

**Town of Urbanna
Town Council
Work Session
Council Chambers-390 Virginia St. Suite B
June 27, 2024**

CALL TO ORDER & ROLL CALL

Members of Council

Present

Mayor Bill Goldsmith
Marjorie Austin
Larry Chowning
Beth Justice
Sandy Sturgill

Absent

Alana Courtney
Merri Hanson

Others Present

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

Mayor Goldsmith called the meeting to order at 6:00pm
All present said the Pledge of Allegiance

APPROVAL OF AGENDA

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

Councilmember Sturgill seconded.

Councilmember Justice made a motion to amend the agenda to include Old Business-Kayak Trail.

Councilmember Austin seconded.

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

Motion passed 5-0

PUBLIC COMMENT

There was no public comment

COUNCIL COMMENT

There was no council comment

PROJECT UPDATES/DISCUSSION

Councilmember Sturgill explained the Urbanna Beautification, Inc. (UBI) want to pay for the completion of the sidewalk at the pool, as well as plant flowers.

Councilmember Chowning made a motion to recognize Councilmember Sturgill and the UBI are to complete the sidewalk from the park entrance to the sidewalk at side of pool.

Councilmember Austin seconded.

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

Motion passed 5-0

ACTION ITEMS

FY 2024-2025 Budget Resolution 2024-RES-002

Mr. Costin gave the background and overview of budget. The public hearing on the proposed budget took place on June 13, 2024, and the 7-day waiting period had been met.

Councilmember Austin asked if she can add an amendment to the proposed motion. Discussion took place regarding the proper verbiage for the change in the motion.

Councilmember Austin informed all present the reason for her request to add. She has spoken with Middlesex County staff and supervisors to see if they are willing to help out the town to keep the DMV Select. Should that effort be successful, both the Town of Urbanna and Middlesex County would have to amend their budgets in the future.

Mr. Costin reminded all that budgets are flexible and it's not unusual to make amendments. The language of this motion recognizes the possibility. Any amendment would have to go through the usual notification and public hearing process.

Councilmember Chowning added the DMV was hanging by a cliff. Mr. Costin clarified that, as of July 1, the DMV Select would be closed, but looking for help to re-open it.

Councilmember Austin made a motion to approve Resolution 2024-RES-002 to adopt the budget as prepared for the 2024-2025 fiscal year, with consideration of amendments to follow.

Councilmember Justice seconded.

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

Motion passed 5-0

RESOLUTION 2024 RES-002

FY2023-24 BUDGET APPROVAL & APPROPRIATIONS RESOLUTION

A RESOLUTION TO APPROVE AND APPROPRIATE DESIGNATED FUNDS AND ACCOUNTS FROM DESIGNATED ESTIMATED REVENUES FOR FY2024-2025 FOR THE OPERATING BUDGETS AND THE CAPITAL IMPROVEMENT PROGRAM FOR THE TOWN OF URBANNA, VIRGINIA

WHEREAS the Urbanna Town Council has prepared and duly advertised a FY2024-2025 budget for informative and fiscal planning purposes; and

WHEREAS it is necessary to approve the FY2024-2025 budget and appropriate sufficient funds for the contemplated expenditures as are contained in the FY2024-2025 budget.

NOW THEREFORE BE IT RESOLVED by the Urbanna Town Council that:

SECTION 1

The following amounts aggregating \$1,611,132 are approved and appropriated as set forth in the attached budget document, subject to the conditions set forth in this Resolution for the fiscal year beginning July 1, 2024 and ending June 30, 2025.

SECTION 2

It is the intent of the Urbanna Town Council that all taxes levied during FY2024-2025 be appropriated for FY2024-2025.

SECTION 3

The Town Administrator may authorize the transfer of any unencumbered balance, or portion thereof, from one classification of expenditure to another within the same department or appropriation category.

SECTION 4

The Town Administrator may increase appropriations for non-budgeted revenue that may occur during the fiscal year as follows:

1. Insurance recoveries received for damage to any town property.
2. Refunds or reimbursements made to the town.

SECTION 5

All outstanding encumbrances, both operating and capital, in all town funds at June 30, 2024 shall be an amendment to the adopted budget and shall be reappropriated to the 2024-2025 fiscal year to the same department and account for which they were assigned in the previous year subject to any applicable public hearing requirements.

