

**AMENDED APPROVED MINUTES  
TOWN OF URBANNA TOWN COUNCIL  
REGULAR MEETING OF FEBRUARY 13, 2025**

A regular meeting of the Town Council of the Town of Urbanna, Virginia, was held on the 13th day of February, 2025 beginning at 6:00 p.m. in the Council Chambers of Town Hall located at 390 Virginia Street, Suite B in Urbanna, VA.

**AGENDA ITEM 1. CALL TO ORDER**

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

**AGENDA ITEM 2. APPROVAL OF ELECTRONIC PARTICIPATION BY A COUNCIL MEMBER**

Not necessary

**AGENDA ITEM 3. ROLL CALL**

Marjorie Austin	Present
Larry Chowning	Present
Alana Courtney	Present
Mayor Bill Goldsmith	Present
Merri Hanson	Present
Beth Justice	Absent
Robbie Wilson	Present

**Others Present:**

Ted Costin, Town Administrator  
Michele Hutton, Town Treasurer  
Christine Branch, Town Clerk  
Andrea Erard, Town Attorney  
Members of the public

**AGENDA ITEM 4. PLEDGE OF ALLEGIANCE**

The Mayor led the Pledge of Allegiance.

**AGENDA ITEM 5. REVIEW AND ADOPTION OF MEETING AGENDA**

Mayor Goldsmith announced Item 16 Closed Meeting and Item 17 Appointments were not necessary and will be removed from the agenda.

**Councilmember Austin made a motion to approve the agenda as amended. Councilmember Hanson seconded. The Mayor called for any discussion. All were in favor with none opposed.**

**The motion passed 6-0 with 1 absent.**

**AGENDA ITEM 6. APPROVAL OF MINUTES**

**6a. July 11, 2024 Draft Minutes**

**6b. July 25, 2024 Draft Minutes**

**6c. August 8, 2024 Draft Minutes**

**6d. August 22, 2024 Draft Minutes**

**6e. September 6, 2024 Draft Minutes**

**6f. September 12, 2024 Draft Minutes**

**6g. September 26, 2024 Draft Minutes**

**6h. October 10, 2024 Draft Minutes**

**6i. October 24, 2024 Draft Minutes**

**6j. November 14, 2024 Draft Minutes**

**6k. November 20, 2024 Draft Minutes**

**6l. November 26, 2024 Draft Minutes**

**6m. January 9, 2025 Draft Minutes**

**6n. January 23, 2025 Draft Minutes**

Mayor Goldsmith noted the vote count on October 24, 2024 under Action Items should read 5-1 rather than 4-1 and there were a few typographical errors which Ms. Branch has already corrected.

**Councilmember Austin made a motion to approve all sets of minutes with the corrections mentioned above. Councilmember Hanson seconded. The Mayor called for any discussion. All were in favor with none opposed. The motion passed 6-0 with 1 absent.**

**AGENDA ITEM 7. PUBLIC HEARING**

**7a. Resolution 2025-003 - Proposed Budget Amendment**

Mr. Costin cited Code of Virginia §15.2-2507(A) which grants Council the authority to amend its budget and that because the amendment exceeds 1% of the Town's total budget, a public hearing must be advertised and held. He gave background on the Resolution.

The Mayor opened the Public Hearing.

There being no speakers, the Mayor closed the Public Hearing.

Councilmember Courtney asked if they funds have been earning interest. Mr. Costin and Mayor Goldsmith explained that the funds were in a CD but the CD was not renewed because of the anticipated purchase of the building. The funds had been earning interest, but not in the last two years.

**Councilmember Austin made a motion to approve Resolution 2025-003 amending the Town of Urbanna's FY25 Budget and appropriating all remaining ARPA funds and the funds from the sale of old Town Hall to the purpose of acquisition of the property. Councilmember Wilson seconded. The Mayor called for any discussion. Aye - Austin, Chowning, Goldsmith, Hanson, Wilson; Nay - Courtney. The motion passed 5-1 with 1 absent.**

**RESOLUTION 2025-003**

**A RESOLUTION AMENDING THE TOWN OF URBANNA BUDGET FOR FISCAL YEAR 2025 TO REFLECT A CAPITAL OBLIGATION OF \$471,791 TO ACQUISITION OR IMPROVEMENT OF PERMANENT TOWN OFFICE SPACE**

**WHEREAS** the Town of Urbanna, Virginia (the "Town") received an allocation of approximately \$475,000 in State and Local Fiscal Recovery Funds ("SLFRF") as a subrecipient

from the Commonwealth of Virginia under the American Rescue Plan Act (the “ARPA Funds”), which is less than the standard \$10,000,000 revenue replacement standard allowance; and

**WHEREAS** the Town previously used \$237,591 in ARPA Funds on repairs to its community swimming pool, in order to provide clean outdoor recreation opportunities when indoor recreation opportunities were unavailable or difficult to use due to the Covid-19 pandemic; and

