



**Urbanna Town Council
Public Hearing
Monthly Meeting
AGENDA
Town Council Chambers
390 Virginia St., Suite B
Thursday, April 11, 2024 6:00 PM**

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Approval of Agenda
5. Public Hearing
 - a. Ordinance No. 2024-02 Street Signs
 - b. Ordinance No. 2024-03 regarding 1-SUP-2024
6. Reports
 - a. Town Administrator
 - b. Treasurer
 - c. Water Committee
 - d. Finance Committee
 - e. Planning Commission
7. Public Comment
8. Council Comment
9. Old Business
 - a. WiFi policy
 - b. Trash contract
 - c. Fireworks-rescind contract with Francisco Display Fireworks, LLC
10. New Business
11. Public Comment
12. Announcements
13. Adjourn



Agenda Item Summary
April 11, 2024

Agenda Item: 4-Approval of Agenda

Staff Recommendation: Approve

Council Action Requested: Yes

Sample Motion(s): Motion to approve agenda as presented.



Agenda Item Summary

April 11, 2024

Agenda Item: 5a-Sign Ordinance Amendment

Background: Middlesex County has indicated that if the Town adopts a sign ordinance that mirrors the County's sign ordinance, that Middlesex County has funding available to purchase new street signs. The Town Administrator has discussed the proposed ordinance with the Middlesex County Administrator and he is comfortable with the ordinance as drafted by the Town Attorney. Council authorized public hearing at its March Regular meeting. Adoption will amount to a complete re-write of Chapter 19 of the Town Code which addresses road names, street/road signs and building numbers.

Fiscal Impact: The Town would benefit by approximately \$20,000 in savings.

Staff Recommendation: Adopt the ordinance as presented.

Council Action Requested: Adopt the ordinance as presented.

Sample Motion(s): I move to adopt Ordinance Number 2024-02 as presented this evening.

Public Hearing Order

Ordinance No. 2024-02 Street Signs

- 1) Motion to Enter Public Hearing to consider Ordinance No. 2024-02 regarding street signs**
 - Second
 - Discussion
 - Vote
- 2) Presentation by Staff***
 - Question and Answer by Council
- 3) Proponent Presentation***
 - Question and Answer by Council
- 4) Public Comment**
 - Persons in Support**
 - Persons in Opposition**
- 5) Proponent to address concerns***
- 6) Opportunity for Staff to address concerns***
- 7) Motion to Close Public Hearing to consider Ordinance No. 2024-02 regarding street signs**
 - Second
 - Discussion
 - Vote
- 8) Motion to approve/deny Ordinance No. 2024-02 regarding street signs as presented**
 - Second
 - Discussion
 - Vote

****No time constraints***

*****3-minute time limit***

1 ORDINANCE NO. 2024-02

2
3 ORDINANCE NO. 2024-02 AMENDS CHAPTER 19,
4 "PROPERTY NUMBERING," OF THE URBANNA TOWN
5 CODE BY COMPLETELY REWRITING IT. ORDINANCE NO.
6 2024-02 CONTAINS GENERAL REGULATIONS REGARDING
7 THE NAMING OF STREETS AND STREET SIGNS;
8 VIOLATIONS OF THE ORDINANCE ARE A CLASS 4
9 MISDEMEANOR. ORDINANCE NO. 2024-02 MIRRORS THE
10 ORDINANCE ADOPTED BY MIDDLESEX COUNTY AND
11 WILL ENABLE THE TOWN TO ACCESS FUNDING FOR
12 STREET SIGNS FROM MIDDLESEX COUNTY.
13

14 BE IT ORDAINED BY the Urbanna Town Council that the Urbanna Town Code, Chapter
15 19, "Property Numbering," shall be amended to read in its entirety as follows:
16

17
18 **"CHAPTER 19. ROAD NAMES, SIGNS AND BUILDING NUMBERS**

19
20 **Sec. 19-1. Road name index.**

21 The Town road name index to be adopted and filed in the office of the Town Administrator
22 shall be the official listing of names for streets and roads in the Town and such streets and
23 roads are hereby assigned the names listed therein. As used in the article, the terms "street"
24 and "road" shall have the same meaning and shall also include avenues, boulevards,
25 highways, lanes, ways, and similar street type.
26

27 **Sec. 19-2. Assignment of road and street names.**

28 The Urbanna Town Council or its duly authorized agent as may be appointed, shall have
29 the authority to assign names to any public or private road or street in the Town which
30 provides access to three or more occupied buildings.
31

32 **Sec. 19-3. Negotiating street name changes.**

33 The Town Administrator, or his duly authorized agent, is hereby authorized to negotiate
34 with residents along streets or roads bearing duplicate or confusingly similar names in the
35 Town. The changing of the names of such roads or streets to eliminate such duplications
36 shall reside with the Town Council or its duly authorized agent as may be appointed.
37

38 **Sec. 19-4. Conditions for street name assignment.**

39 No street or road within the Town shall be assigned a name on a subdivision plat or
40 otherwise until such name is registered with the Town Administrator, or his duly authorized
41 agent, approved, and added to the Town road name index. The Town Administrator, with
42 the concurrence of the Town Council, shall have authority to refuse registration of any
43 name already in use, confusingly similar to a name already registered, or deemed confusing
44 for purposes of emergency response.
45

46 **Sec. 19-5. Conditions for name implementation.**

47 No street or road name currently shown on a subdivision plat filed with the Town or
48 otherwise shall be implemented by a subdivision owner until such name has been registered
49 with the Town Administrator or his duly authorized agent, approved and added to the Town
50 road name index; provided, however, that this section shall not apply to any road or street
51 presently constructed on which street signs have been placed prior to the effective date of
52 the ordinance from which this article is derived. The Town Administrator, with the
53 concurrence of the Town Council, shall have the right to refuse registration of any name
54 already in use, confusingly similar to a name already registered, or deemed confusing for
55 purposes of emergency response.
56

57 **Sec. 19-6. Requirement for new street name signs.**

- 58 a) All new street signs erected within the Town shall be in conformance with the
59 specifications of this section, unless a variance is granted by the Virginia Department of
60 Transportation (VDOT) or the Town Council. Street name signs for use on primary routes
61 and collector secondary roads shall have a minimum height of nine inches, a minimum
62 width of 30 inches and a maximum width of 48 inches. Widths greater than 48 inches may
63 be allowed in special cases upon approval of the VDOT district traffic engineer. The
64 standard letter height shall be six-inch Series C letters for the street name. The standard
65 letter height of the suffix and prefix (if any) shall be three-inch Series C letters. Non-
66 standard letter height may be allowed in special cases upon approval of the VDOT district
67 traffic engineer. A blank space at least 2.50 inches high and 12 inches wide shall be
68 provided in the lower righthand corner of the sign to accommodate a decal containing the
69 appropriate route number. VDOT shall be responsible for the fabrication and installation
70 of the decal, which shall be white with a black legend consisting of two-inch
71 letters/numerals and may be non-reflectorized.
- 72 b) Name signs for use on local secondary roads, subdivision streets and private roads assigned
73 names under this article shall have a minimum height of six inches, a minimum width of
74 24 inches and a maximum width of 42 inches. Widths greater than 42 inches may be
75 allowed in special cases upon approval of the VDOT district traffic engineer. The standard
76 letter height shall be four-inch Series C letters for the street name. The standard letter height
77 of the suffix and prefix (if any) shall be two-inch Series C letters. Non-standard letter
78 heights may be allowed in special cases upon approval from the VDOT district traffic
79 engineer. A blank space at least 1.25 inches high and eight inches wide shall be provided
80 in the lower right-hand corner of the sign to accommodate a decal containing the
81 appropriate route number. VDOT shall be responsible for the fabrication and installation
82 of the decal, which shall be white with a black legend consisting of one-inch
83 letters/numerals and may be non-reflectorized.
- 84 c) All street name signs in the Town shall be fabricated with high intensity reflectorized sign
85 sheeting. All sign text and numerals shall be white and the background of all signs shall be
86 green. Signs at intersections of all public and private roads assigned names under this
87 article shall be mounted atop galvanized metal posts with the signs appearing at a height
88 of not less than seven feet above grade.
89

