

**Town of Urbanna  
Town Council  
Monthly Meeting  
Council Chambers-390 Virginia St. Suite B  
May 9, 2024**

**CALL TO ORDER & ROLL CALL**

Mayor Goldsmith called the meeting to order at 6:00pm

**Present-Members of Council**

Mayor Bill Goldsmith  
Marjorie Austin  
Larry Chowning (arrived at 6:17pm)  
Alana Courtney  
Merri Hanson  
Beth Justice  
Sandy Sturgill

**Other Attendees**

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

All stood for the Pledge of Allegiance

**APPROVAL OF AGENDA**

**Councilmember Austin made a motion to approve the agenda as presented.**

**Councilmember Hanson seconded.**

**Austin, Courtney, Hanson, Justice, Sturgill, and Goldsmith voted yes  
Motion passed 6-0**

**SPECIAL RECOGNITION-FRIENDS OF URBANNA ESSAY CONTEST WINNER**

- Lazarus Doiron, a 6<sup>th</sup> grader at Saint Claire Walker Middle School was recognized as the winner of the Friends of Urbanna (FOU) John Mitchell Essay Contest.
- Peni Roberts of FOU distributed their quarterly report and informed council they would be receiving a report regarding the museum and FOU activities every quarter.

**MINUTES**

**Councilmember Austin made a motion to approve the minutes of the January 11, 2024 organizational meeting.**

**Councilmember Sturgill seconded.**

**Austin, Courtney, Hanson, Justice, Sturgill, and Goldsmith voted yes  
Motion passed 6-0**

## **REPORTS**

### **Town Administrator**

Mr. Costin reported the following:

- Pool had to be drained and cleaned of debris, but will be ready for opening.
- 4<sup>th</sup> of July contracts moving forward.
- No Parking signs for Virginia Street draft presented.
- Cameras installed in Town Hall.
- Remaining cameras will be installed next fiscal year.
- No progress with Verizon on moving lines on poles, will follow-up.
- Continues to work with state agencies to get the No Wake signs replaced.
- No progress on Comp Plan, but continues to work on possible solutions (hiring an intern).
- Uptick in complaints regarding grass and general maintenance throughout the town.
- Town Attorney will update council on building purchase.

Discussion took place regarding the draft “No Parking” sign proposed by Mr. Costin. Different options were discussed, including separate sign for directional indicators, and a “use at your own risk”.

Andrea Erard, Town Attorney, updated council on the closing of the purchase of 390 Virginia Street, Town Hall. She explained there were issues that occurred before the originally scheduled closing, which has delayed it. Closing may be broken into two parts, the building first, then the remaining property. Closing may take place in the next week.

### **Treasurer**

Ms. Hutton presented the Treasurer’s report to include:

- Town made \$500 from the Lewis & Clark Circus.
- Due to the date and time it was scheduled, it did not generate as much income as last year.

Councilmember Chowning made a point to thank the Oyster Festival Foundation for the use of their property next to Taber Park for the circus.



## Treasurer's Report

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

Account Balance thru <span style="background-color: #e0e0ff;">3/31/2024</span>	Prior Year 3/31/23	Prior Month 2/29/24	Statement Date 3/31/24
Primis Bank General Operating Bank Account	799,760.39	959,677.59	910,471.10
Renter Water Deposits	-15,386.66	-17,226.66	-17,326.66
Net Operating General Bank Account	791,354.71	956,238.66	910,090.83
C&F Bank Historic Trust (new 3/1/2023)	32,903.96	48,262.05	48,775.97
C&F Bank - Water Fund Reserve (11 mo CD) 1/17/24	114,700.27	115,433.93	Interest 4/15/24
C&F Bank - General Fund Reserve (11 mo CD) 1/17/24	95,121.06	95,500.91	Interest 4/15/24
C&F Bank -Operating Reserve (11 mo CD) 1/17/24	n/a	400,000.00	Interest 4/15/24
Primis Bank DMV	1,439.46	3,079.58	4,403.02
Primis Bank USDA Well Replacement-new 10/14/22	2,503.49	2,510.41	2,511.01
Taber Trust – Account Value	857,356.55	962,972.60	982,294.68
Taxes listed below are collected for prior month(s)	<b>3/31/23</b>	<b>2/29/24</b>	<b>3/31/24</b>
Meals Tax collected in March	7,459.65	10,765.55	10,188.85
Lodging Tax collected in March	1,298.55	681.66	2,406.02
Cigarette Tax collected in March	618.19	618.19	513.92