**WHEREAS** the Town realized a total of approximately \$234,200 in net proceeds from the sale of the old Town Hall; and

**WHEREAS** the Town entered into a lease in November 20, 2021, with option to purchase, for the property at 390 Virginia Street in the Town, Tax Map ID 20-26 (the “Property”), has made acquisition of the Property, or a similar property to serve as the Town Hall and administrative office space, part of its adopted long-term capital plans;

**WHEREAS**, on February 22, 2024, the Town approved purchase of the Property and issuance of a note for the purchase thereof, which obligated the payment of funds by the Town; and

**WHEREAS** the Town wishes to budget and appropriate the ARPA funds to the purpose of acquisition of the Property; and

**WHEREAS** the Town Council held a properly advertised public hearing during their regular meeting of February 13, 2025 to allow the public to express their views, opinions, and concerns regarding this resolution;

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of The Town of Urbanna, Virginia that:

1. The Town budget for fiscal year 2025 is amended such that total general fund revenues are increased by \$471,791, representing the total remaining ARPA Funds and the net proceeds of the sale of the old Town Hall, held in the Town’s reserve by a transfer in under Line 100-41050-0101.
2. The Town budget for fiscal year 2025 is amended such that total general fund expenditures are increased by \$471,791 under Line 100-12600-9400 for the purpose of expenditures for acquisition of the Property.
3. The sum of \$471,791 is hereby appropriated for use in accordance with the fiscal year 2025 budget as amended by this resolution.
4. This resolution is in effect upon adoption.

**DONE** this 13th day of February, 2025.

## **AGENDA ITEM 8. REPORTS**

### **8a. STAFF REPORTS**

#### **8a.1. Town Administrator**

Mr. Costin presented his report. He said he completed a questionnaire from Department of Conservation & Recreation (DCR) regarding compliance with the 2001 grant which was used to help purchase the marina. All indications are that we are in compliance. He said this oversight would be in perpetuity for the marina through DCR and through the Department of Historic Resources (DHR) for the museum.

Councilmember Courtney asked if that meant the Town could not sell the properties. Mr. Costin said he would have to find out. Councilmember Courtney said she is concerned that the marina is not doing well. Councilmember Hanson said the marina actually made money last fiscal year. Councilmember Courtney said she was concerned the budget didn't show everything. Mr. Costin and Mayor Goldsmith explained that the budget was an estimate based on the prior year's actual. By law, projected revenue less projected expense has to equal zero. When actual numbers become known, there are sometimes adjustments made within line items within a department's budget. Funds are not moved from one department to another. Mr. Costin gave the example that we expect a widget for the marina to cost \$100, but when we actually go to purchase it, it's \$200. Funds might be moved from the marina's office supplies account to the marina's widget account to make up the deficit. That then means the marina has \$100 less to spend on office supplies. The auditor is tasked with checking that financial activities are valid and within the law. The auditor has found that the Town is in compliance with the law.

Regarding the Kayak Launch project, Councilmember Chowning said he needs to know where it will start. Councilmember Hanson reminded everyone that Main Street is still willing to help with signage. Mr. Costin said he will pass that on to the Eagle Scout candidate doing the work and have him contact them.

Mr. Costin said he would like Council's next work session to focus on the pool – setting rules, rates, hours, etc.

#### **8a.2. Treasurer**

Ms. Hutton presented the December 2024 Treasurer's report.

Councilmember Wilson asked if the Taber Fund balance was due to the market fluctuation. Ms. Hutton said yes.

Regarding business tax payments, Ms. Hutton said that she posts electronic receipts on the date they hit the bank account, which is not necessarily the date they are paid. That is why it may look like an individual paid late, but really did not. She does this in order to clearly reconcile with bank statements. Councilmember Chowning said we are doing better in collecting business taxes than in the past. Ms. Hutton agreed.

Councilmember Courtney asked if we are getting all the short-term rental lodging taxes owed. Ms. Hutton said they continue to work on it and are moving forward.

Ms. Hutton said if anyone wanted more detailed information, let her know and she'd be happy to print out reports. Councilmember Courtney asked for the marina reports.

In addition, Ms. Hutton reported:

1. Real Estate Delinquent Bills were mailed in January.
  - Collected tax and released a lien on one property
  - Collected on four other properties
  - 13 accounts remain past due
  - Preparing certified mail for lien process
    - 2 accounts now 4 years past due (2-year lien in place, will add two more)
    - 2 accounts now 2 years past due
  - Total outstanding with P/I = \$12,032.04
  
2. Personal Property Delinquent Bills were mailed the beginning of February.
  - Received a few payments
  - In process of writing off approx. \$900.00, accounts 5+ years old.
  - Returned mail under 5 years and not eligible to write off \$675.81
  - Total outstanding approx. \$13,467.00 (after write offs)
  - DMV Stops were placed for prior year, will send the county a list in March for current outstanding.
  - Researching to obtain our own DMV stop capabilities and process in house.
  - Reminder: Did not bill anyone with a tax bill of \$2.00 or less. Approx total amount comes to under \$50.00. Per state code, § 58.1-3912. The treasurer may elect not to send a bill amounting to \$20 or less as shown by an assessment book in such treasurer's office.
  