SECTION 6

Appropriations designated for capital projects will not lapse at the end of the fiscal year. The Town Administrator may approve transfers between funds to enable the capital projects to be accounted for properly. Upon completion of a capital project, the Town Administrator is authorized to close out the project and transfer any remaining balances to the original funding source.

SECTION 7

The Town Administrator is authorized to approve transfers among capital projects as long as funding sources are consistent and total net appropriation is not increased. If the actual contract amount for a project is less than the appropriation, the Town Administrator may approve the transfer of excess funds back to the original funding source upon completion of the project.

SECTION 8

Upon completion of a grant program, the Town Administrator is authorized to close the grant and transfer balances back to the funding source.

SECTION 9

The Town Administrator is authorized to approve transfers among funds and as long as the total net appropriation is not increased.

SECTION 10

All appropriations are declared to be maximum, conditional and proportionate appropriations, but only in the event that the aggregate revenues collected and other resources available during the fiscal year ending June 30, 2025, for which the appropriations are made, are sufficient to pay all the appropriations in full; otherwise, said appropriation shall be deemed to be payable in such proportion as the total sum of all realized revenue is to the total amount of the revenues estimated by the Town Council to be available for appropriation in the fiscal year ending June 30, 2025.

SECTION 11

No department, agency or individual receiving appropriations under the provisions of this Resolution shall exceed the amount of its or his appropriation except with the prior consent and approval of the Town Council.

SECTION 12

The Town Administrator is authorized to make such rearrangements of positions and appropriations within the several departments under the control of the Town Council that may best meet the needs and interests of the Town of Urbanna, Virginia.

SECTION 13

This Resolution shall be effective on and after July 1, 2024.

Adopted: June 27, 2024

Certified to be true and accurate:



Martha Rodenburg, Town Clerk

Ms. Austin	√Aye	Nay	Abstain	Absent
Mr. Chowning	√Aye	Nay	Abstain	Absent
Ms. Courtney	Aye	Nay	Abstain	√Absent
Ms. Hanson	Aye	Nay	Abstain	√Absent
Ms. Justice	√Aye	Nay	Abstain	Absent
Ms. Sturgill	√Aye	Nay	Abstain	Absent
Mayor Goldsmith	√Aye	Nay	Abstain	Absent

Discussion took place regarding the Taber Fund, which currently stands at approximately \$900,000.

Special Use Permit 2024-SUP-02-Carts, Inc.

Mr. Costin spoke to the matter that was carried over from the previous meeting, and spoke to the Town Code language regarding travel trailers, with his interpretation being the intent of the ordinance is a travel trailer does not allow for them to be used as housing.

Occupancy of travel trailers during Oyster Festival could be written into their master plan, which would cover the entire town. Mr. Costin has discussed this with Oyster Festival officials, and they are supportive of the change.

The mayor summarized the staff recommendation to strike the Planning Commission's suggested condition, which would allow occupancy of the travel trailer during Oyster Festival, and have the next Oyster Festival master plan address travel trailer occupancy.

Further discussion took place regarding allowing the travel trailer occupancy in relation to the SUP, which staff does not recommend due to possible future problems.

Councilmember Austin made a motion to approve Ordinance No. 2024-05, which grants Special Use Permit 2024-SUP-02.

Councilmember Sturgill seconded.

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

Motion passed 5-0

ORDINANCE NO. 2024-05

ORDINANCE NO. 2024-05 GRANTS A SPECIAL USE PERMIT (2024 SUP APPLICATION 02) FOR 131 GRACE STREET [20A-21-8] TO ALLOW FOR THE SALES/SERVICE OF VEHICLES (PRIMARILY RECREATIONAL). THE PROPERTY IS LOCATED IN THE B-1 ZONING DISTRICT AND CONSISTS OF +/- .516 ACRES.

BE IT ORDAINED by the Urbanna Town Council, at the regularly scheduled meeting on June 13, 2024, that a Special Use Permit is hereby granted for Lot 20A-21-8, 131 Grace Street, to allow for the sales and service of vehicles, primarily recreational vehicles, subject to the following terms and conditions:

1. All federal, state and local laws shall be observed at all times.
2. The property shall be maintained in a clean and orderly manner at all times.
3. 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.
4. Hours of operation shall not exceed 8 am and 9 pm, seven days per week, but no outside activity after 9 pm.
5. Golf Cart display and temporary signage shall be limited to the hours of operation.
6. Existing lighting shall be maintained to allow safe egress and ingress as well as security. However, all lighting must be constant intensity.
7. Signage shall be limited to four (4) existing building mounted signs, one (1) existing building mounted digital message board, and one (1) wrapped vehicle.
8. No additional signage, such as but not limited to banners and bandit signs are permitted following second weekend in November until March first. No devices such as moving inflatables, that draw attention to the premises or product are

permitted except for three days associated with July 4, Labor Day, and Memorial Day.