**EXPENDITURES:**

- \$

**REVENUE as of 3/31/2024**

- **Note:** Cig Tax is correct, ironic 3/23 & 2/24 are the same amount.
- **Projected interest on three CD's, April 15<sup>th</sup> = \$7,478.68**

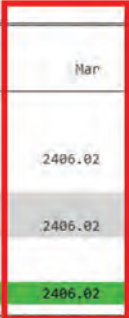
### Lodging Tax

April 5, 2024  
11:52 AM

Town of Urbanna  
2024 Revenue Summary by Month

Range of Accounts: 100-12100-0001 to 100-12100-0001 Start Month: July Start Year: 2023  
Type: Revenue Activity Includes Accounts with Zero Activity: N Year To Date As Of: 04/05/24  
Subtotal CAFR: No

Account No	Description	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr
100-12100-0001	Lodging Tax	4528.69	3970.51	3693.25	1955.01	2909.03	514.88	4112.77	681.66	2406.02	0.00
<b>24763.82</b>											
<b>Fund Total</b>		4528.69	3970.51	3693.25	1955.01	2909.03	514.88	4112.77	681.66	2406.02	0.00
<b>24763.82</b>											
<b>Grand Total</b>	Count: 1	4528.69	3970.51	3693.25	1955.01	2909.03	514.88	4112.77	681.66	2406.02	0.00



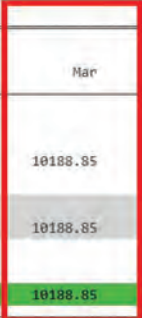
### Meals Tax

April 5, 2024  
11:54 AM

Town of Urbanna  
2024 Revenue Summary by Month

Range of Accounts: 100-12110-0001 to 100-12110-0001 Start Month: July Start Year: 2023  
Type: Revenue Activity Includes Accounts with Zero Activity: N Year To Date As Of: 04/05/24  
Subtotal CAFR: No

Account No	Description	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr
100-12110-0001	Meals Tax - Local	25538.77	18916.41	17037.21	14135.62	15123.86	5777.51	21041.61	10765.55	10188.85	423.35
<b>138948.74</b>											
<b>Fund Total</b>		25538.77	18916.41	17037.21	14135.62	15123.86	5777.51	21041.61	10765.55	10188.85	423.35
<b>138948.74</b>											
<b>Grand Total</b>	Count: 1	25538.77	18916.41	17037.21	14135.62	15123.86	5777.51	21041.61	10765.55	10188.85	423.35



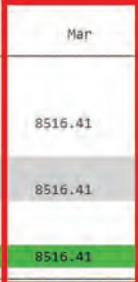
### Water Sales

April 5, 2024  
11:57 AM

Town of Urbanna  
2024 Revenue Summary by Month

Range of Accounts: 500-17010-0001 to 500-17010-0001 Start Month: July Start Year: 2023  
Type: Revenue Activity Includes Accounts with Zero Activity: N Year To Date As Of: 04/05/24  
Subtotal CAFR: No

Account No	Description	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr
500-17010-0001	Water Sales Charges	6051.18	54319.81	20768.56	52703.73	14894.81	46378.62	12287.71	52062.21	8516.41	0.00
<b>267983.04</b>											
<b>Fund Total</b>		6051.18	54319.81	20768.56	52703.73	14894.81	46378.62	12287.71	52062.21	8516.41	0.00
<b>267983.04</b>											
<b>Grand Total</b>	Count: 1	6051.18	54319.81	20768.56	52703.73	14894.81	46378.62	12287.71	52062.21	8516.41	0.00



## **Finance Committee**

Mayor Goldsmith reported:

- Marnie Harte is developing a policy for future use of the Taber Fund.
- Budget is being reviewed and will be presented to council at the next meeting.

## **Water Committee**

Mayor Goldsmith reported:

- Phase 2 of the of the new well, which includes the infrastructure, is currently being bid out, with bids being opened in June.
- Interim financing for well is up in September, and discussion is taking place about extending it or self-financing.