90 **Sec. 19-7. Placement of signs.**

91 The Town Administrator for the Town of Urbanna is hereby authorized to direct the
92 placement of street signs at intersections within the Town, the initial costs of such signs to
93 be appropriated from 911 telephone taxes as approved by the Town Council.
94

95 **Sec. 19-8. Requirements for subdivision owners.**

96 The owner of any subdivision or other development shall erect or cause to be erected street
97 signs in conformance with this article at any and all intersections within such subdivision
98 or development upon the construction of any street on or after the effective date of the
99 ordinance from which this article is derived. Where any subdivision owner is currently
100 required to erect street signs but has failed to do so, the future erection of street signs shall
101 be in conformance with this article.
102

103 **Sec. 19-9. Reference to uniform numbering system.**

104 All properties or parcels of land within the Town shall hereafter be identified by reference
105 to a uniform numbering system, as shown on maps filed in the office of the Town
106 Administrator. Said maps and the explanatory matter thereon are hereby adopted and made
107 a part of this article.
108

109 **Sec. 19-10. Numbers assigned to all houses and buildings.**

110 A house or building number shall be assigned to each dwelling or other building in the
111 Town. The combination of such numbers and the road or street name shall be the official
112 address of such dwelling or building. Such location shall serve as the official mailing
113 address for postal patrons receiving home or rural delivery.
114

115 **Sec. 19-11 Placement of numbers on buildings.**

- 116 a) When each house or building has been assigned its respective numerical street address, the
117 owner, occupant, or agent shall place or cause to be placed upon each house or building
118 controlled by him the number or numbers assigned under the uniform numbering system.
119 The number or numbers shall be placed in accordance with the provisions as are herein
120 contained. Such numbers shall be placed on existing buildings within 60 days of
121 notification of the assigned address.
- 122 b) Numerical street addresses shall be placed on new buildings prior to the issuance of a
123 certificate of occupancy for the structure by the building official. Such addresses shall be
124 placed in accordance with the provisions as contained herein. The cost of posting the
125 address shall be the responsibility of the property owner.
126

127 **Sec. 19-12. Number requirements for residences.**

128 Street address numbers for residences shall be at least three inches in height and shall be
129 made of a durable and clearly visible material. The numbers shall be conspicuously placed
130 on, above, or at the side of the main entrance so that the number is discernible from the
131 street. Whenever a residence is more than 75 feet from the street, or when the entrance is
132 not visible from the street, the number shall be placed along a walk, driveway, or other
133 suitable location so that the address number is discernable from of street signs the street.
134 Street address numbers shall be of a contrasting color to the background on which they
135 are mounted.

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Sec. 19-13. Numbers for commercial and industrial structures.

Street address numbers for commercial and industrial structures shall be at least four inches in height if located within 75 feet of a roadway or at least ten inches in height if located greater than 75 feet from the street. The number shall be placed above or on the main entrance to the structure when possible. If such number is not visible from the street, the number shall be placed along a driveway or on a sign visible from the street.

Sec. 19-14. Placement of address numbers.

Apartments and similar complexes assigned a single building number shall display address numbers on each assigned structure using numbers having a minimum height of eight inches. Trailer parks and similar complexes assigned a single building number shall display the assigned number at the main entranceway using numbers having a minimum height of eight inches. Numbers or letters for individual apartments, trailers, or units within these complexes shall be displayed on, above, or to the side of the main doorway of each apartment, trailer, or unit, and shall be at least three inches in height.

Sec. 19-15. Property owner duties.

Whenever any house, building, or structure shall be erected or located after the initial establishment of the uniform numbering system as provided herein, it shall be the duty of the property owner to procure the correct number or numbers for the said property and to affix said numbers to said building in accordance with this article. An application for a building permit for a new building shall be considered an application for an address assignment. The building official shall coordinate the application with the designated agent of the Town Administrator responsible for the assignment of addresses, and forward the assigned address to the applicant not later than 60 days following issuance of said permit. The applicant shall be required to furnish such measurements in relation to other properties or intersections as shall be deemed necessary for assignment of a valid address.

Sec. 19-16. Authority to make minor adjustments.

In applying the guidelines specified herein, the Town Administrator, or his authorized agent, shall have the authority to make minor adjustments and modifications to ensure a logical and efficient street address system.

Sec. 19-17. Notice of violation.

Whenever the Town Administrator, or his authorized agent, has reason to believe there has been or there exists a violation of this article, he shall give written notice of such violation to the person failing to comply, and order said person to take corrective measures within 30 days from the date of notification. If such person fails to comply with the duly issued order, the Town Administrator, or his agent, shall initiate necessary actions to terminate the violation through criminal or civil measures.

Sec. 19-18. Penalty.

Any violation of this article shall constitute a Class 4 misdemeanor. Subsequent to the 30-day period violation through criminal or civil measures.”

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This Ordinance shall take effect upon adoption.

Public Hearing Order
Ordinance No. 2024-03/Special Use Permit Application 1-SUP-2024

- 1) **Motion to Enter Public Hearing to consider Ordinance No. 2024-03 regarding Special Use Permit Application 1-SUP-2024**
Second
Discussion
Vote
- 2) **Presentation by Staff***
Question and Answer by Council
- 3) **Applicant Presentation***
Question and Answer by Council
- 4) **Public Comment**
Persons in Support**
Persons in Opposition**
- 5) **Applicant to address concerns***
- 6) **Opportunity for Staff to address concerns***
- 7) **Motion to Close Public Hearing to consider Ordinance No. 2024-03 regarding Special Use Permit Application 1-SUP-2024**
Second
Discussion
Vote
- 8) **Motion to approve/deny Ordinance No. 2024-03 regarding Special Use Permit Application 1-SUP-2024 (add conditions if necessary)**
Second
Discussion
Vote

****No time constraints***

*****3-minute time limit***

ORDINANCE NO. 2024-03

ORDINANCE NO. 2024-03 WOULD GRANT A SPECIAL USE PERMIT (2024 SUP Application 01) FOR 161 CROSS STREET AND WOULD ALLOW A RESTAURANT, THE RETAIL SALE OF SNACKS, SODAS, BEER AND WINE FOR CONSUMPTION, ON AND OFF PREMISES, AS WELL AS A PROPOSED ARCADE AND BOARD GAMES. THE PROPERTY IS LOCATED IN THE B-1 ZONING DISTRICT AND CONSISTS OF +/-1.71 ACRES. [LOT 20A-17-8]

BE IT ORDAINED by the Urbanna Town Council 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.

This Ordinance shall take effect upon adoption.

Staff Report
2024-SUP Application-01

Location:	161 Cross Street
Property Owner:	Pickett Homes, LLC
Lessor:	N/A
Applicant:	Shawn Pickett
Request:	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
Acreage:	+/- .171 acres
Map:	20A-17-8
Zoning District:	B-1 for a depth of 80 feet from Cross Street; remainder R-1
Overlay District(s):	None
Use:	Two-story historically mixed-use building
Adjacent Composition:	Mix of Commercial and Residential Zoned B-1 for a depth of 80 feet from Cross Street; remainder R-1 or wholly R-1
Environmental:	This is a developed site and no exterior additions are proposed that would alter the land as it exists requiring any concerns to be addressed.
Comprehensive Plan:	General, Retail and Services

Supporting language for this request aligning to this designation follows:

Economic Goals and Objectives Goal: Expand the economic activities commensurate with the existing character and lifestyle of the local community.

Objectives: ... 2. Encourage a diversified, vibrant environment through mixed-use development, which combines residential, commercial and recreational functions. This follows a concept of a higher density, mixed use waterfront development. 3. Encourage light industrial uses (no nuisance problems) and commercial operations, especially those related to water and tourism related activities, in areas so designated on the Future Land Use Exhibit G. 5. Provide an environment for the types of employment that will sustain the local work force through their working years.

