



**Urbanna Town Council
Public Hearing
Monthly Meeting
AGENDA
Town Council Chambers
390 Virginia Street, Suite B
Thursday, September 22, 2022 7:00PM**

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Approval of Agenda
5. Presentation
 - a. Rosabeth Rennolds
6. Public Hearing-Request for Special Use Permit-Lot 20A-1-113 (41 Oyster Road)
 - a. Presentation by Roy Kime, Zoning Administrator*
 - b. Presentation by Applicant-Lewis Hall
 - c. Open Public Hearing (3 minute time limit for citizens)
 - d. Close Public Hearing
 - e. Action: Special Use Permit-Lot 20A-1-113 (41 Oyster Road)
7. Minutes
 - a. August 11, 2022*
8. Reports
 - a. Town Administrator
 - b. Treasurer's Report*
 - c. Finance Committee
 - d. Pool Committee
 - e. Planning Commission
 - f. Water Committee
9. Public Comment
10. Public Comment Response Period
11. Old Business
 - a. Kayak Trail Update*
 - b. Sale of Old Town Hall
12. New Business
 - a. Ordinance22-03 Clutter Ordinance-Proposed*
 - b. Oyster Festival 2022-Master Plan*
13. Adjourn

*Document included in meeting packet

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**Agenda Item Summary
September 22, 2022**

Agenda Item: #4-Approval of Agenda

Fiscal Impact: NA

Staff Recommendation: Approve

Council Action Requested: Yes

Sample Motion(s):

Motion to approve agenda as presented

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Agenda Item Summary September 22, 2022

Agenda Item: 5-Presentation

Council Action Requested: None

The following presentation will be made:

Rosabeth Rennolds

The Town Council would like to thank Miss Rennolds for taking it upon herself to pick up litter in Taber Park and present her with a token of their appreciation.

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**Agenda Item Summary
September 22, 2022**

Agenda Item: #6-Public Hearing-Request for Special Use Permit-Lot 20A-1-113 (41 Oyster Rd)

Background: See attached staff memorandum

Fiscal Impact: Real estate tax generated from improved property

Staff Recommendation: Approve

Council Action Requested: Yes

Sample Motion(s): See attached staff memorandum

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September 22, 2022

MEMORANDUM

To: Town Council Members

From: Roy Kime - Zoning Administrator

Subject: Special Use Permit – Oyster Road Docks LLC c/o Lewis Hall

Application Number: SUP #22-01

Location: 41 Oyster Road

Property Owner: Oyster Road Docks LLC, c/o Lewis Hall

Request: For a special use permit to allow for the construction of a residential dwelling structure within a B-2 zoned district.

Map: 20A – 1 –113 -

Zoning District: B-2

Flood Zone(s): Zone X & Zone AE

Overlay District(s): Chesapeake Bay/Resource Protection Area (RPA)
Historic District

Previous Use: Property has not been in use, but did have a 12' x 18' structure.

Adjacent Owners Notified: Yes

Hearing Advertised: Yes

Adjacent Land Uses:

North –Primarily residential dwellings Oyster Road Condominiums

South – Parking lot for Marina and restaurant

West – Parking lot and residential

East – Urbanna Creek (water)

Environmental: There are no wetlands, native plant life, rare plants, threatened or endangered plants or animals. The lot does abut Urbanna Creek.

Code Reference: Section 17-4.7.1 provides the purpose of the B-2 Special Waterfront Mixed Use district is to encourage a higher density use of land areas adjacent to and/or overlooking water, and encourage a range of compatible and complimentary mixed uses, in such a manner that is public and pedestrian oriented, and a strong generator of public and semi-public activities.

Section 17.4.7.2.1 (1) specifies any principal building permitted by right in an R-2 zoning district (High Density Residential) is permitted within a B-2 zoned district as long as a special use permit for such use is obtained. Section 17-4.4.2 (1) says that one of the permitted uses by right within an R-2 district are those building and uses permitted by right an R-1 (Low Density Residential District.)