9. 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.

This Ordinance shall take effect upon adoption.

Adopted: June 27, 2024

Certified to be true and accurate:



Martha Rodenburg, Town Clerk

Ms. Austin	√Aye	Nay	Abstain	Absent
Mr. Chowning	√Aye	Nay	Abstain	Absent
Ms. Courtney	Aye	Nay	Abstain	√Absent
Ms. Hanson	Aye	Nay	Abstain	√Absent
Ms. Justice	√Aye	Nay	Abstain	Absent
Ms. Sturgill	√Aye	Nay	Abstain	Absent
Mayor Goldsmith	√Aye	Nay	Abstain	Absent

Utility Easement Resolutions-Thurston Properties

Mr. Costin presented the background regarding the matter.

Town previously installed utilities on two parcels owned by Thurston Properties, LLC.

Per state law, resolutions accepting the easements must be adopted.

Resolutions will be recorded with the deeds.

Grants right of access, not ownership.

Mayor Goldsmith added the utilities are there, this codifies their existence.

Councilmember Austin made a motion to accept the Resolutions as presented.

Councilmember Sturgill seconded.

Councilmember Austin asked if this wasn't already a part of the sale.

Goldsmith added, contract for sale didn't include this, and easements came to at closing.

Closing discussed, no date set.

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

Motion passed 5-0

Prepared by:
Andrea Erard,
Town Attorney
9702 Gayton Road
Suite 324
Richmond, VA. 23238

Tax Map: 19(12) Parcel 1
Instrument No.: 21-2899

Return to: Town of Urbanna, P.O. Box 179 Urbanna, VA 23175

This deed is Exempt from recordation taxation in accordance with Section 58.1-811(A)(3) of the Code of Virginia of 1950 as amended.

DEED OF EASEMENT - UTILITIES

THIS DEED OF EASEMENT, made this ___ day of June 2024, by and between **THURSTON PROPERTIES, LLC**, a Virginia Limited Liability Company, and their heirs, successors, and assigns, hereinafter referred to as "Grantor", and the **TOWN OF URBANNA**, a political subdivision of the Commonwealth of Virginia, its successors and assigns, hereinafter referred to as "Grantee".

WITNESSETH: That for and in consideration of the sum of ONE DOLLAR (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor does hereby grant and convey unto the Grantee, its successors and assigns, a perpetual easement for the purpose of installing, constructing, maintaining, inspecting, operating, repairing, altering, replacing, and removing utilities, and other appurtenant facilities within an easement area on the property of the Grantor located near Virginia Street in the Town of Urbanna, Virginia, together with all rights and privileges hereinafter enumerated pertaining to said property, being more particularly bounded and described as follows:

A 7,714.39 s.f. permanent easement and right-of-way for Town utilities (the "Easement") located under, over, in and across the land of the Grantor identified as Tax Map 19(12) Parcel 1, Instrument No.: 21-2899, in Middlesex County, Virginia, together with reasonable access thereto over the lands of the Grantor, and all rights and privileges hereinafter enumerated pertaining to the Easement, the location of which is marked as "Total Easement Area" on the plat made by Koontz, Bryant, Johnson, Williams, dated May 9, 2024 entitled "Plat Showing Variable Width Waterline Easement on Tax Map 19(12) Parcel 1 in the Town of Urbanna," a copy of which is attached hereto and a part hereof, and to be recorded herewith as part hereof.

The Easement shall be for the purpose of constructing, installing, maintaining, inspecting, operating, protecting, replacing, repairing, and removing utilities (collectively, the "Facilities").

Further, this Easement is granted subject to the following conditions:

1. All utilities and appurtenant facilities which are installed in the Easement shall be and remain the property of Grantee.