Zoning Compliance:

There are no setbacks or minimum lot sizes in the B-1 district. There is a 35-foot height restriction which a two-story building does not exceed. Various state agencies and contractors were contacted for comments on this case and none were received.

There is a provision in the Zoning Ordinance of Urbanna Virginia (ordinance) that requires new restaurants to have one parking space available for each three seats within the restaurant. The town does recognize that off street parking is difficult as a result of historic zero lot line construction which then prohibits off street parking. As no other restaurants in the area have been required to provide private parking spaces based on the number of seats made available Condition 9 is proposed.

The ordinance does not list specific concerns to consider when reviewing a Special Use Permit (light, noise, odor, etc). However, the ordinance recognizes the authority to impose conditions to mitigate adverse situations related to the general health, safety, and welfare of those on and about the property. The general health, safety, and welfare extends to the nature and condition of all adjacent uses and structures and the effect upon them by the use proposed. As this is an existing mixed-use area the proposed use can be considered generally compatible. The standards of consideration continue to consider impacts on the impairment of light and air. Conditions 6 addresses light. Condition 10 is offered for privacy and security of adjacent occupants although it will have some impact on air movement. Street congestion is noted and waived via Condition 9, but Condition 7 is designed to prevent sidewalk signage that impedes pedestrian traffic flow. Comprehensive Plan compliance is also a consideration and that is detailed above and, as noted, generally compatible. Preservation of land value is addressed and enhanced by way of general appearance (Condition 8). Thus, most conditions proposed are done so as to avoid nuisances such as Condition 5 (noise), Condition 2 (hours of operation as proposed by the applicant), Condition 5 (noise), and Condition 11 (odor).

Of particular note is conditions 3 and 4 as they relate to aspects of the use proposed. Board games and throwback video (arcade) games may be suitable, but skill games are of concern if only for the attention given them in recent General Assembly sessions. In addition, Condition 3 which is standard is detailed to adhere to youth protection standards. The remaining Conditions 1 and 12 are standard.

Suggested Permit Conditions:

- 1) Special Use Permit to operate an arcade and restaurant is granted to Pickett Homes, LLC represented by Shawn Pickett for a duration of time equivalent to the ownership of the property by Pickett Homes, LLC subject to the conditions imposed.
- 2) Operate between Noon and 9:00 PM three days a week (Thursday-Saturday) and on Sunday between Noon and 6:00 PM.
- 3) Comply with all local, county, state, and federal laws, rules and regulations concerning the conduct of its business to include, but not limited to, Virginia Department of Health and Virginia Alcohol Beverage Control Authority with particular compliance to alcohol service in the presence of underage persons.
- 4) As to Arcade operations, no game shall be offered that results in the award of monetary prizes in any form to include, but not limited to, cash, gift cards, or credit in any form.
- 5) To limit the amount of noise, no outside speaker system shall be utilized.
- 6) To limit light intrusion, 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) Signs shall be limited to 100 square feet total and must be incorporated (attached or painted) to the structure. No other signage is permitted.
- 8) Undertake and maintain efforts to keep the property in a clean and orderly manner.

- 9) Special Use Permit holder is relieved of the parking space requirements of Section 17.6.15 because of the inequity that enforcement of such a provision would create.
- 10) Erect privacy fencing around the perimeter of the commercial property excepting all areas subject to easements be they public or private. Such fencing shall be a minimum of 6 feet in height and made of uniform material (pressure treated wood or vinyl) with sections/slats flush to each other or support posts with finished side out.
- 11) Trash containers will be stored within the rear plane of the building shielded from public view.
- 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.



Special Use Permit Application Number _____

Town of Urbanna, Virginia

Application for Special Use Permit – Standard Form

The undersigned property owner or agent for the property owner, of the following property hereby applies for a Special Use Permit in accordance with Chapter 17, Urbanna Town Code, Article 9, Zoning Ordinance of Urbanna, Virginia.

Applicant / Property Owner Information

SHAWN PICKETT

Applicant Name

1207 Bach Lane

Midlothian

VA

23114

Applicant Address

City/Town

State

Zip Code

(804) 994-1163

Applicant phone number

Applicant fax number

You are the (X) property owner; () agent for the property owner.

Note: If you are the agent for the property owner written consent of the owner must be attached to this application.

SHAWN PICKETT

Property Owner Name

1207 Bach Lane

Midlothian

VA

23114

Property Owner Mailing Address

City/Town

State

Zip Code

(804) 994-1163

Property owner telephone number

Property owner fax number

Location of Property

161 Cross Street

Street Address

Tax parcel ID number

General Description of Property

Brick two storybuilding. There is an apartment upstairs and commercial downstairs. We renovated the building last summer/fall 2023.

Current Zoning District GB Tax Map 20A DC Lot(s) 8

Overlay District(s): Flood Zone Zone X () Zone AE Chesapeake Bay () RMA () RPA Historic District () Yes No

Existing Use(s) of Property

The upstairs served still served as an apartment. The downstairs we were told set vacant for over 25 years as it was once a hair salon. There was someone who lived in the studio in the back over 20 years ago as well.

Is this application a request to amend an existing special use permit?

Yes / **No**

If so, explain the amendment(s).

Describe the proposed change in use or change in structure(s) for the property.

We will offer arcade and board games for customers to enjoy while sampling Virginia/Regional brand snacks, sodas, beer and wine at first with eventually oysters and charcuterie board specials once the business grows to sustain a steady customer base.

Maximum Building Height(s) with Proposed Change No changes to Building heighty

Number of Dwelling Units/Density Calculations 1

Proffers, Restrictive Covenants, Deed Restrictions and Other Special Considerations

None available.

Does this property have any conditions attached to it from a previous application for a special use permit? If so, please list them here.

None available.

Demonstrate how the proposed special use will not negatively impact the surrounding properties or detract from the neighborhood character in terms of public health, safety, and welfare. How will such impacts be mitigated or avoided?

The surrounding properties will not be negatively impacted. The building was vacant and falling apart before we purchased and renovated the building. My wife and I are fully invested in this community to continue to improve it.

Attach a site plan / plot plan / survey plat showing location(s) of existing and proposed structures to be erected and applicable setback lines and distances including all zoning district requirements.

Notes

- (1) Special use permits are issued subject to approval of a site plan. Permits may be issued for either a limited or indefinite period of time and shall be revocable by the Town Council for failure to adhere to the applicable conditions. Unless otherwise specified, work must begin within one year and be completed within 2 and one-half years.
- (2) The Town Council may include, as part of the ordinance granting any special use permit, suitable regulations and safeguards as it may deem appropriate. Once a special use permit is approved subject to such conditions, they shall be deemed to be a part of the zoning ordinance and may be enforced by the zoning administrator. Conditions attached to a special use permit may only be amended or deleted by subsequent application for the purpose.
- (3) This permit shall expire and may be revoked if the work performed does not conform to the approved site plan and application (drawings/site plan/elevations), the conditions attached thereto, or other applicable regulations. The permit shall be revoked if the use made of the property does not conform to the use applied for and approved hereby.

- (4) This application for a special use permit must be accompanied by three (3) copies of any required site plans or plot plans. Plans are to be drawn to scale, showing actual dimensions of all existing and proposed structures/alterations.

Attach the Names and Addresses of All Adjacent Property Owners to this Application: *Please include lot numbers*

Applicant(s) Remarks:

Use a separate sheet if necessary.

Application Fee: A \$300.00 application fee for Level 1 applicants or \$1500 fee for Level 2 applicants must be paid to the Town of Urbanna. In addition, the applicant is responsible for the cost of advertising and for expenses of notifying the adjacent property owners. The application fee must be paid before any action is taken. The fee is non-refundable.

In making this application, the Applicant requests that the Town of Urbanna approve the location, modifications, or construction of the above proposed special use on the property described above.