Finding: The Code provides for the construction and use of a residential structure in the B-2 district by Special Use Permit. For the past several years this lot has been vacant with the exception of a legal, non-conforming structure (12' by 18') used as an office for a fuel storage facility, which has been removed for some time. The legal, non-conforming structure was built and used prior to the adoption of the zoning code and is thus grandfathered in at its size and location. This legal, non-conforming structure was demolished within the last 3 months with the intent to reconstruct it after the bulkhead and dock were completed.

There will be no apparent negative impacts to adjoining properties.

Staff Comments: If the applicant is approved for an SUP to construct a residential dwelling, the 12 by 18' structure that was demolished may only be reconstructed and used as an accessory structure to the residential dwelling. There cannot be two main structures on a lot. Staff recommends that several conditions be placed on the special use permit, if it is to be granted. These conditions will help clarify and limit the Special Use Permit. Those conditions are included in the proposed motion for approval below.

Prior action by Planning Commission:

After a public hearing, which was properly noticed and conducted on August 31, 2022, with all Planning Commission members in attendance, the Planning Commission, by a unanimous vote passed the following motion, with attached condition, as its recommendation to the Town Council as required by Section 17-9.4(a) of the Town Code.

Because the Planning Commission finds that after notice and hearing as required herein, that the proposed special use permit for 20A-1-113, 41 Oyster Road will not adversely affect the health, safety, or welfare of persons residing or working on the premises or in the neighborhood, will not unreasonably

impair an adequate supply of light and air to adjacent property, nor increase congestion in the streets, nor impair the character of the district or adjacent districts, nor be incompatible with the Comprehensive Plan nor be likely to reduce or impair the value of buildings or property of surrounding areas, but that such establishment or use will be in accordance with Chapter 17 of the Urbanna Town Code; therefore the Planning Commission of the Town of Urbanna recommends to the Urbanna Town Council approval of Special Use Permit Application #22-01 with the following conditions:

1. Consistent with Section 17-3.2, the applicant shall only construct the residential dwelling on the lot of record and in no case shall there be more than one main building on the lot.
2. Consistent with Section 17-13.2, any accessory building or structure is subordinate to or a portion of the main building shall not be constructed prior to the construction of the main building.
3. Consistent with Section 17-18.11 any expansion to a non-conforming structure shall require a separate special use permit. If reconstruction or expansion of the prior non-conforming structure is not commenced within two years of the date of this special use permit, the non-conforming structure status shall expire.
4. The applicant must furnish the Town of Urbanna with evidence of connection to town sewer and water systems before construction is completed.
5. Once the property is dedicated for use as a residential dwelling, no commercial uses shall be permitted on the property, except a home occupation.
6. The residence to be constructed, as well as any accessory structures in a B-2 zoned district, are also within overlays districts, including but not limited to Historic district overlay and Chesapeake Bay district overlays. Applicant must comply with all rules and regulations of all applicable districts and obtain appropriate approvals before further zoning approvals will be considered.
7. Applicant will comply with all Town of Urbanna, County of Middlesex, Commonwealth of Virginia and federal laws and ordinances.
8. Prior to construction, the applicant must submit and receive approval from the Zoning Administrator as to the design, color scheme and materials to be used for the residential dwelling to ensure neighborhood compatibility.
9. Construction of the primary residence shall commence within two years of the date of the issuance of this special use permit or this special use permit shall automatically expire.
10. Outdoor construction activity may only occur Monday through Friday between the hours of 8:00AM and 5:00PM. During construction, the applicant will ensure that trash and debris are not scattered about on the property.
11. Lighting shall be dark sky compliant and shall be downward facing.
12. There shall be no music or other sound that is audible beyond twenty feet of the property line.
13. Two parking spaces shall be provided on the lot.
14. The applicant shall cooperate with the Town of Urbanna and the recordation of this special use permit in the Middlesex County Circuit Court.

Required Action by the Town Council

Section 17-9.3 Procedures, Site Plan Required

The approval of a special use permit shall be made by the Town Council upon recommendation from the Planning Commission after filing an application for a special use permit with the (zoning) Administrator. along with a site plan as required in Article 12 of this chapter, after a public hearing held in conformity with Section 15.1-431 of the Code of Virginia (replaced by Section 15.2-2204)

Staff Comment

Section 17-12.7.1 does not require a site plan be submitted at this time. A Site plan will be required however when the applicant makes application to the Historical Architectural Review Board for a certificate of appropriateness and again when applicant files an application for zoning approval prior to obtaining a building permit.