2. At no time shall Grantor charge Grantee for the use of the property occupied by Grantee or for the privilege of exercising the rights granted under this deed.
3. Grantee, its agents and employees, shall have reasonable use of the Easement for the purposes named, and shall have the rights and privileges, including the right of ingress and egress over Grantor's adjoining lands, reasonably necessary to the utilization of the Easement; provided, however, that its rights to use adjoining lands for ingress and egress shall be exercised in such manner as shall occasion the least practicable damage and inconvenience to Grantor and only during periods of actual construction or maintenance, and further, this right shall not be construed to allow Grantee to erect or install any building or structure of any kind on such adjoining lands. Grantee shall repair damage to roads, fences or other improvements caused by it, its agents or employees, while exercising this right of ingress and egress.
4. Grantee, its agents and employees, shall have the right to alter, trim, cut, and remove all trees, limbs, undergrowth, shrubbery, landscape plantings of any kind, fences, buildings, structures or other obstructions or facilities, natural or artificial, on or in the said Easement which it deems, in any way, to interfere with the proper and efficient construction, operation, and maintenance of the utilities in the said Easement; provided, however, that unless hereinafter otherwise agreed, except for trees, limbs, and undergrowth removed, Grantee shall at its own expense repair, restore, or replace any and all facilities currently located on or in the said Easement which may be disturbed, damaged or removed to as nearly as possible to their original condition, and shall remove all trash and other debris generated by its work from the Easement and shall restore the surface thereof to as nearly as possible to its original condition.
5. Grantor reserves the right to make any use of the Easement herein granted in a manner which may not be unreasonably inconsistent with the rights herein conveyed or which does not unreasonably interfere with the use of the Easement by Grantee for the purposes aforesaid; provided, however, that unless hereinafter otherwise agreed, Grantor shall not erect any roadway, building, or other structure, excepting a fence, on the Easement without obtaining prior written approval of the Grantee, which approval will not be unreasonably withheld, conditioned, or delayed.
6. Grantee will comply with all applicable laws in connection with any activities pursuant to this Deed of Easement (including any use of the Easement and construction, installation, maintenance, inspection, operation, replacing, repair, and removal of the Facilities). The discharge or disposal of any toxic or hazardous materials within the Easement area is strictly prohibited. Grantee will promptly remediate, in compliance with all applicable laws, any discharges, spills, or other pollution or contamination arising from its use of the Easement.
7. Upon completion of any construction, repair, alteration, replacement, or removal of utilities or appurtenant facilities, any temporary Easement granted hereby shall be inoperative and of no further force and effect.

8. It is agreed among the parties hereto, that this deed includes all the agreements between the parties and no representation or statements, verbal or written, have been made, modifying, adding to or changing the terms of the agreement between the Grantor and the Grantee. This Agreement contains the entire understanding of the parties and may not be modified except by subsequent writing signed on behalf of the party or parties to be bound thereby.
9. The Grantor makes no covenant, warranty, or representation whatsoever as to Grantor's ownership of the Easement, suitability of the Easement area for the construction of the Facilities, or any existing restrictions or prohibitions on use of the Easement. The Grantor does covenant, upon the request of the Grantee, to obtain the consent to this Easement of any of Grantor's lienholders or Grantor's deed of trust trustees having an interest in the Property.
10. The Easement and covenants set forth in this deed shall run with the land and shall be binding on the Grantor and the Grantee, their heirs, successors and assigns.
11. Except as otherwise provided herein, any delay of the Grantee in the use or exercise of any rights granted herein, or in the installation of the utilities shall not result in the loss, limitation or abandonment of any right, title, interest, easement or estate herein granted.
12. Pursuant to Va. Code § 15.2-1803, 1950, as amended, the Urbanna Town Council approved a Resolution, a copy of which is recorded with this deed, accepting the Easement herein and authorized the Town Manager to sign this Deed.

[Signatures to follow.]

WITNESS, the following signatures and seals as of the date first written above.

THURSTON PROPERTIES, LLC

By: _____ (SEAL)
JOHN T. MULLINS, MEMBER

By: _____ (SEAL)
BARBARA A. MULLINS, MEMBER

STATE OF VIRGINIA
CITY/COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged before me this ____ day of June, 2024 by JOHN T. MULLINS and BARBARA A. MULLINS as Members of THURSTON PROPERTIES, LLC.

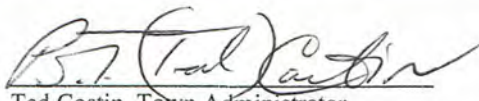
[Affix Seal]

Notary Public

My commission expires on ____ / ____ / ____ .