<i>Shawn Pickett</i>	3/7/2024		
Property Owner Signature	Date	Applicant Signature (If Not Property Owner)	Date

If this application is not signed by the property owner, Agent hereby swears and affirms that he has legally sufficient power of attorney to obligate the owner for all matters relating to this application.

Agent Signature	Date

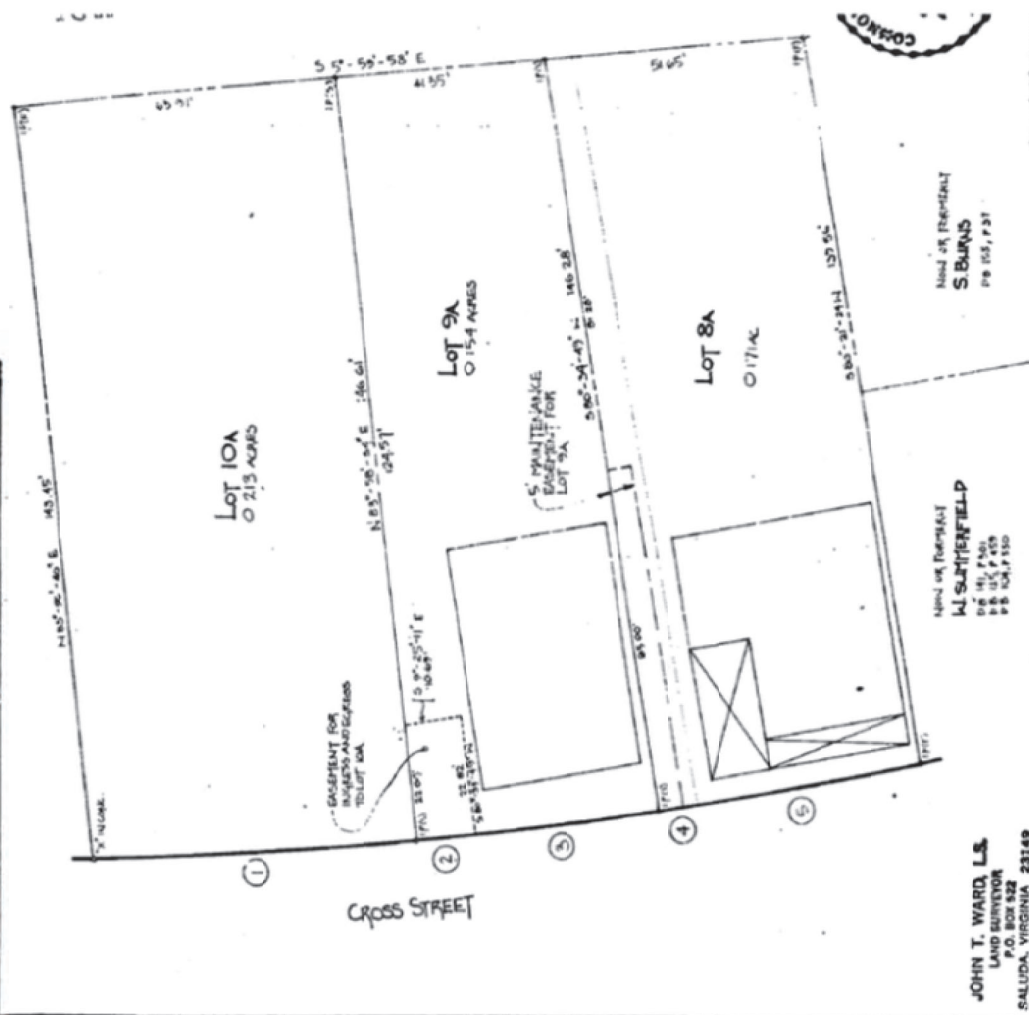
For Office Use by the Urbanna Zoning Administrator and the Planning Commission

Town Official Receiving Application	
Permit Level _____	Date
Fee paid \$ _____	Special Use Permit Application Number
Date Paid/Received by _____	
Actions Taken:	
Application returned for correction/additional information	Date
Public Hearing advertised	Date
Adjacent property owner notifications mailed	Date
Action by Planning Commission	Dates
Action by Town Council	Date
Additional Action - Describe	Date
Additional Action - Describe	Date



CLIQUE DATA TABLE

#	DELTA	RADIUS	LENGTH	TANGENT	CHORD	C. BEARING
1	3° 56' 31"	929.0'	65.92'	31.97'	65.91'	N 5° 08' 58" W
2	0° 44' 50"	929.0'	12.02'	9.02'	12.02'	N 2° 50' 21" N
3	2° 20' 55"	929.0'	31.99'	19.00'	31.99'	N 7° 05' 02" W
4	0° 25' 49"	929.0'	6.76'	5.49'	6.96'	N 9° 12' 43" W
5	2° 47' 35"	929.0'	45.28'	22.05'	45.28'	N 14° 11' 10" W



JOHN T. WARD, L.S.
 LAND SURVEYOR
 P.O. BOX 522
 SALUDA, VIRGINIA 23149

SUB OFFICE, 43-90



The Urban Oyster

Mission Statement

To provide all customers with a nostalgic experience focused on local brands and old school fun.

Business Overview

The Urban Oyster will offer 6+ classic arcade games (skee-ball, pinball, pacman, etc.) as well as tabletop games (cards, checkers, scrabble, etc.) for customers to enjoy while sampling local snacks and beverages. VA brands of prepackaged snacks, sodas, and beer/wine will be the focus at first with raw oyster and charcuterie board specials being prepared once we have a steady customer base for fresh ingredients daily. Our array of games, snacks, and drinks will ensure there's something for everyone to enjoy with snack specials and game nights (bingo, skeeball competition, etc.) offered during the busy months to further develop the community feel.

Environment

The atmosphere will be family friendly with appropriate music, décor, and activities for all ages. A large bar will be installed in front of the currently open kitchen area to allow for guest seating as well as a designated staff workspace. A few small lounge chair/table areas will also be set up as space allows once the games are delivered. A half bath will be available to customers and ample storage space exists between the store closet, garage, and back owners' area.

Operation Plan

We will be hiring 2-3 part time positions to ensure 2 staff members minimum each shift. More positions and hours will be added as the business grows especially during the summer months.

Hours of Operation

Mon-Wed... closed

Thurs-Sat... 12-9pm

Sun... 12-6pm

Marketing

We will use social media as well as print advertising to celebrate the grand opening and then a social media presence will be maintained with special events, offers, etc. The large windowfront on the right side of the store will be branded for easy visibility and ongoing advertisement.

Location

161 Cross Street, Urbanna, VA 23175

Demographic Customer

This unique experience will perfectly complement Urbanna's small community ambience while promoting local businesses by attracting foot traffic of all ages and types of locals and visitors.

Parking

There is ample street parking available which is what most local businesses rely on here but also a common graveled lot across the street that is rarely at capacity. If bicycling customers become common, we will then explore installing a bike rack option too.

From: t.costin@urbannava.gov
Sent: Wednesday, April 3, 2024 10:46 AM
To: 'Martha Rodenburg'
Subject: FW: Ordinance 2024-03 Special Use Permit SUB 01 for 161 Cross Street
Attachments: image0.jpeg; image1.jpeg; image2.jpeg

As discussed. Email and all attachments will have to go.

P. S. T. (Ted) Costin
Urbanna Town Administrator
POB 179
Urbanna, VA 23175
804.758.2613 ext. 202
Town of Urbanna

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-----Original Message-----

From: Bill Breeden <wrb.5656@gmail.com>
Sent: Tuesday, April 2, 2024 8:16 AM
To: T.costin@urbannava.gov
Subject: Ordinance 2024-03 Special Use Permit SUB 01 for 161 Cross Street

We are the neighboring property (151 Cross Street- Gray House) to 161 Cross Street.

Our concerns granting the permit are :

- 1- Parking- customer's blocking our driveway access- (photos attached) and parking for patrons is a general concern.
- 2-Privacy - due to the entrance way and close proximity to the proposed establishment.
- 3-Disturbing or excessive noise level
- 4- i Activity / loitering with alcohol on/off premises.
- 5- Increased traffic activity in general.