Section 17-9.4 Review Process

For approval of a special use permit applications the Town Council shall give due regard to the nature and condition of all adjacent structures and the probable effect upon them of the proposed use. If it should find, after notice and hearing as required herein, that the proposed establishment or use will not adversely affect the health, safety or welfare of persons residing or working on the premises or in the neighborhood, will not unreasonably impair an adequate supply of light and air to adjacent property, nor increase congestion in streets, nor impair the character of the district or adjacent districts, nor be incompatible with the Comprehensive Plan nor be likely to reduce or impair the value of buildings or property in surrounding areas, but that such establishment or use will in substantial accordance with this chapter, the Planning Commission shall make a recommendation to the Town Council who may grant the Special Use Permit.

PROPOSED MOTION FOR APPROVAL

Because the Town Council finds that, after notice and hearing as required herein, that the proposed special use permit for 20A-1-113, 41 Oyster Road will not adversely affect the health, safety, or welfare of persons residing or working on the premises or in the neighborhood, will not unreasonably impair an adequate supply of light and air to adjacent property, nor increase congestion in the streets, nor impair the character of the district or adjacent districts, nor be incompatible with the Comprehensive Plan nor be likely to reduce or impair the value of buildings or property of surrounding areas, but that such establishment or use will be in accordance with Chapter 17 of the Urbanna Town Code; therefore the Planning Commission of the Town of Urbanna recommends to the Urbanna Town Council approval of Special Use Permit Application #22-01 with the following conditions:

1. Consistent with Section 17-3.2, the applicant shall only construct the residential dwelling on the lot of record and in no case shall there be more than one main building on the lot.

2. Consistent with Section 17-13.2, any accessory building or structure is subordinate to or a portion of the main building and shall not be constructed prior to the construction of the main building.
3. Consistent with Section 17-18.11 any expansion to a non-confirming structure shall require a separate special use permit. If reconstruction or expansion of the prior non-confirming structure is not commenced within two years of the date of this special use permit, the non-confirming structure status shall expire.
4. The applicant must furnish the Town of Urbanna with evidence of connection to town sewer and water systems before construction is completed.
5. Once the property is dedicated for use as a residential dwelling, no commercial uses shall be permitted on the property, except a home occupation.
6. The residence to be constructed, as well as any accessory structures in a B-2 zoned district, are also within overlays districts, including but not limited to Historic district overlay and Chesapeake Bay district overlays. Applicant must comply with all rules and regulations of all applicable districts and obtain appropriate approvals before further zoning approvals will be considered.
7. Applicant will comply with all Town of Urbanna, County of Middlesex, Commonwealth of Virginia and federal laws and ordinances.
8. Prior to construction, the applicant must submit and receive approval from the Zoning Administrator as to the design, color scheme and materials to be used for the residential dwelling to ensure neighborhood compatibility.
9. Construction of the primary residence shall commence within two years of the date of the issuance of this special use permit or this special use permit shall automatically expire.
10. Outdoor construction activity may only occur Monday through Friday between the hours of 8:00AM and 5:00PM. During construction, the applicant will ensure that trash and debris are not scattered about on the property.
11. Lighting shall be dark sky compliant and shall be downward facing.
12. There shall be no music or other sound that is audible beyond twenty feet of the property line.
13. Two parking spaces shall be provided on the lot.
14. The applicant shall cooperate with the Town of Urbanna and the recordation of this special use permit in the Middlesex County Circuit Court.

PROPOSED MOTION FOR DISAPPROVAL

After notice and hearing as required herein, the Town Council finds that the proposed use may be likely to have an adverse effect. The Town of Urbanna denies the issuance of Special Use Permit Application #22-01.