## **PUBLIC COMMENT**

Kristi Anzivino-spoke to request the sign at end of Virginia Street be in color and have the town seal included, the proposed site for the kayak launch at north side of marina, and move forward with establishing a park at the end of Virginia Street.

## **COUNCIL/STAFF COMMENT**

Councilmember Sturgill responded she is in favor of making the Virginia Street property a park, and commented that there had been progress made last year, but nothing went forward. The Payne Sisters should be honored, and an effort should be made to raise funds.

Discussion took place regarding possible future plans, including getting a group together, with Councilmember Austin adding she would lead an ad hoc committee. The discussion ended without making a final decision, with the mayor stating the matter would be discussed individually.

## **OLD BUSINESS**

### **Pool Rules**

Mayor Goldsmith and Mr. Costin explained the proposed pool rules had been developed based on the template council had discussed at the previous meeting, along with feedback from Signature Pools and VRSA (Town insurance provider).

**Councilmember Austin made a motion to accept the pool rules for the Marshall Community Pool at Taber Park as presented, and authorize staff to purchase the necessary signage.**

**Councilmember Hanson seconded.**

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

**Motion passed 7-0**

### **Marshall Family Pool opening celebration**

Mr. Costin presented the plans for the Marshall Community Pool opening event.

**Councilmember Austin made a motion to direct staff to proceed with the implementation of the Pool Opening Event program as presented.**

**Councilmember Sturgill seconded.**

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

**Motion passed 7-0**

### **Pickett-Special Use Permit**

Mr. Costin spoke to council regarding the public hearing and discussion for Special Use Permit 2024-SUP-01 for Shawn Pickett to allow for retail sales of food and drink together with arcade and board game access permitted with a special use permit by and subsequently a restaurant permitted with a special use permit.

The proposed conditions presented to council were developed after the public hearing and the applicant agrees with the conditions, with the exception of #9 which is a fencing requirement.

The parking condition was waived. While it is in the Town Code, it can be waived by the Zoning Administrator or Planning Commission, and was done so in this case.

Councilmember Austin questioned [condition #9] the reasoning behind requiring the privacy fence, since it is such a large expense, and no other businesses have had that condition imposed on them.

Mr. Costin responded he added that based on concerns by adjacent property owners. He commented the argument could be made for the adjacent property owners to erect their own fence.

Further discussion took place regarding the existing fencing, with council agreeing it wasn't a necessary condition.

Councilmember Courtney brought up her concerns regarding parking and safety in that area. With additional taking place about parking requirements in the Town Code.

**Councilmember Austin made a motion to approve this [2024-ORD-03 approving 2024-SUP-01] but exclude #9, and move the numbers up.**

**Councilmember Sturgill seconded.**

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

**Motion passed 7-0**

ORDINANCE NO. 2024-03

ORDINANCE NO. 2024-03 GRANTS A SPECIAL USE PERMIT (2024 SUP Application 01) FOR 161 CROSS STREET AND ALLOWS A RESTAURANT, THE RETAIL SALE OF SNACKS, SODAS, BEER AND WINE FOR CONSUMPTION, ON AND OFF PREMISES, AS WELL AS AN ARCADE AND BOARD GAMES. THE PROPERTY IS LOCATED IN THE B-1 ZONING DISTRICT AND CONSISTS OF +/- .171 ACRES. [LOT 20A-17-8]

BE IT ORDAINED by the Urbanna Town Council, at the regularly scheduled meeting on May 9, 2024, that a Special Use Permit is hereby granted for LOT 20A-17-8, 161 Cross Street, to permit a restaurant, the retail sale of snacks, sodas, beer and wine for consumption, on and off premises, as well as an arcade and board games, subject to the following terms and conditions:

1. All federal, state and local laws shall be observed at all times.
2. This Ordinance shall be recorded in the Middlesex County Clerk's Office by the property owner; the property owner shall provide a stamped copy of the recorded Ordinance to the Town Administrator.
3. Hours of operation shall be between noon and 9:00PM three days a week, Thursdays through Saturdays and on Sundays between noon and 6:00PM.
4. No game shall be offered that results in the award of monetary prizes of any type, including, but not limited to, cash, gift cards, or credit.
5. The uses permitted by this Special Use Permit are only permitted on the inside of the existing structure. There shall be no outside food or drink service or consumption and no outside service seating shall be permitted. Likewise, no outdoor speaker system may be utilized and there shall be no noise from inside of the structure that is audible outside of the structure.
6. Outside lighting shall be utilized only to the extent necessary to allow safe egress and ingress; lighting of signage visible to the outside shall not exceed 450 lumens (40w).
7. Signage shall be limited to 100 square feet total and must be

attached or painted on the structure. There shall be no other signage.