<blob:applewebdata://1fc35265-7839-4986-8036-de8172c5c51d/d3ab38ed-4ddd-43d2-8785-9766f648bd81>

<blob:applewebdata://1fc35265-7839-4986-8036-de8172c5c51d/e3e67fc5-78f9-4e82-9d42-85d28d8ee99b>

<blob:applewebdata://1fc35265-7839-4986-8036-de8172c5c51d/1d6ef791-2906-4d65-8849-e9d6684c4356>

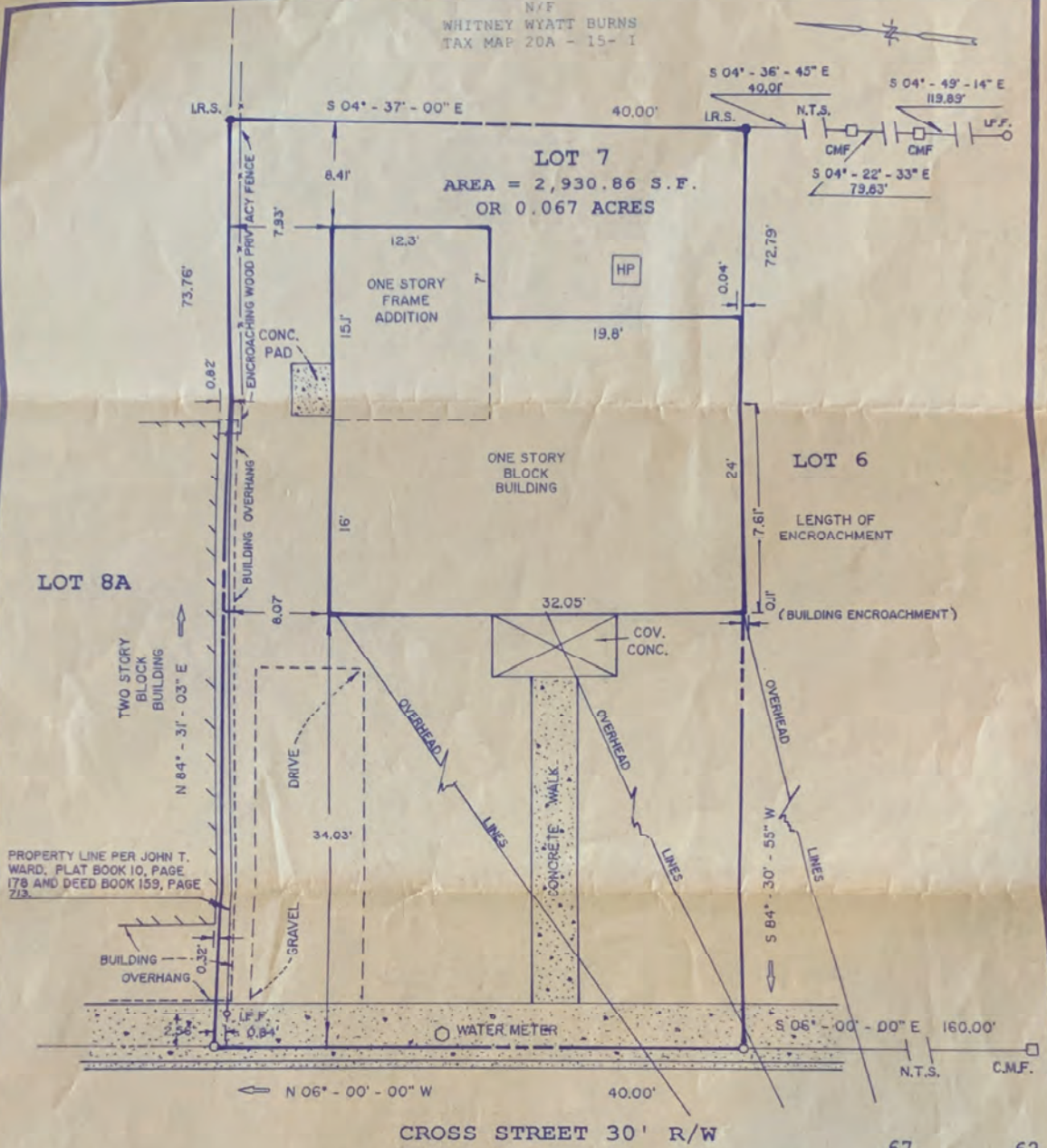
Respectfully submitted
Barbara P. Whitbeck
William R. Breeden

William F. Whitbeck (deceased).

Bill Breeden
757.423.1662



N/F
 WHITNEY WYATT BURNS
 TAX MAP 20A - 15- I



THE PROPERTY IS IN FLOOD
 ZONE "X", AREAS DETERMINED
 TO BE OUTSIDE THE 500-YEAR
 FLOOD PLAIN. PER COMMUNITY
 PANEL 510292 0001 A.
 PREPARED BY THE FEDERAL
 EMERGENCY MANAGEMENT AGENCY,
 EFFECTIVE DATE: NOVEMBER 3, 1989. ADDRESS: #151 CROSS STREET

	67	62
	177	404
DEED BOOK	96	132
PLAT BOOK	159	PAGE 713
	10	PAGE 178

COMMONWEALTH OF VIRGINIA
(Signature)
JAMES E. MITCHELL
 No 001452B
 2-23-90
LAND SURVEYOR
 REVISED: MAR 06, 1996

PLAT OF PROPERTY
 TO BE CONVEYED TO
WILLIAM F. WHITBECK
 BEING
LOT 7, BONNERS SUBDIVISION
 LOCATED: TOWN OF URBANNA,
 MIDDLESEX COUNTY, VIRGINIA
 DATE: FEBRUARY 23, 1996 SCALE: 1" = 10'

MITCHELL - WILSON ASSOCIATES, P.C.
CIVIL ENGINEERS & LAND SURVEYORS
 720 MAIN STREET, SUITE 112, 2ND FLOOR, P.O. BOX 1269
 WEST POINT, VIRGINIA 23181 (804) 843-9744



t.costin@urbannava.gov

From: John Greenwood <jegurbanna@yahoo.com>
Sent: Tuesday, April 2, 2024 11:35 AM
To: t.costin@urbannava.gov
Cc: Joe Heyman
Subject: 390 Cross Street

Hi Ted

I received the letter yesterday, April 1 on the request for the arcade, restaurant, with what I understand will also be beer and wine sold on and off site at 390 Cross Street. I am for business in the Town of Urbanna. I do have a few concerns on noise, trash, and for me the parking. With only street parking this will have to use parking in front of adjoining residential homes. Also, I do not want to have to police the parking lot for my tenants and their customers that use Cross Street. We have parking for the office space in our building but not for other businesses. What assurance can we have that this will be enforced?

Thank you for your help on this matter,
John Greenwood
Cross Street Business Center
Sent from my iPhone

From: Zack Lapinski <zacklapinski69@gmail.com>
Sent: Monday, April 1, 2024 2:20 PM
To: t.costin@urbannava.gov
Subject: Zoning case concerns 4/1/24
Attachments: Recorded Easement 167 and 161 Cross Street.pdf

Good Afternoon,

Thank you for connecting with me last Friday, I enjoyed our conversation. I had some concerns with this Zoning case, I wanted to share some high level ones, there are more than just what is below. I don't want to put you in a bind, happy to chat on the phone prior to submitting it to your staff report.

1) How is parking going to be addressed? Right now, parking is only allowed on the Right side of the road, and off street. 161 Cross has 1 off street spot, how is this going to be addressed and handled? We (167 Cross Street - Ada's Place) have a recorded maintenance easement that runs between 167 and 161 that will not be quitclaimed. If off street parking is required, how will this be handled? How will the town protect the residence for their public parking already existing on the street? How will the traffic be impacted and addressed? See exhibit attached showing the easement from 161 to 167 Cross Street. If parking is approved a new survey, approved parking construction plans, record plat, landscaping/fencing plan, etc should be approved by the governing body and provided to the public. This will hold the 161 Cross Street landowner legally obligated to perform such tasks that would be conditions.