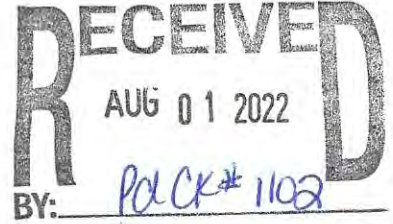
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Town of Urbanna

45 Cross Street • P.O. BOX 179
Urbanna, Virginia 23175

Office: 804-758-2613 • Fax: 804-758-0389



Application for Zoning and Other Permits

Oyster Road Docks, LLC
Owner Name: % Lewis Hall
Mailing Address: P. O. Box 603
Urbanna, VA 23175

Bayside Joinery & Construction
Contractors Name: (if available) Co., LLC
Mailing Address: 61 Cobbs Creek Ln
Cobbs Creek, VA 23035

Application number #22-01

Date Submitted Aug 1 - 2022

Home Phone: _____

Office Phone: _____

Cell Phone: _____

E-mail address: _____

Office Phone: _____

Cell Phone: _____

E-mail address: _____

Property Location:

_____ Tax Map: _____ PIN # _____
_____ Subdivision Name (if applicable): _____ Lot # _____

Current Zoning (circle one) R-1, R-2, B-1, B-2, M-1

In Historic Overlay (circle one) Yes No (if Yes may require approval after application to the Town of Urbanna Historic Review Board)

Current Use: Vacant

Proposed Use: Residential

Is the Proposed use in the zoning district – by right, require a special use permit or require rezoning (circle one of the above) The latter two will require an application and hearing before the Planning Board

Description of the proposed Structure or Project:

Residential use in B-2

Is the lot upon which the structure or project is to be located currently serviced by both public water and sewer? Yes No (if no) Will the lot upon which the structure or project is to be located be serviced by either public water and sewer: Yes No (circle appropriate answers above)

In order to obtain a zoning permit, the following must be submitted with this application:

3 Sets of a plot plan by a certified Land Surveyor or registered Civil Engineer which must include the following:

The proposed title of the project, owner(s) of the land, name of the engineer, architect, landscape architect or surveyor who prepared the plan

The North point, scale and date

Location map of the property by an insert map, north arrow, scale and such information as the names and numbers of adjoining roads, bodies of water, boundaries and other landmarks sufficient to clearly identify the location of the project.

Existing zoning and district boundaries and proposed changes in zoning if any.

The boundaries of the property involved, general location of existing easements and property lines, existing streets and buildings, water ways, flood plains, topography and prominent physical features in or adjoining the project area.

Location and dimensions of all proposed lots, streets, sidewalks, parking areas, easements, buildings, front, side and rear yards, landscaping, lighting, and drainage.

Complete description of all land clearing and site alterations, site alterations, tree and vegetation (grading, buffer removal, drainage etc.) activities – may require county land disturbance permit or town Bay Preservation considerations

Uses of adjoining properties, nearby buildings and names of owners

The following information will ultimately be required by Middlesex County for a building permit so should be included in the plot plan:

Acreage of the parcel

The date the parcel was recorded

The location and dimensions of all existing and proposed structure(s), driveway(s), sidewalk(s)
(Label each as existing or proposed)

The location of any existing drain septic field or proposed septic field

The size of impervious area of the lot (rooftops and concrete)

The distance from the proposed structure(s) to all property lines

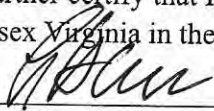
The delineation of the RPA and RMA

The delineation of land clearance or disturbance

The size of the land clearing or disturbance (in square feet)

I hereby certify that the information contained in this application and the plot plan submitted herewith and which is incorporated by reference into this application is true and accurate to the best of my knowledge and I further certify that I will comply with all the ordinances of the Town of Urbanna and the County of Middlesex Virginia in the completion of construction of this structure or project

Signed



Dated

8/1/22



**Agenda Item Summary
September 22, 2022**

Agenda Item: #7-Minutes

Background: Minutes of the August 11, 2022 Work Session

Fiscal Impact: NA

Staff Recommendation: Approve

Council Action Requested: Yes

Sample Motion(s):

Note: If changes are requested at the meeting, approval of the minutes will be postponed to the next meeting.

Motion to approve the minutes of the August 11, 2022 work session as presented.