3. The 2023/2024 audit is still underway. She had a telephone conversation and reviewed some transactions with the auditor. All journal entries reviewed pertained to the pool. She completed the auditor's recommendations and provided a new trial balance. The auditor also requested contracts for expenses related to the construction of the pool and she provided everything requested. Due to the Town's debt (well project) and the overall cost of the pool construction, additional documentation was required that was not required during past audits.
  
4. The Urbanna Post office is celebrating 250 years of service. It was one of the first 69 U.S. Post Offices in operation on July 26, 1775 and Benjamin Franklin was appointed as Postmaster General. 15 of the original post offices in 1775 were located in Virginia. This year's golf cart stickers will honor the Urbanna Post Office. She asked Council to consider doing something to celebrate this milestone.
  
5. The golf cart applications and all supporting documents have been updated and are ready to mail on March 1<sup>st</sup>.
  
6. Hometown Heroes Banners are underway. This will be the last year for military specific. Deadline to participate is April 11<sup>th</sup>.

7. Through the Mayor, \$30,000 was requested from Davenport for the donations to: Middlesex Vol Fire Dept, Middlesex County Library, and the Middlesex Vol Rescue Squad.

Councilmember Austin asked how long before a tax sale could be done on the properties with two liens. Counselor Erard said the Town does not have a policy and recommended working in conjunction with the County. If the County does a tax sale, they will get paid first. If the Town works with the County, we can ensure we are paid as well. It was also discussed that the cost and effort is more than would be warranted with the Town's infrequent need. Ms. Hutton will speak with the Middlesex Treasurer to discuss the matter.

Councilmember Chowning said that Middlesex County will be conducting a reassessment either in 2025 or 2026. He reminded everyone that the nonprofits need to be taken out of the information before tax rate discussions begin.

### **8a.3. Town Clerk**

Ms. Branch presented her report and gave a synopsis of things learned at the conference she attended in January.

She said she had spoken to Municode and they have decided the best way to move forward is to review what they were given through 2018 since the Town has already paid for that project. Once that's finalized, work can begin to bring the written Code current.

She is continuing to read back through old meeting minutes to compile a list of Council actions, resolutions, and ordinances.

## **8b. COMMITTEE REPORTS**

### **8b.1. Personnel Committee**

Councilmember Hanson said the committee met on February 5, 2025 to work on performance reviews for staff members and the Town Administrator.

### **8b.2. Water Committee**

Mayor Goldsmith said the committee met on January 16, 2025 and Marjorie Austin was designated as Chair. Maribel Kimble presented the current status of water account collection activities. The top 10 were being pursued at that time and payments were starting to come in.

The Beth Page water service agreement is still being examined at the corporate level.

The well #6 project has been delayed by supply chain issues, but is moving towards completion.

Steve Hutton, Maribel Kimble, and Dave Overman (committee member) attended Cartegraph training. This is an asset management tool that they hope will be increasingly useful in tracking the town water system. Councilmember Hanson asked if Cartegraph can be used to schedule routine maintenance. Mayor Goldsmith said yes. It can also be used for other pieces of equipment, HVAC systems, etc. New information needs to be entered into the system.

The committee discussed of the next round of water rate increases and looking for loans and grants to implement the identified water system infrastructure upgrades. He said the Town needs to close the gap in water rates in order to access grants and long-term loans. Councilmember Chowning said historically, the Town didn't raise water rates because they had no control over

HRSD sewer rates and didn't want to overburden citizens. Mayor Goldsmith said another increase is coming. Councilmember Chowning said the money is needed to fix pipes. Councilmember Courtney said it's another tax. Mayor Goldsmith and Counselor Erard explained it's a fee for service, not a tax, and the funds are kept totally separate and used only for the water system. Draper Aden compiles a yearly report of municipal water rates. Councilmember Wilson said he spoke with someone at VML/VACo and they sent him a presentation. He will forward a copy to Council.

### **8b.3. Finance Committee**

Mayor Goldsmith said the committee met on January 16, 2025 and designated Robbie Wilson as Chair.

Delegate Hodges had a meeting with Mayor Goldsmith and Mr. Costin before the current legislative session and indicated that he was interested in examining the flawed business model of the DMV select program and what could be done about it.