2) How will drainage concerns be addressed if an off street parking is allowed and approved for this residence? If the drainage plain is changed, what SWPP actions are being taken place as a condition to ensure neighboring water does not sheet flow onto the surrounding properties? This is a requested condition of the owner of 161 Cross Street if approved.

3) There are a large amount of residence around this area, what will be address for their privacy? Privacy fencing, if this case is approved, would be appreciated to be installed on all neighboring and shared property lines to insulate the business from the residence, and protect the residence from the proposed bar clients. This produces not only a privacy, but a safety mechanism from people materials being stolen, broken, damaged, etc. I would propose the deeded easement, as well as shared property lines be incased in privacy fence to protect the landowners and residence of the property from the above examples. This would be a requested condition if approved, provided to the landowners, paid for my the rezoning person/company, with a sunset day of installation.

4) Land value will dip due to a restaurant/bar/arcade entering the residences of the area, how will this be addressed? Will a decrease tax value be provided or credits to the abutting landowners?

5) A new Recorded survey for all abutting landowners should be supplied to neighboring units due to the special use permit changes, this will allow all abutting homeowners the right for legal documentation of the zoning classification change, this should be supplied to the landowners from the rezoning person/company (161 Cross Street) as a condition. This would be a requested condition if approved.

6) The Public Walk and Aprons on 167 and 161 Cross Street do not seem to be in spec and code, will these be addressed by the owner/rezoner of 161 Cross Street to address these as a condition to provide a safe walking travel lane for their clients? These Clients will be walking past residential units, I want to ensure I am not held of any legal action if someone is harmed due to these being out of spec. This would be a requested condition if approved.

7) Landscaping Buffer and Landscaping upkeep should be required by this property owner if the special use is approved. They should have to provide an action plan to supply a safe, clean, and well buffered/maintained area to provide the neighboring privacy and intrinsic property value. This would be a requested condition if approved.

Happy to catch up on a phone call today, sorry I missed you earlier I just hopped outta a meeting.

Talk soon,
Zack Lapinski
804-221-7247

t.costin@urbannava.gov

-----Original Message-----

From: Roxane Jones <mroxanejones_60@icloud.com>

Sent: Thursday, April 4, 2024 2:33 PM

To: t.costin@urbannava.gov

Subject: New cross street Business

Sent from my iPad

I am emailing concerning the new business application on Cross Street, I am very concerned about parking issues and safety on this street. There are residential homes that are really close to have a bar and games the noise alone. I own a business in Cross Street Business And we already have parking issues even with our small parking lot. Also the side of the street that is no parking needs the curbs repainted. I'm very concerned!



Agenda Item Summary
April 11, 2024

Agenda Item: 6-Reports

Town Administrator-Ted Costin (report attached)

Treasurer Report-Michele Hutton (report attached)

Water Committee-Mayor Goldsmith

Finance Committee-Mayor Goldsmith

Planning Commission-Councilmember Merri Hanson



TOWN OF URBANNA

390 VIRGINIA ST. SUITE B, PO BOX 179, URBANNA, VA 23175
PHONE: 804-758-2613, FAX: 804-758-0389

To: The Honorable Mayor and Members of the Town Council
From: P. S. T. (Ted) Costin, Administrator
Date: April 4, 2024
Subject: Monthly Report – April 2024

I met with citizens, council members, and professionals in various combinations regarding the FY 24-25 budget, water project, Taber Park project (with Council Member Sturgill), zoning enforcement concerns, cat project, comprehensive rezoning, the museum, and public access for Watermen (with Council Member Chowning).

Meetings and much discussion involving many persons has taken place concerning July 4th events. Council has rescinded of the Fireworks contract on its' agenda and a proposed schedule may be available at the meeting as contemplated by the committee. There are several activities being worked and little settled, but all are moving forward in consideration of the budgeted amount reserved for the Fireworks.

As of this writing the Governor had not acted on the Short-Term Rental legislation. I will know more after the veto deadline which is prior to your April 11 meeting.

As to the purchase of the current town offices, the Town Attorney is coordinating with the sellers' attorney as to title and other matters, but the required time since filing in the Circuit Court Clerk's Office has run.

A bid was accepted to bring electrical service to the concession stand at the pool up to code. Also, security camera installation for all three sites in Phase I, which includes the pool, is underway.

I have been in contact with Verizon and elevated the delay in having Dominion's old power poles cleared of lines so the old poles could be removed. I have been assured the project will be scoped by April 9.

My efforts to engage VCU with the Comprehensive Plan have not successful. I do have a colleague who has expressed interest in the project and await a proposal for council's consideration, but I have also reached out to ODU which offers a Certificate in Urban Studies.

If you have any questions or concerns, please bring them forward.

Thank you.



Treasurer's Report

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

Account Balance thru 2/29/2024	Prior Year	Prior Month	Statement Date
	2/28/23	1/31/24	2/29/24
Primis Bank General Operating Bank Account	834,760.97	921,502.25	959,677.59
Renter Water Deposits	-19,451.66	-16,326.66	17,226.66
Net Operating General Bank Account	826,030.29	922,993.92	956,238.66
C&F Bank Historic Trust (new 3/1/2023)	(Truist) 32,285.77	47,295.41	48,262.05
C&F Bank - Water Fund Reserve (11 mo CD) 1/17/24	114,622.39	115,433.93	Interest 4/15/24
C&F Bank - General Fund Reserve (11 mo CD) 1/17/24	95,080.68	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 Water Fund Reserve			Closed 1/17/24
Primis Bank General Fund Reserve			Closed 1/17/24
Primis Bank DMV	100.00	1,101.22	3,079.58
Primis Bank USDA Well Replacement-new 10/14/22	2,502.85	2,509.81	2,510.41
Taber Trust – Account Value	871,833.31	932,715.71	962,972.60
Taxes listed below are collected for prior month(s)	2/28/23	1/31/24	2/29/24
Meals Tax collected in February	2,294.10	21,041.61	10,765.55
Lodging Tax collected in February	2,851.18	4,112.77	681.66
Cigarette Tax collected in February	417.09	577.22	618.19

EXPENDITURES:

- \$

REVENUE as of 2/29/2024

- 2/5/24 Received \$100,000 from UBI for pool donations

Delinquent as of 3/11/2024:

Real estate - \$8,615.11

Personal Property - \$12,825.06

Comparison for 2023/2022

Collected Real Estate:

- 2023 - \$254,344.86
- 2022 - \$254,513.61

Delinquent RE:

- 2023 - \$5,875.70
- 2022 - \$3,573.10

Collected Personal Property:

- 2023 - \$10,069.78
- 2022 - \$13,835.06

Delinquent PPT:

- 2023 - \$488.51
- 2022 - \$264.21

Oyster Fest Meals Tax :

Every vendor paid - no outstanding

- 2023 - \$18,003.90
- 2022 \$16,860.21

March 7, 2024
11:02 AM

Lodging Tax

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: 03/07/24
Subtotal CAFR: No

Account No	Description	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
100-12100-0001	Lodging Tax									
22357.80		4520.69	3970.51	3693.25	1955.01	2909.03	514.88	4112.77	681.66	0.00
Fund Total		4520.69	3970.51	3693.25	1955.01	2909.03	514.88	4112.77	681.66	0.00
Grand Total	Count: 1	4520.69	3970.51	3693.25	1955.01	2909.03	514.88	4112.77	681.66	0.00

March 7, 2024
11:01 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: 03/07/24
Subtotal CAFR: No

Account No	Description	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
100-12110-0001	Meals Tax - Local									
128336.54		25538.77	18916.41	17037.21	14135.62	15123.86	5777.51	21041.61	10765.55	0.00
Fund Total		25538.77	18916.41	17037.21	14135.62	15123.86	5777.51	21041.61	10765.55	0.00
Grand Total	Count: 1	25538.77	18916.41	17037.21	14135.62	15123.86	5777.51	21041.61	10765.55	0.00

Water Sales

March 7, 2024
10:56 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: 03/07/24
 Subtotal CAFR: No

Account No	Description	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr
500-17010-0001	Water Sales Charges										
259466.63		6051.18	54319.81	20768.56	52703.73	14894.81	46378.62	12287.71	52062.21	0.00	0.00
Fund Total											
259466.63		6051.18	54319.81	20768.56	52703.73	14894.81	46378.62	12287.71	52062.21	0.00	0.00
Grand Total	Count: 1										
259466.63		6051.18	54319.81	20768.56	52703.73	14894.81	46378.62	12287.71	52062.21	0.00	0.00



Agenda Item Summary

April 11, 2024

Agenda Item: 9a-Wifi Provided by the Town of Urbanna - Acceptable Use Policy

Background: To protect the Town from unauthorized use of the high-speed internet services provided to residents and customers, to protect the Town from copyright infringement and possible law suits.