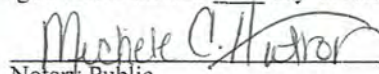
My identification number: _____

Witness the following signature:


Ted Costin, Town Administrator

Commonwealth of Virginia,
County of Middlesex, to-wit:

The foregoing instrument was acknowledged before me this 28th day of June, 2024 by Ted Costin, Town Administrator.


Michele C. Hutton
Notary Public

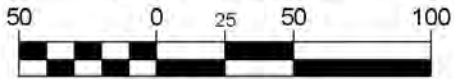
Registration Number: 348257
My commission expires: 4/30/2028

Approved as to form:

Andrea Erard,
Town Attorney



GRAPHIC SCALE



1 inch = 50 feet

LEGEND

TOTAL EASEMENT AREA = 7,174.39 S.F. (0.165 ACRES)

VIRGINIA STREET
STATE ROUTE 602/227
50' R.O.W.

EXISTING PROPERTY LINE

Curve Table

Cv#	R	L	Chd Bearing	Chd
C1	415.50'	72.29'	S74° 45' 59"E	72.20'
C2	100.00'	14.41'	S63° 52' 38"E	14.39'
C3	416.86'	44.09'	N88° 57' 58"E	44.07'

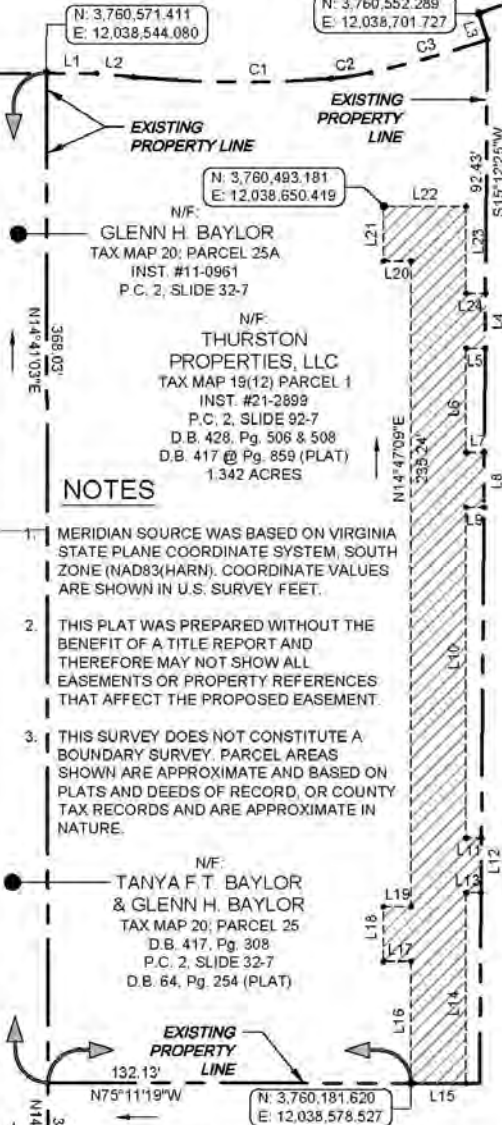
Line Table

Line #	Distance	Bearing
L1	18.23'	S75° 01' 57"E
L2	13.55'	S69° 46' 57"E
L3	10.00'	N04° 03' 49"W
L4	20.00'	S15° 12' 25"W
L5	6.93'	N75° 12' 51"W
L6	38.08'	S14° 47' 09"W
L7	6.65'	S75° 12' 51"E
L8	20.00'	S15° 12' 25"W
L9	6.50'	N75° 12' 51"W
L10	120.50'	S14° 47' 09"W
L11	5.62'	S75° 12' 51"E
L12	20.00'	S15° 12' 25"W
L13	5.47'	N75° 12' 51"W
L14	69.37'	S14° 47' 09"W
L15	20.00'	N75° 11' 19"W
L16	44.35'	N14° 47' 09"E
L17	10.00'	N75° 12' 51"W
L18	20.00'	N14° 47' 09"E
L19	10.00'	S75° 12' 51"E
L20	10.00'	N75° 12' 51"W
L21	20.00'	N14° 47' 09"E
L22	30.00'	S75° 12' 51"E
L23	31.65'	S14° 47' 09"W
L24	7.08'	S75° 12' 51"E

WAVERLY ROAD
STATE ROUTE 1010
VARIABLE WIDTH R.O.W.