The Davis Accounting group is once again being engaged for the town audits. Treasurer Michele Hutton is tasked with providing all of the necessary documents to Ms. Davis to complete the audit for FY 23-24.

The decision was made to remove Sandy Sturgill as an account signer and to add Robbie Wilson and Marjorie Austin. The Mayor, Michele Hutton, and Maribel Kimble will have their status continued.

Marnie Harte was not present, so discussion of Taber fund guard rails was postponed.

Robbie Wilson volunteered to examine the town's current fee schedule and create a complete list for review. Moving forward the committee can complete an up-to-date uniform fee schedule for Town services.

The committee also met on February 10, 2025. It was discussed that, since the town now has debt, more documentation is being required for the audit. The Treasurer is providing that information.

Marnie Harte made initial suggestions to provide guidelines/guardrails for Taber Fund usage. A document will be created for review that would establish a policy for routine usage, large project invasion of principle, and methods for replenishment or repayment.

An initial proposal for pool operations was presented from Signature Pools as well as from the Middlesex Makos. An effort is being made for more local involvement. Options to increase membership, usage (income), and community involvement were discussed. Revised contracts are pending.

The Middle Peninsula Planning District Commission (MPPDC) dues invoice was received. Mr. Costin is going to talk to the Commission about reducing some of our costs because of our size and because a larger portion of what they do does not pertain to us. Councilmember Chowning said he is not in favor of leaving the MPPDC. Mayor Goldsmith said the Town has no intention of leaving the MPPDC but you don't know if you don't ask.

### **AGENDA ITEM 9. PUBLIC COMMENT 1**

Kristi Anzivino of Howard Street spoke regarding the need for solid information and increased transparency with the citizens and cited the past due minutes and water delinquencies.

### **AGENDA ITEM 10. COUNCIL COMMENT 1**

There were no council comments made at this time.

### **AGENDA ITEM 11. UNFINISHED BUSINESS**

#### **11a. Friends of Urbanna Memorandum of Understanding (MOU) (Attachment A)**

Mr. Costin said an MOU with the Friends of Urbanna was crucial to long-term understanding of the relationship, commitment, and authority of each party. He pointed out that the MOU requires quarterly reporting by the Friends to Council.

Councilmember Austin asked why it didn't mention notifying Town Council before making any improvements or changes. Mr. Costin said he thinks the quarterly reports will suffice. Councilmember Chowning said they still have to comply with the Department of Historic Resources (DHR). Mr. Costin said DHR has a perpetual easement on the property.

**Councilmember Chowning made a motion to adopt the Memorandum of Understanding between the Town of Urbanna and the Friends of Urbanna concerning the historic Scottish Factor Store serving as the Urbanna Museum and Visitor Center. Councilmember Austin seconded. The Mayor called for any discussion. All were in favor with none opposed. The motion passed 6-0 with 1 absent.**

### **AGENDA ITEM 12. NEW BUSINESS**

#### **12a. Resolution 2025-004 - Update FOIA Policy and Establish Written Costs/Charges Schedule (Attachment B)**

Ms. Branch said Council had last approved a policy in 2021 and updates were needed due to changes in the Code of Virginia.

Councilmember Chowning said it seemed like the fee schedule was an attempt to discourage people from asking for information. Counselor Erard said it is in no way intended to do that. It is required by Code so the public is informed in advance. She said many of the requesters are businesses and it would be unfair to expect citizens to pay for one person's service. Ms. Branch noted it's rare to have a request that takes more than 30 minutes and most people want their information electronically, so no copying fees are involved. Council can also increase the threshold of time and number of copies if they'd like.

**Councilmember Hanson made a motion to adopt Resolution 2025-004 updating the Town of Urbanna's FOIA policy and establishing a written cost/charge schedule. Councilmember Austin seconded. The Mayor called for any discussion.**

**Aye – Austin, Courtney, Goldsmith, Hanson, Wilson; Nay – Chowning**

**The motion passed 5-1 with 1 absent.**



**RESOLUTION 2025-004**  
**UPDATE TOWN OF URBANNA FOIA POLICY AND**  
**ESTABLISH A WRITTEN COSTS/CHARGES SCHEDULE**

**WHEREAS** Code of Virginia §2.2-3704.1 requires the public bodies of towns with a population of more than 250 to create a notice of rights and responsibilities under the Freedom of Information Act (FOIA) and make it available to the public upon request and through a link to the information on the homepage of the town’s website; and

**WHEREAS** Code of Virginia §2.2-3704.1 also requires public bodies to have a written policy (i) explaining how the public body assesses charges for accessing or searching for requested records and (ii) noting the current fee charged, if any, for accessing and searching for such requested records; and

**WHEREAS** the Urbanna Town Council last approved The Rights of Requesters and the Responsibilities of the Town of Urbanna Under the Virginia Freedom of Information Act on August 26, 2021 and a basic Policy Relating to Charges for Records Requests in on July 13, 2023; and