Fiscal Impact: None

Staff Recommendation: Approve

Council Action Requested: Yes

Sample Motion: Motion to approve the Wifi Provided by the Town of Urbanna-Acceptable Use Policy

1 **Wi-Fi Provided by The Town of Urbanna**

2
3 This service enables people visiting the Urbanna Town Hall, the Urbanna Town Marina
4 and the Urbanna Museum to access the Internet through their own wireless-enabled devices, such
5 as laptops and PDAs. There is no charge for this service, however, customers must have their own
6 equipment, wireless card, software and agree to the Acceptable Use Policy.

7 Citizens are discouraged from conducting confidential transactions (such as online
8 banking, credit card transactions, etc.) over any public wireless network.

9
10 **Acceptable Use Policy**

11
12 I understand and agree to comply with all of the following conditions, without exception
13 or right to appeal.

14
15 1. My use of the Town’s wireless Internet access is a privilege. My failure to comply with these
16 procedures in their entirety can result in revocation of these privileges from as little as one day to
17 permanent loss, at the reasonable, legal discretion of any Urbanna Town staff member.

18
19 2. The Town may change these policies at any time and without notice. I agree to comply with
20 such modified policies as an integral part of my conditions of use. My failure to read and/or
21 understand these conditions in their entirety does not constitute an acceptable reason for my failure
22 to comply with them. No Town staff member may alter or waive any condition of this Acceptable
23 Use Policy.

24
25 3. I may not access sexually explicit sites or display sexually explicit materials on any device I
26 connect to the WiFi. I agree to this condition, whether or not filters are effective in blocking such
27 sites. I will cease my use of the WiFi and leave immediately if asked to do so for violating this
28 condition.

29
30 4. I will not violate any local, state or federal statute regarding copyright, pornography or
31 obscenity. My use of the WiFi and my use of my station to reproduce information or data files is
32 my acknowledgement of my responsibility for compliance with all copyright laws.

33
34 5. I will comply with all other local, state and federal laws, as well as Town policies and
35 procedures.

36
37 6. The Internet contains information, both written and pictorial, that may be offensive or harmful
38 to me or to others. The Town does not supervise children's use of the Internet and such use is a
39 parent/guardian's exclusive responsibility. I, therefore, release and hold harmless the Town of
40 Urbanna from any and all liabilities whatsoever associated with my or my child’s exposure to any
41 information, machine-readable file, picture or graphical representation I may encounter while
42 using Town WiFi, or while in the presence of others using it.

43
44 7. I create, store and use personal files/electronic documents at my own risk, whether created,
45 accessed or stored locally or remotely. I agree that the Town is not responsible for the loss or

46 damage to such local or remote personal electronic documents, or the diskettes, files or any other
47 media upon which they are stored. These conditions apply to all media that I bring into a WiFi
48 access point or that I purchase from the Town.
49

50 8. WiFi is a public-use network. I am fully responsible and assume all risks for any breaches of
51 security to, or violation of, my privacy that may arise from my use of the WiFi. In particular, I
52 acknowledge and agree that my use of this network involves the transmission of radio signals from
53 my device to the Town's wireless transceivers, during which time unauthorized parties may
54 intercept such signals. I further acknowledge and agree that unauthorized third parties also may
55 intercept my data stream at any other point along the Town's network, as well as on the Internet
56 itself.
57

58 9. I agree to use the WiFi "as is." Town staff cannot provide assistance in configuring my
59 equipment or diagnosing its performance other than furnishing current Town published
60 documentation.
61

62 10. The Town may set reasonable limits on my use, including, but not limited to, bandwidth,
63 session lengths and total usage time.
64

65 11. The Town's Web pages contain links to other Web pages. The Town does not control the
66 content of such linked pages nor is the Town responsible for the accuracy of the information on
67 such pages.
68

69 12. Users are responsible for running up-to-date anti-virus software on their wireless devices.
70

71 13. Users should be aware that connecting to the Internet by using the WiFi can expose their
72 devices to worms, viruses, intrusions, packet-sniffing, and other abuses by third-party bad actors.
73

74 14. Connecting to "Peer to Peer" file sharing networks is prohibited.
75

76 15. Attempting to circumvent or subvert system security measures is prohibited. Running
77 programs designed to find or create security loopholes, decrypt intentionally secured data, or gain
78 unauthorized access to any system is prohibited.
79

80 16. Forging the identity of a user or machine in an electronic communication is prohibited.
81

82 17. Spamming or phishing or spoofing while using the WiFi is strictly prohibited. Attempting to
83 decode or obtain restricted passwords is also prohibited.
84

85
86 Definitions:

87
88 Access (noun): The act of any user's displaying of, downloading through or uploading to the Town
89 Wireless Network of any digital or analog data, as well as any willful attempt of any such activities.
90

91 Access (verb): To establish, or to attempt to establish, a connection to the Town Wireless Network.

92
93 Town Wireless Network (“WiFi”): The physical and logical components that constitute the Town
94 furnished system that allows a user to connect to the Internet through wireless technology,
95 currently WiFi, but including any future connection means.

96
97 Town Wireless Internet Access: Any willfully established connection to the Town Wireless
98 Network, whether to access the Internet or to use any network asset.

99
100 Town Wireless Network (“WiFi”): A synonym for the Town Wireless Network Device: Any
101 customer-operated hardware component that serves as a display or presentation fixture while using
102 the Town Wireless Internet Access. “Devices” can include, but are not limited to, laptop and
103 desktop computers, hand-held computing devices, such personal digital assistants and intelligent
104 phones, audio devices such as MP3 players and iPods.

105
106 Use (noun): Same as “Access (noun)” above.

107
108 Use (verb): Same as “Access (verb)” above.

109

110

111



Agenda Item Summary April 11, 2024

Agenda Item: 9b- Trash Collection Contract

Background: In closed session at your last work session three proposals were brought forward. After consideration of cost and performance, staff was directed to request of Laneview Environmental a contract which reflected the following:

Initiation July 1, 2024,
Annual fee of \$90,600,
Year round once a week pickup, and
Seasonal pickup April 1 - November 8.

The vendor will extend seasonal pickup one additional week to November 11 and there are no significant alterations in terms or services compared to those of the last several years. All members of staff to include the Town Attorney have reviewed the contract.

Fiscal Impact: \$90,600 annual paid monthly beginning July 1.

Staff Recommendation: Enter into the contract before you with Laneview Environmental for trash collection services.

Council Action Requested: Authorize the mayor to execute on behalf of town council the contract before you with Laneview Environmental for trash collection services.

Sample Motion(s): I move to authorize the mayor to execute the contract before us this evening with Laneview Environmental for trash collection services.

AGREEMENT FOR SOLID WASTE COLLECTION SERVICES

THIS AGREEMENT is dated as of the of ____ day of April 2024, by and between the Town of Urbanna, a municipal corporation of the Commonwealth of Virginia (the "Town") and Laneview Environmental, a Virginia corporation ("Laneview Environmental").

