner of Small Town Burger spoke regarding his application. Small Town Burger is a family business serving high end burgers, lobster rolls, and hot dogs. The space would also include restrooms (which would be

open to the public), hand washing stations, fire pits, golf cart parking, and cornhole. They plan to be involved in and supportive of the community.

Councilmember Austin asked if STB would be seeking an ABC license, to which Mr. Wolfson responded they would not.

Councilmember Justice asked about ADA compliance. Mr. Wolfson responded since they were not constructing a building, they were not required to.

Councilmember Sturgill asked if it would be pet friendly, to which Mr. Wolfson responded that dogs were welcome.

Councilmember Hanson asked about health standards required for food trucks compared to restaurants. Mr. Wolfson responded the trucks are self-contained and held to same standards.

Public Comment

- AB Gravatt spoke in support of the application
- Mike Sheffield spoke in support of the application
- Sarah Kimble spoke against the application
- Russell Buxton spoke against the application
- Kathy Vesley spoke against the application

Mr. Wolfson responded to the public comment by saying that good businesses are good for the town.

Councilmember Austin made a motion to close the public hearing
Councilmember Justice seconded
Austin, Chowning, Courtney, Hanson, Justice, Sturgill, and Goldsmith voted yes
Motion passed 7-0

Mayor Goldsmith closed the public hearing

Councilmember Hanson made a motion to approve 2023-SUP Application-05 for Small Town Burger subject to the conditions contained in the staff report.
Councilmember Sturgill seconded
Councilmember Sturgill commented she couldn't vote to deny since all conditions were met.
Councilmember Courtney stated she would be abstaining from the vote due to a conflict of interest.
Councilmember Austin commented if [the Town's] zoning and comprehensive plan were streamlined, we wouldn't be here.
Councilmember Chowning commented to thank Sarah Kimble and all the restaurant owners in town. Council's charge is to keep Urbanna vital and the need to think out-of-the-box for future success.
Austin, Chowning, Hanson, Justice, Sturgill, and Goldsmith voted yes
Courtney abstained
Motion passed 6-0-1

Ordinance 2024-001-Bad Check Fee

Councilmember Austin made a motion to open the public hearing

Councilmember Sturgill seconded

Austin, Chowning, Courtney, Hanson, Justice, Sturgill, and Goldsmith voted yes

Motion passed 7-0

Town Treasurer, Michele Hutton, presented the background on the ordinance, which would raise the bad check fee from \$20 to \$50, and recommended Council's approval.

- Maximum amount allowed by State
- Would protect the Town from loss of money, should banks raise their bad check fees

Councilmember Courtney asked how many bad checks are received. Ms. Hutton responded there are very few received, but those have cost Town money due to bank fees, mailing costs, and staff time.

Councilmember Hanson asked how much the banks charged. Ms. Hutton responded Primis bank currently charges \$10.

Further discussion took place about staff time and other costs associated with processing bad checks. If ordinance passes at \$50, the fee can be lowered with a Council vote, but would not have to be formally advertised.

Councilmember Chowning voiced his concerns with setting the fee too high, and would be more comfortable with the fee being \$35.

Public Comment

There was no public comment

Councilmember Austin made a motion to close the public hearing

Councilmember Hanson seconded

Austin, Chowning, Courtney, Hanson, Justice, Sturgill, and Goldsmith voted yes

Motion passed 7-0

The vote on whether or not to approve the ordinance will take place at the next Town Council meeting. State law requires a vote to raise fees outside of the budget process be taken at least 7 days after the public hearing.

PUBLIC COMMENT

There was no public comment

COUNCIL COMMENT

Mr. Goldsmith commented, in a conversation with the Town Manager of Kilmarnock, they had positive comments regarding Small Town Burger.

ANNOUNCEMENTS

Councilmember Austin asked for thoughts and prayers for Lucille Redmond who was in the hospital recovering from an accident.

Ms. Hutton reminded everyone about the Military Banner program. Deadline is April 12th.

ADJOURN

Councilmember Austin made a motion to adjourn

Councilmember Hanson seconded

Austin, Chowning, Courtney, Hanson, Justice, Sturgill, and Goldsmith voted yes

Motion passed 7-0

Meeting adjourned at 8:23pm

Submitted by:

A handwritten signature in blue ink, consisting of a large, loopy 'M' followed by a horizontal line.

Martha J. Rodenburg

Town Clerk

Approved by Town Council 06/14/2024