**WHEREAS** Council now desires to update the Town’s FOIA Policy and establish a cost/charges schedule in keeping with the requirements of Code of Virginia §2.2-3704.1;

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of The Town of Urbanna, Virginia that the Town of Urbanna FOIA Policy is hereby adopted as attached; and

**BE IT FURTHER RESOLVED** by the Town Council of The Town of Urbanna, Virginia that “The Town of Urbanna FOIA Costs/Charges Schedule” is hereby adopted and approved as attached; and

**BE IT FINALLY RESOLVED** that this Resolution shall supersede any previous FOIA policy or cost/charge schedule for the Town of Urbanna and shall be effective upon passing.

**DONE** this 13th day of February, 2025.

**AGENDA ITEM 13. PUBLIC COMMENT 2**

Ms. Drayer of Obert Street expressed her frustration with ongoing issues with a neighbor who has multiple unregistered vehicles in his yard, lean-tos causing damage to another neighbor’s fence, dogs running free who bark constantly and have a history of biting people, running a business out of his home without a license, and leaving vehicle light on all night.

**AGENDA ITEM 14. COUNCIL RESPONSE TO PUBLIC COMMENT 2**

Counselor Erard said she is working on the issue. She said Ms. Drayer needs to speak with Middlesex County about the dog issues and unlicensed vehicles. She said there are some historical issues with issuance of business licenses and staff has been talking with the neighbor. She assured Ms. Drayer that her concerns are not being ignored; it will just take time.

Counselor Austin said the neighbors are suffering and asked Counselor Erard to keep the Drayers informed as to what is being done so they don't feel ignored.

**AGENDA ITEM 15. COUNCIL ANNOUNCEMENTS & REQUESTS**

There were no announcements or requests.

**AGENDA ITEM 16. CLOSED SESSION**

**AGENDA ITEM 17. APPOINTMENTS**

These items were removed during adoption of the agenda.

**AGENDA ITEM 18. ADJOURN OR RECESS**

**Councilmember Austin made a motion to adjourn. All were in favor with none opposed. The meeting was adjourned at 7:30pm.**

Respectfully submitted,  
Christine H. Branch, Town Clerk

Approved by Council: March 13, 2025

**Non-material amendments made by Town Clerk on March 14, 2025: include copies of approved Resolutions in the body of the minutes, and attachment of approved documents.**

ATTEST:

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Christine H. Branch, Town Clerk

## **ATTACHMENT A**



### **Memorandum of Understanding between The Town of Urbanna and The Friends of Urbanna**

This Memorandum of Understanding (MOU) entered into this **14th day of February , 2025** by and between the Town of Urbanna, a municipal corporation, and The Friends of Urbanna, a 501(c)(3) organization (the “parties”):

**WHEREAS** the Town of Urbanna recognizes the rich history of the Town of Urbanna to include the Urbanna Scottish Factor Store which houses the Mitchell Map and wishes to share that rich history with citizens and visitors; and

**WHEREAS** the Town of Urbanna, recognizes the need for assistance in the ongoing preservation of the Scottish Factor Store and guidance in the identification of the necessary actions to preserve and enhance this property and its contents; and

**WHEREAS** the Friends of Urbanna have knowledge of Urbanna’s significant history and exists to enhance and preserve the Urbanna Scottish Factor Store to include its properties be they grounds or contents owned or on loan while expanding its use as a Museum and Visitor’s Center; and

**WHEREAS** the Town of Urbanna has designated, and herein reaffirms that designation, of the Friends of Urbanna to advise in the maintenance and management of the Urbanna Scottish Factor Store, as well as Museum and Visitor’s Center to attract citizens and visitors to highlight the history of the Town of Urbanna;

**NOW THEREFORE**, the parties, in exchange for the mutual promises and other good and valuable consideration, the receipt of which is hereby acknowledged, agree as follows:

1. The preceding paragraphs are hereby incorporated as if fully set forth.
2. The parties agree that all interactions of the parties are intended to foster continued use and enjoyment of these one-of-a-kind town assets and will support each other’s individual efforts in those regards.

3. The Town of Urbanna formalizes its appointment of the Friends of Urbanna as their advisors on those matters associated with the Urbanna Scottish Factor Store, Museum, and Visitor's Center.
4. The Friends of Urbanna will report quarterly before Council beginning March 2025, then June, September, and December.
5. The Town of Urbanna agrees to commit funds; some of which may come from cigarette tax revenues, for the enhancement and preservation of the Urbanna Scottish Factor Store, its properties, and the Museum and Visitor's Center operations.
6. The parties shall identify a primary point of contact and secondary point of contact and provide that information to one another within fourteen days of the date that this MOU is signed and affirm the points of contact annually in the month of January.
7. This MOU shall be for one (1) year and shall automatically renew unless terminated by either party in writing. Either party may terminate the agreement for any reason and at any time with thirty (30) days written notice to the other party.
8. This MOU is subject to an annual appropriation of funds by the Urbanna Town Council as required by law.