NOTES

- MERIDIAN SOURCE WAS BASED ON VIRGINIA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE (NAD83(HARN)). COORDINATE VALUES ARE SHOWN IN U.S. SURVEY FEET.
- THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND THEREFORE MAY NOT SHOW ALL EASEMENTS OR PROPERTY REFERENCES THAT AFFECT THE PROPOSED EASEMENT.
- THIS SURVEY DOES NOT CONSTITUTE A BOUNDARY SURVEY. PARCEL AREAS SHOWN ARE APPROXIMATE AND BASED ON PLATS AND DEEDS OF RECORD, OR COUNTY TAX RECORDS AND ARE APPROXIMATE IN NATURE.



N/F:
TANYA F. T. BAYLOR & GLENN H. BAYLOR
TAX MAP 20; PARCEL 25
D.B. 417, Pg. 308
P.C. 2, SLIDE 32-7
D.B. 64, Pg. 254 (PLAT)

N/F:
GLENN H. BAYLOR
TAX MAP 20; PARCEL 25A
INST. #11-0961
P.C. 2, SLIDE 32-7

N/F:
THURSTON PROPERTIES, LLC
TAX MAP 19(12) PARCEL 1
INST. #21-2899
P.C. 2, SLIDE 92-7
D.B. 428, Pg. 506 & 508
D.B. 417 @ Pg. 859 (PLAT)
1.342 ACRES

N/F:
THURSTON PROPERTIES, LLC
TAX MAP 20 PARCEL 27
INST. #07-0079
4.433 ACRES



PLAT SHOWING:
VARIABLE WIDTH WATERLINE EASEMENT
ON TAX MAP 19(12), PARCEL 1
IN THE TOWN OF URBANNA
TO BE ACQUIRED FROM: THURSTON PROPERTIES, LLC
BY: THE TOWN OF URBANNA
DATE: MAY 9, 2024 SCALE: 1" = 50'



1703 N. Parham Rd. Suite 202 Henrico, Va 23229
(804) 740-9200 FAX (804) 740-7338 www.KBIWgroup.com

RESOLUTION ACCEPTING UTILITY EASEMENT


WHEREAS Thurston Properties, LLC agrees to convey a utility easement to the Town of Urbanna located on Tax Map 19(12) Parcel 1, Instrument No.: 21-2899; and

WHEREAS the Town of Urbanna wishes to accept the conveyance of the easement.

NOW THEREFORE BE IT RESOLVED by the Urbanna Town Council at its regularly scheduled meeting on June 27, 2024 that, in accordance with Virginia Code § 15.2-1803, 1950, as amended, the Urbanna Town Council accepts the utility easement as shown on the plat made by Koontz, Bryant, Johnson, Williams, dated May 9, 2024 entitled "Plat Showing Variable Width Waterline Easement on Tax Map 19(12) Parcel 1 in the Town of Urbanna," and authorizes the Town Administrator to execute any and all documents necessary for, or related to, the conveyance and pay any associated costs and fees; and

BE IT FINALLY RESOLVED by the Urbanna Town Council that this Resolution shall be recorded in the land records of the Middlesex County Circuit Court.

Dated this 27 day of June, 2024.



Martha Rodenburg, Clerk to the Council

Urbanna Well #3-Phase 2-Engineer

Mr. Costin presented the background.

- Two bids received and reviewed by Kimley-Horne.
- Project will connect well to the existing water system.
- Contract will be paid using USDA loan.

Councilmember Austin made a motion to award the contract for Phase II of the Urbanna Well Number 3 Replacement to Toano Well and Pump Service for \$285,000 and authorize the Town Administrator to execute all necessary documents.

Councilmember Justice seconded.

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

Motion passed 5-0

OLD BUSINESS-KAYAK TRAIL

- Councilmember Justice asked about the status of the Kayak Trail.
- Phase I put together per Larry, given to Middle Peninsula Planning District Commission (MPPDC), it was put online, but is not user friendly.
- Mayor has brought this to the attention of MPPDC, and they are working on improving it. Setting a meeting with Kurt Smith, Deputy Director of MPPDC was discussed.

ANNOUNCEMENTS

- Councilmember Austin attended the VML Small Town Government conference.
- Michele Hutton gave an update on the Hometown Heroes banner celebration.

ADJOURN

Councilmember Austin made a motion to adjourn.

Councilmember Sturgill seconded.

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

Motion passed 5-0

Meeting adjourned at 6:52pm

Submitted by:

Martha J. Rodenburg

Town Clerk

Approved by Town Council January 9, 2025

ATTEST:

Christine H. Branch, Town Clerk