**Draft minutes attached*

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**Town of Urbanna
Town Council
Work Session
Council Chambers-390 Virginia St. Suite B
August 11, 2022**

CALL TO ORDER & ROLL CALL

Mayor Hartley called the meeting to order at 7:00pm

Present

Members of Council

Mayor Barbara Hartley

Council Members

Marjorie Austin

Larry Chowning

Bill Goldsmith

Merri Hanson

Steve Hollberg

Bill Smith

Garth Wheeler-Town Administrator

Roy Kime-Zoning Administrator

Martha Rodenburg-Town Clerk

Michele Hutton-Town Treasurer

Members of the public

All present said the Pledge of Allegiance

APPROVAL OF AGENDA

Councilmember Austin moved to approve the agenda as presented

Councilmember Goldsmith seconded

Austin, Chowning, Goldsmith, Hanson, Hollberg, Smith, and Hartley voted yes

Motion passed 7-0

PUBLIC COMMENT & PUBLIC COMMENT RESPONSE

Billy Mayo of 320 Rappahannock Avenue questioned why Councilmember Larry Chowning was not involved with the budget process.

- Council members responded to clarify there were budget work sessions, beginning in February, within the Finance Committee meetings, which were open to the public. All members of Town Council were provided hard copies and electronic copies throughout the process and were given the opportunity to provide feedback.
- Councilmember Chowning commented there was no scheduled budget work session with all of Council and reiterated his stance the Town should have lowered the tax rate by an additional penny.

Further comment took place that the FY 2021-2022 budget had not yet been reconciled nor audited, and no surplus revenue could be confirmed.

The discussion among Council turned to changing [personal and real estate] tax billing changed to twice a year instead of once a year.

Tammy Putney of 36 Meadow Lane spoke regarding establishing a policy for handling overdue water bills for property renters once their arrearage was over their water deposit.

- Staff commented the issue was scheduled to be discussed later on the agenda

MATTERS OF TOWN COUNCIL

REPORTS

Administrator's Report

Garth Wheeler reported the following:

Founder's Day

- Successful event held Saturday, August 6th
- Fife & drum from Williamsburg participated
- Replica of the Explorer, Captain John Smith's boat, in the Town Green
- Debate of the Constitution between actors portraying George Wythe and Patrick Henry
- Activities and refreshments at the Scottish Factor/Museum

Urbanna Creek Committee

- Preparing a formal report to present to Town Council in September with recommendations for improvements at the marina and Virginia Street property

Website

- Working with Dave Lipscombe on website improvements
- Will include a "live" calendar

The Town of Urbanna came in third place in The Rivah's listing of "Best Main Street"

Planning Commission Report

Councilmember Hanson reported the following:

The Planning Commission met Tuesday, September 9th

Work continues on the Comprehensive Plan, especially updating maps

- Scheduled to be completed by November
- Current plan is on the Town website

Virginia Mains Street program

- Contacting people who expressed interest in participating on the task force
- Councilmember Hanson, Gari Lister, Peni Robert, Roy Kime, and Garth Wheeler met with Laura Messer of Virginia Tourism regarding potential grant opportunities
- Councilmember Hanson and Roy Kime will be meeting with Kyle Meyer, our representative from the Main Street program on August 17.

Internet survey

- Optical node was replaced and service should improve
- Councilmember Hanson is working with a Breezeline technician supervisor who is following up with survey participants to ensure their Breezeline equipment is up to date and working properly
- Working on having a Breezeline representative come to the Town to give an educational meeting on improving internet connectivity within their homes

Property Standards Ordinance/Inspections

Roy Kime reported, in response to recent complaints regarding long grass and unkept properties, a notice was placed on the Town website notifying residents of upcoming property inspections, with the intention property owners would address any issues prior to inspection. Properties found to be in violation of the current Town Ordinance will receive notices.

Mr. Kime explained, Andrea Erard, Town Attorney, has proposed considering an ordinance which would replace Chapter 6 in the current Town Ordinance making enforcement of the ordinance easier. No action is requested at this time. The proposed ordinance was included in the meeting packet made available to Council and the public.

Ms. Erard explained the draft ordinance is an update to the ordinances currently in place. The legislature has tweaked procedures and added the category of "clutter". It is an updated and easier to enforce ordinance.