Town of Urbanna:

Friends of Urbanna:

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William Goldsmith, Mayor

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President

Approved as to Form:

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Andrea Erard, Attorney for The Town of Urbanna



## **ATTACHMENT B**

### **The Town of Urbanna VFOIA Policy** **VIRGINIA FREEDOM OF INFORMATION ACT (VFOIA)** **Basic Information on Public Record Requests**

#### **CONTACT INFORMATION:**

Christine Branch, Town Clerk and FOIA Officer  
Town of Urbanna  
Physical Address: 390 Virginia Street, Suite B, Urbanna, VA 23175  
Mailing Address: P.O. Box 179, Urbanna, VA 23175  
Phone: 804-758-2613 Fax: 804-758-0389 Email: c.branch@urbannava.gov

[Records Request Form](#) (This form is NOT required, but can help both parties better understand the request.)

#### **WHAT IS VFOIA:**

VFOIA is a commonly used acronym for the **Virginia Freedom of Information Act (VFOIA or FOIA)** which is contained in the [Code of Virginia § 2.2-3700 et seq.](#) This act guarantees Virginia citizens open access to government records and meetings. The Town of Urbanna responds to all requests for public records in compliance with VFOIA.

#### **WHAT DOES VFOIA COVER:**

In a nutshell, VFOIA reinforces the Commonwealth's commitment to transparency in government and provides a framework for supplying the public with government records. The purpose of government is to serve the public so it stands to reason that the public has a right to know what's going on. As with most things in life, there are exceptions. VFOIA gives an exhaustive list of what information can and cannot be withheld and why.

VFOIA also makes sure the public has access to public meetings and provides a framework for public bodies to use to ensure meetings are open. Again, there are exceptions and VFOIA provides limited reasons for a public body to meet in Closed Meeting (meaning, without the public present). Since the pandemic, VFOIA also set up the framework for when all-virtual meetings are allowed and when public officials can participate virtually.

The purpose of VFOIA is to promote an increased awareness by all persons of governmental activities. In furthering this policy, VFOIA requires that the law be interpreted liberally, in favor of access, and that any exemption allowing public records to be withheld must be interpreted narrowly.

#### **WHAT IS A PUBLIC RECORD:**

**"Public records"** means all writings and recordings that consist of letters, words, or numbers, or their equivalent, set down by handwriting, typewriting, printing, photostating, photography, magnetic impulse, optical or magneto-optical form, mechanical or electronic recording, or other form of data compilation, however stored, and regardless of physical form or characteristics, prepared or owned by, or in the possession of a public body or its officers, employees, or agents in the transaction of public business. All public records are presumed to be open, and may only be withheld if a specific, statutory exemption applies.

#### **WHERE CAN I LEARN MORE:**

You can read the full VFOIA online at <https://law.lis.virginia.gov/vacode/title2.2/chapter37/>. The Commonwealth has also established the Virginia Freedom of Information Advisory Council. They can be reached at <https://foiacouncil.dls.virginia.gov/foiacouncil.htm> or by phone at 804-698-1810.



## The Town of Urbanna VFOIA Policy **The Rights of Requesters and the Responsibilities of the Town of Urbanna Under the Virginia Freedom of Information Act**

The Virginia Freedom of Information Act (VFOIA), located in [§ 2.2-3700 et seq. of the Code of Virginia](#), guarantees citizens of the Commonwealth and representatives of the media access to public records held by public bodies, public officials, and public employees. The Town of Urbanna maintains an “open door policy” and is more than willing to sit down with any citizen to discuss the transaction of public business or provide access to public records, many of which are readily available on the Town website – [urbannava.gov](http://urbannava.gov).

"Public records" means all writings and recordings that consist of letters, words, or numbers, or their equivalent, set down by handwriting, typewriting, printing, photostating, photography, magnetic impulse, optical or magneto-optical form, mechanical or electronic recording, or other form of data compilation, however stored, and regardless of physical form or characteristics, prepared or owned by, or in the possession of a public body or its officers, employees, or agents in the transaction of public business.

The purpose of VFOIA is to promote an increased awareness by all persons of governmental activities. In furthering this policy, VFOIA requires that the law be interpreted liberally, in favor of access, and that any exemption allowing public records to be withheld must be interpreted narrowly.

### **REQUESTER RIGHTS:**

VFOIA applies to citizens of the Commonwealth of Virginia and members of the media with circulation in the Commonwealth of Virginia. As such, you have the right to request to inspect or to receive copies of public records, or both. You have the right to request that any charges for the requested records be estimated in advance. Those who believe their VFOIA rights have been willfully and knowingly violated may file a petition in district or circuit court to compel compliance with VFOIA. You may also contact the [Virginia Freedom of Information Advisory Council](#) for a nonbinding advisory opinion.