8. The property shall be maintained in a clean and orderly manner at all times.

9. Trash containers shall be stored in the rear of the property and shielded from public view. Trash cans shall be securely covered at all times.

10. All vendor service deliveries shall be performed between the hours of 8:00 AM and 6:00 PM. Delivery vehicles shall park on the street and goods shall be carried into the structure.

11. Pursuant to Section 17-6.1 and 17-6.2 (1) the use is relieved of on-site parking space requirements.

12. If owner and/or applicant violates any of the conditions above or fails to adhere to the representations set forth in the application and supporting materials, this special use permit may be terminated upon notice being given the applicant and hearing by the Town Council.

Vote:

Sandy Sturgill	Aye
Merri Hanson	Aye
William Goldsmith	Aye
Larry Chowning	Aye
Beth Justice	Aye
Marjorie Austin	Aye

This Ordinance shall take effect upon adoption.



Mr. Pickett made a comment regarding supporting Friends of Urbanna, but was not recorded due to the conversation taking place from the floor.

## **NEW BUSINESS**

### **July 4<sup>th</sup> Contracts**

Mr. Costin presented invoices for Chapman’s Magic to provide carnival activities, and the band Dance Candy to perform.

**Councilmember Austin made the motion to allow the Town Administrator to approve the invoice from Chapman’s Magic for carnival activities as noted on the invoice, and also execute the contract with Dance Candy.**

**Councilmember Justice seconded.**

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

**Motion passed 7-0**

Mr. Costin noted there is a proposed ad for the July 4<sup>th</sup> activities that Councilmember Justice will format for publication.

### **Lindke v. Freed**

Town Attorney, Andrea Erard discussed the law as it relates to social media, and summarized a recent Supreme Court of the United States decision, Lindke v. Freed which has given clarity as to when you can delete comments on social media, and when you can’t.

Ms. Erard explained if [a public official] maintains their social media account as strictly personal, comments can be deleted. If official business is posted on their social media page, it crosses a line into becoming a public forum.

Her advice was to keep personal pages personal, if posting something government related then think of it as a public forum and have a rule to not delete comments.

In response to a question by Mayor Goldsmith, Ms. Erard explained from the court’s stand point are you chilling the exercise of free speech. Have a rule and be consistent. Keeping in mind the extent to which you post on your personal social media about public events and public matters, you could open yourself up to have a public forum.

Discussion took place regarding different scenarios which may or may not violate the FOIA meeting rules and may limit the freedom of speech of members of the public. Ms. Erard recommended keeping personal and town business email accounts separate, as well as keeping social media accounts separate.

Councilmember Justice commented, per Ms. Erard’s advice, she was stepping down as administrator of the “What’s Happening in Urbanna” Facebook page.

Further discussion took place regarding “blocking” on social media and other subjects in relation to the use of social media as a public official.

In response to Councilmember Hanson asking Ms. Erard what guidance she would recommend on how they should comport themselves, Ms. Erard advised council to act in a professional and courteous manner at all times, and put their best foot forward for the community. She reminded them, open conflict by the governing body may affect whether or not a business would locate to a locality, and can affect economic development. Manage conflict in a respectful way.

## **PUBLIC COMMENT**

From the floor, it was announced Paul Malone would be speaking at the Urbanna Baptist Church on May 31<sup>st</sup> at 2pm regarding his cancer journey.

## **ANNOUNCEMENTS**

Councilmember Austin thanked Billy Mayo for his assistance with the recent water main break.

**ADJOURN**

**Councilmember Austin made a motion to adjourn.**

**Councilmember Justice seconded.**

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

**Motion passed 7-0**

**Meeting adjourned at 7:14pm**

**Submitted by:**



---

**Martha J. Rodenburg**

**Town Clerk**

**Approved by Town Council 9/26/2024**