Discussion took place about the past practice of the Town billing property owners for necessary maintenance, should the property owner fail to act after receiving notice from the Town. This practice will continue.

Councilmember Hollberg was told by staff a waiver from the Town was not necessary should he hire a company that utilizes goats to maintain overgrown properties, as long as the goats were there temporarily and not kept as livestock.

Regarding the proposed ordinance, Ms. Erard recommended Council consider putting it in the Town Code. A public hearing would be required prior to a Council vote.

Water Accounts

Roy Kime reported, at the time he took over water accounts in 2021, it was during the time of the Covid pandemic when regulations did not allow water accounts in arrears to be turned off. Attempts were made to work with customers who were behind in their accounts, and some applied for and received federal Covid relief funds, totaling approximately \$7,500.00.

At this time, the regulations have been lifted and the Town will begin shutting off the water of delinquent accounts

- 33 accounts 90+ days past due
- 13 of those accounts have a balance due over \$500.00, with some being substantially over that amount
- Approximately \$11,100 is due to the Town of Urbanna for past due water accounts, which is approximately 3% of the total revenues for the water accounts

Staff is recommending to initiate the process of collecting overdue accounts

- Staff will work with account holders to pay down amount owed
- Staff will begin the process of shutting off water to delinquent accounts in the next 3-6 months

Councilmember Goldsmith asked if there was a trigger in place regarding renters, to avoid the property owner from being held responsible for overdue amounts

- Ms. Erard responded there are state law provisions that can be helpful and she will work with staff to review current water agreement forms

One landlord has requested staff to notify them when their tenants' accounts are in arrears. Discussion took place regarding this, with staff recommending a meeting with the Finance Committee to develop a plan

Martha Rodenburg, Town Clerk notified Council of a mistake in the agenda item summary in the meeting packet

- The total amount of outstanding balances was incorrectly stated as being approximately \$30,000
- The correct amount should have been approximately \$11,000

Mayor Hartley asked if there would be a problem with the Health Department by shutting off water to a home.

- Ms. Erard responded there would not be.

Special Use Permit Application

Roy Kime, Zoning Administrator reported a Special Use Permit had been received

- Planning Commission public hearing will take place August 31, 2022
- Planning Commission will then make their recommendation to Council

- Council will vote after a public hearing, possibly to be held September 8, 2022

Councilmember Hanson encouraged all Councilmembers attend the August 31, 2022 public hearing

Mr. Kime stated all adjacent property owners would be notified in writing and the appropriate notifications would be published in the Southside Sentinel.

Ms. Erard instructed Council to not discuss [the application] or make a decision, as the purpose of the public hearings is for the applicant to have a fair and impartial decision made

ACTION ITEMS

Councilmember Austin made a motion to amend the agenda under “Action Items” letter “e” would be Larry Chowning to make his motion

Councilmember Goldsmith seconded

Austin, Chowning, Goldsmith, Hanson, Hollberg, Smith, and Hartley voted yes

Motion passed 7-0

Minutes

Mayor Hartley stated there were two typo corrections to be made. Correcting the misspelling of “pools” to “poles” and the misspelling of Councilmember Smith’s last name under the motion to adjourn

Councilmember Goldsmith made a motion to accept the minutes [from the July 28, 2022 monthly meeting] as amended

Councilmember Austin seconded

Councilmember Hanson made an objection to the motion, stating Council has an opportunity to read the minutes ahead of time, and should take the time to proofread in advance then notify staff of corrections.

Mayor Hartley responded that is what they should be doing, but there are times they aren’t able to.

Austin, Chowning, Goldsmith, Hollberg, Smith, and Hartley voted yes

Hanson voted no

Motion passed 6-1

Fund Transfer-Pool fund replacement reserve

Councilmember Hollberg suggested the \$20,000 in surplus funds from the prior year be transferred to the Pool Replacement reserve fund at Truist, but willing to leave it for discussion with the Finance Committee, and asked for Councilmember Goldsmith and Garth Wheeler’s thoughts.