### **MAKING A REQUEST:**

**Direct all requests to the Town of Urbanna FOIA Officer: Christine Branch, Town Clerk**

Physical Address: 390 Virginia Street, Suite B, Urbanna, VA 23175

Mailing Address: P.O. Box 179, Urbanna, VA 23175

Phone: 804-758-2613 Fax: 804-758-0389 Email: [c.branch@urbannava.gov](mailto:c.branch@urbannava.gov)

- Requesters must provide their name and legal address pursuant to § 2.2-3704(A).
- The reason behind your request for public records from the Town is irrelevant, and you do not have to state why you want the records before we respond to your request.
- Requests can be made verbally, or by email, fax, or U.S. mail. Requests do not have to be in writing, nor do they need to specifically contain the word “VFOIA”, “FOIA”, or any variation of it. From a practical perspective, it is helpful to both parties to put requests in writing. This gives the requester a record of the request and gives the FOIA Officer a clear statement of what records are being requested, so there is no misunderstanding. The most efficient way is to use the Town's optional [Records Request Form](#). This form is just a tool and is NOT mandatory.
- Your request must identify the records you are seeking with "reasonable specificity." This is a common-sense standard and does not refer to or limit the volume or number of records requested. It merely requires the requester to be specific enough for the FOIA Officer to identify and locate the desired records.

- Your request must ask for existing records or documents. VFOIA gives you a right to inspect or copy records; it does not apply to a situation where you are asking general questions about the work of the Town, nor does it require the Town to create a record that does not exist.
- You may choose to receive electronic records in any format used by the Town in the regular course of business. For example, if you are requesting records maintained in an Excel database, you may elect to receive those records electronically via e-mail or on a thumb drive as either an Excel or pdf file, or to receive a printed copy of those records.
- If we have questions about your request, please cooperate with staff's efforts to clarify the type of records you are seeking, or to attempt to reach a reasonable agreement about a response to a large request. Making a FOIA request is not an adversarial process, but we may need to discuss your request with you to ensure that we understand what records you are seeking. The Town of Urbanna is committed to transparency and openness and your feedback helps us get better.

**RESPONSIBILITIES OF THE TOWN OF URBANNA IN RESPONDING TO A REQUEST:**

One of the responses below must be made to the requester within five working days of receipt. "Day One" is considered the first working day after the request is received. The five-day period does not include weekends, holidays, or other days when Town offices are closed.

1. All records requested are being provided in their entirety.
2. All records requested are omitted because all are subject to a specific statutory exemption. A written response identifying the volume and subject matter of the records being withheld and stating the specific section of the Code of Virginia allowing the records to be withheld must be provided.
3. Some records requested are provided but others are withheld. An entire record cannot be withheld if only a portion of it is subject to an exemption. In that instance, portions of some records may be redacted (blacked out). A written response stating the specific section of the Code of Virginia allowing portions of the records to be withheld must be provided.
4. There are no records responsive to the request - the records requested cannot be found or do not exist. If it is known that another public body has the requested records, their contact information will be provided.
5. It is practically impossible for the Town to respond to the request within the five working day period. A written response explaining the reason will be provided and the Town will receive an additional seven working days to respond to your request (a total of 12 working days).

If a request for a very large number of records is made which the Town is unable to fulfill within 12 working days without disrupting other organizational responsibilities, an agreement can be made between the requester and the FOIA officer outlining a deadline or deadlines and/or changing the scope of the request. If a reasonable effort to reach an agreement concerning the time frame for production of the records and the scope of records is not reached, the Town may petition the court for additional time to respond.

### **TYPES OF RECORDS:**

The following is a general description of the types of records held by the Town. Many of these are publicly available on the Town website.

- General administrative records such as correspondence, agendas, meeting minutes, etc.
- Financial records.
- Records of contracts entered into by the Town.
- Zoning and subdivision records including permits and violations.

### **COMMONLY EXEMPTED RECORDS:**

The Code of Virginia provides a number of exemptions specific to certain types of records which allow any public body to withhold certain records, or portions thereof, from public disclosure. These exemptions and exclusions are found, for the most part, in §§ 2.2- 3705.1 through 2.2-3706.1 of the Code. It is the general policy of the Town to invoke lawful exemptions from disclosure in matters involving protection of the privacy of individuals; protection of the interests or strategy of the Town in bargaining; negotiating, investigating, or prosecuting claims; and in matters involving public safety. The Town commonly withholds and/or redacts records subject to the following exemptions:

- Personnel records (§ 2.2-3705.1 (1) of the Code of Virginia)
- Records subject to attorney-client privilege (§ 2.2-3705.1 (2)) or attorney work product (§ 2.2-3705.1 (3))
- Vendor proprietary information (§ 2.2-3705.1 (6))
- Records relating to negotiation and award of a contract prior to a contract being awarded (§ 2.2-3705.1 (12))
- Records recorded in or compiled exclusively for use in lawful closed meetings (§ 2.2-3705.1 (5))
- Wet signatures to help prevent unauthorized use and identity theft.