That in and for consideration of the mutual covenants hereinafter set forth, the receipt of which is acknowledged, the parties agree as follows:

SECTION I: WORK

Laneview Environmental shall complete all work as specified or indicated in the Contract Documents. The Work is generally described as follows:

- Laneview Environmental shall provide all labor and equipment to conduct twice weekly collection of residential solid waste within the corporate limits of the Town on Tuesdays and Fridays from July 1, 2024 to the November 8, 2024 of each year and weekly collection of residential solid waste within the corporate limits of the Town on Tuesdays from November 11, 2024 through March 31, 2025. In the event of an extreme weather event (including but not limited to snow and ice), Laneview Environmental will not provide refuse collection, but will use best efforts to resume refuse collection as soon as possible.
- Laneview Environmental shall collect at each collection all refuse acceptable for collection including but not limited to garbage, food containers, paper, cloth, floor covering, rubber, leather, toys, small appliances, newspapers, magazines, cardboard, yard, and bagged garden trimmings (including bagged leaves), and items of wood, metal and plastic that are placed in the garbage cans and located at the curb. There is a limit of two cans per residence with a maximum weight limit of 50 pounds.
- Refuse unacceptable for collection shall include building materials, brick, masonry, drywall, dirt, structural lumber, furniture, mattresses and bed springs, large appliances, tires, automotive batteries and parts, sheet metal, animal carcasses, human and animal waste, and hazardous substances such as poisons, acids, caustics, explosives, and containers of flammable liquids.
- Refuse collection shall be made between the hours of 8 a.m. and 5 p.m.

SECTION II: PERFORMANCE STANDARDS

- Laneview Environmental shall complete all collection activities in a prompt and courteous manner.
- Laneview Environmental shall complete all collection activities in a neat and orderly manner.

- Laneview Environmental shall generally begin collection during morning hours, but in no case shall collection begin prior to 8:00 a.m.
- Laneview Environmental shall collect from all trash cans owned by residents of the Town of Urbanna.
- In the event that Laneview Environmental fails to collect from any customer during the time of collection on a scheduled collection day, Laneview Environmental will return to make the collection provided that Laneview Environmental is notified by the Town by 4:00 pm. on that day. If Laneview Environmental fails to return on that day, or if notification of a missed collection is not provided by 4:00 pm., then Laneview Environmental will return and make the collection on the following business day.
- Laneview Environmental shall maintain collection vehicles in a safe and properly working manner so as to provide for safe and efficient operation and to avoid any leaks and spills of refuse or mechanical fluids. Laneview Environmental shall ensure that vehicles are maintained according to standards of cleanliness as may reasonably be required by the Town. Spills and leaks from collection vehicles shall be immediately cleaned from streets, alleys, and driveways. Vehicles shall at all times comply with applicable state and local inspection and licensing requirements.
- Laneview Environmental shall maintain adequate records indicating the time and date of collection operations, and the weight of refuse collected. Reasonable requests by Town to verify weight collected shall be honored by Laneview Environmental.

SECTION III: CONTRACT TERMS

- The term of this agreement shall be for a period of one year commencing on July 1, 2024 and concluding on June 30, 2025.

SECTION IV: CONTRACT PRICE

- In consideration of the services herein mentioned, Town agrees to pay Laneview Environmental the annual amount of at the rate of \$90,600.00, which will be invoiced monthly in the amount of \$7,550.00

SECTION V: PAYMENT PROCEDURES

- Payment shall be made in equal monthly installments upon presentation of a bill for services to the Town Treasurer. Bills should be presented on or before the 25th of every month for approval and payment on the first Friday of the next month.
- If during any month Laneview Environmental fails to provide work in accordance with this Agreement, the Town may reduce the amount of payment by an amount proportional to the reduction in work performed by Laneview Environmental, or by an amount equivalent to the actual cost of replacement collection service, whichever is greater.

ARTICLE VI: LANEVIEW ENVIRONMENTAL'S REPRESENTATIONS

- Laneview Environmental has examined and carefully studied the Contract Documents.
- Laneview Environmental has visited the Town and environs and become familiar with and is satisfied as to the general, local, and site conditions that may affect cost, progress, performance or furnishing of work.
- Laneview Environmental is familiar with and is satisfied as to all federal, state, and local laws and regulations that may affect cost, progress, performance and furnishing or the work.
- Laneview Environmental will comply with all federal, state, and local laws and regulations.

SECTION VII: CONTRACT DOCUMENTS

- The Contract Documents which comprise of the entire agreement between the Town and Laneview Environmental concerning the work of the following:
 - This Agreement;
 - Certificate of Insurance; and
 - Contractor's Proposal documents.

These documents are attached to this Agreement and specifically incorporated by reference. There are no other contract documents other than those listed above.

SECTION VIII: AMENDMENTS

- This Agreement may be amended to provide for additions, deletions and revisions in writing and signed by mutual consent of the parties.
- After the first 12 months either party to this Agreement may request to renegotiate the contract price and the other party shall not delay in accommodating a reasonable and justifiable amendment to the contract price in accordance with section 8.. Any amendments to contract price must be finalized by June 1 of each year for incorporation into the Town's next fiscal year budget.

SECTION IX: INSURANCE AND INDEMNIFICATION

- Laneview Environmental shall defend, indemnify, and hold harmless the Town from any claim, loss, liability, cost, or expense that results from Laneview Environmental's activities.

- Town shall hold harmless Laneview Environmental from any claim, loss, liability, cost, or expense that results from Town's activities if said claim, loss, liability, cost, or expense is the result of Town's grossly negligent acts and/or omissions.
- Laneview Environmental shall defend, indemnify, and hold harmless the Town from any claim, loss, liability, cost, or expense that results from Laneview Environmental's breach of this Agreement.
- Town shall hold harmless Laneview Environmental for any claim, loss, liability, cost, or expense that results from the Town's breach of this Agreement.
- Laneview Environmental shall carry general commercial liability insurance in an amount of not less than \$1,000,000.00, motor vehicle insurance and worker's compensation insurance in an amount mutually acceptable to the parties. Certificates of insurance shall be filed with the Town annually.

SECTION X: WARRANTY

- Laneview Environmental warrants that this work will be performed in accordance with the Contract documents and accepted industry standards.
- Whenever the Town believes that Laneview Environmental is not meeting the obligations of this Agreement, the Town will notify Laneview Environmental in writing. Laneview Environmental shall have five (5) days to respond to the Town's notice. The response shall be in writing and shall explain why Laneview Environmental disagrees with the Town or explain how the obligations of this Agreement will be met or how the complaint will be resolved.

SECTION XI: EQUAL OPPORTUNITY

- Laneview Environmental shall comply with all state and federal laws pertaining to nondiscrimination in employment and the workplace.

SECTION XII: MISCELLANEOUS

- The parties agree that there shall not be any third-party beneficiaries of this Agreement.
- If any provision of this Agreement is held to be invalid or unenforceable, such provision shall be modified consistent with the original intent of the parties to be enforceable, and the remainder of the Agreement shall remain in full force and effect.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

IN WITNESS WHEREOF, the Town and Laneview Environmental have affixed the signatures of their duly authorized representatives. All portions of the Contract Documents have been identified and acknowledged by the Town and Laneview Environmental.

Town of Urbanna
(William T. Goldsmith, Mayor)

Date

Laneview Environmental, LLC
(James Boone)

Date

PROPOSED

Agenda Item Summary
April 11, 2024

Agenda Item: 9c-Contract for Fireworks-rescind

Background:

As you know from previous verbal reports the insurance issue was not favorably resolved. As the contract was not fully executed and all parties have been advised of the status, a formal closure of the issue is appropriate.

Fiscal Impact: \$14,860 across current and next Fiscal Year budgets.

Staff Recommendation:

Rescind action to approve contract with Francisco Display Fireworks, LLC.

Council Action Requested:

Act to rescind contract with Francisco Display Fireworks, LLC.

Sample Motion:

I move to rescind the contract with Francisco Display Fireworks, LLC as agreement could not be reached among all involved due to insurance concerns.