### **COSTS:**

Requesters may have to pay for the records requested. A public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records and shall make all reasonable efforts to supply the requested records at the lowest possible cost. No public body shall impose any extraneous, intermediary, or surplus fees or expenses to recoup the general costs associated with creating or maintaining records or transacting the general business of the public body. Any duplicating fee charged by a public body shall not exceed the actual cost of duplication. Prior to conducting a search for records, the public body shall notify the requester in writing that the public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for requested records and inquire of the requester whether he would like to request a cost estimate in advance of the supplying of the requested records as set forth in subsection F of § 2.2-3704 of the Code of Virginia.

The Town, making all reasonable efforts to supply the requested records at the lowest possible cost, may charge for:

- Staff time spent accessing, duplicating, supplying, or searching for the requested records. This may also include time spent redacting records. § 2.2-3704(F)
- Supplying records produced from a geographic information system at the request of anyone other than the owner of the land that is the subject of the request. § 2.2-3704(F)
- Initial legal review of public records to assure that those records are responsive, are not exempt from disclosure, and may be disclosed without violating other provisions of law.
- Paper copies, thumb drives, or other physical media.



Prior to conducting a search for records, the Town shall notify the requester in writing that reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for requested records may be made and inquire of the requester whether they would like to request a cost estimate in advance of the supplying of the requested records.

If requested, the Town shall provide the requester with a cost estimate. The estimate is not a fixed amount. Actual costs may be greater or less than the estimated amount. In such a case, the Town will refund any overage paid or provide an invoice for additional payment which must be paid within 30 days directly to the FOIA Officer. The period within which the Town shall respond under this section shall be tolled for the amount of time that elapses between notice of the cost estimate and the response of the requester. If the Town receives no response from the requester within 30 days of sending the cost estimate, the request shall be deemed to be withdrawn. Any costs incurred by the Town in estimating the cost of supplying the requested records shall be applied toward the overall charges to be paid by the requester for the supplying of such requested records. § 2.2-3704(F)

In any case where the Town determines in advance that charges for producing the requested records are likely to exceed \$200, the Town may, before continuing to process the request, require the requester to pay a deposit not to exceed the amount of the advance determination. The deposit shall be credited toward the final cost of supplying the requested records. The period within which the Town shall respond under this section shall be tolled for the amount of time that elapses between notice of the advance determination and the response of the requester. § 2.2-3704(H)

Pursuant to § 2.2-3704(I), before processing a request for records, the Town may require the requester to pay any amounts owed for previous requests for records that remain unpaid 30 days or more after billing.



**The Town of Urbanna FOIA Costs/Charges Schedule**  
**Approved February 13, 2025**

**COSTS/CHARGES SCHEDULE:**

**Staff Time - \$26 per hour.** This may include costs for time spent accessing, duplicating, redacting, reformatting, supplying, or searching for the requested records and is the actual hourly rate of the FOIA Officer, which is an administrative/support staff position, not including the cost of fringe benefits. This also may include the cost, if any, to the Town for initial legal review of public records to assure that those records are responsive, are not exempt from disclosure, and may be disclosed without violating other provisions of law.

**There is no charge for the first thirty minutes of Town staff time.**

**Copying/Printing/Reproducing Records** - publications, books, documents, maps, plats, etc.:

<b>Document Size</b>	<b>Number of Pages</b>	<b>Charge</b>
8.5x11 color	1-4 pages	No charge
8.5x11 color	5+ pages	\$0.05 per page – single-sided \$0.10 per page – double-sided
11x17 color	1-2 pages	No charge
11x17 color	3+ pages	\$0.10 per page – single-sided \$0.20 per page – double-sided
8.5x11 black & white	1-4 pages	No charge
8.5x11 black & white	5+ pages	\$0.03 per page – single-sided \$0.06 per page – double-sided
11x17 black & white	1-2 pages	No charge
11x17 black & white	3+ pages	\$0.06 per page – single-sided \$0.12 per page – double-sided
Larger documents, maps, plats, etc.		actual cost the Town incurs
Thumb drive	Up to 32gb	\$5.00 each

**Payment of VFOIA Fees** - The FOIA Officer will provide the requester with a written invoice detailing the costs involved in fulfilling the request. All amounts shall be remitted within thirty (30) days directly to the FOIA Officer in cash or by check made payable to The Town of Urbanna.