- Councilmember Goldsmith commented he would rather see those funds available for maintenance concerns, instead of moving to a reserve fund
- Mayor Hartley expressed her concern doing that would it take away any financial “buffer”
- Garth Wheeler, commented he is consensus driven and this matter should be sent to the Finance Committee for discussion, and they will make a recommendation to Council

Councilmember Hollberg commented on the reasoning for his suggestion, including a conscious choice should be made on how to allot money, rather than allowing it to go by the wayside as it had in the past.

No action was taken.

Fund Transfer-Water fund reserve

Councilmember Hollberg suggested surplus water revenue should be moved to the water reserve fund.

Councilmember Smith stated his opposition to this due to funds needing to be readily available for upcoming expenses related to the infrastructure upgrade process and new well construction.

No action was taken.

VDH funding application for water infrastructure upgrades

Councilmember Smith made a motion to authorize Roy Kime to sign as the Town's representative for the VDH funding application as prepared by AH Environmental Consultants.

Councilmember Austin seconded

Councilmember Hollberg stated it was a lengthy document and people needed time to read over

Councilmember Smith responded the application had been reviewed by the Water Committee, and the committee had conducted many meetings with AH Environmental. All necessary changes have been made to agreement.

Comments were made by Council supporting the decision by the Water Committee

Austin, Chowning, Goldsmith, Hanson, Smith, and Hartley voted yes

Hollberg voted no

Motion passed 6-1

Town of Urbanna Tax Billing

Councilmember Chowning made a motion to instruct Michele Hutton, Treasurer, to meet with the [Middlesex] County Treasurer and [Middlesex] County Commissioner to get her take on advantages and disadvantages on twice a year taxation, and bring it back to Council for discussion.

Councilmember Austin seconded

Councilmember Hollberg stated [Ms. Hutton] should have leeway in coming up with a solution

Councilmembers responded that's what the motion asks for

Ms. Hutton iterated many of the issues that would make switching to twice a year taxation large undertaking, including:

- Reworking how escrow companies collect funds
- Mailing and supplies expenses
- Lack of proper staffing
- Coordinating file information transfer with Middlesex County

Additional discussion took place regarding the logistics of the proposal, and it was concluded that Ms. Hutton would meet with Middlesex County staff and draft a report for Council.

Austin, Chowning, Goldsmith, Hanson, Smith, and Hartley voted yes

Hollberg voted no

Motion passed 6-1

CLOSED MEETING

Councilmember Goldsmith made a motion to go into closed meeting pursuant to Section §2.2-3711(A) (3), Code of Virginia -Discussion or consideration...of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the Town of Urbanna. -Sale of 45 Cross Street

Councilmember Austin seconded

Austin, Chowning, Goldsmith, Hanson, Hollberg, Smith, and Hartley voted yes

Motion passed 7-0

OPEN MEETING

Councilmember Goldsmith made a motion to reconvene in open meeting and to certify that only the matters that were identified in the motion to go into closed meeting were heard, discussed, or considered.

Councilmember Austin seconded

Austin, Chowning, Goldsmith, Hanson, Hollberg, Smith, and Hartley voted yes

Motion passed 7-0

ANNOUNCEMENTS

Councilmember Austin reminded all in attendance that Second Saturdays would be held in Taber Park on August 13th.

ADJOURN

Councilmember Austin made a motion to adjourn

Councilmember Goldsmith seconded

Austin, Chowning, Goldsmith, Hanson, Hollberg, Smith, and Hartley voted yes

Motion passed 7-0

Meeting adjourned

Submitted by:

Martha J. Rodenburg

Town Clerk

Approved by Town Council xx/xx/xxxx



Agenda Item Summary September 22, 2022

Agenda Item: #8-Reports

Council Action Requested: None

The following reports will be presented to Council:

- Town Administrator-Garth Wheeler
- Treasurer's Report-Michele Hutton-*report attached*
- Finance Committee-Bill Goldsmith
- Pool Committee-Bill Goldsmith
- Planning Commission-Merri Hanson
- Water Committee-Bill Smith

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Treasurer's Report

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

Account Balance thru 8/31/2022	Prior Year	Prior Month	Statement Date
	8/31/21	7/31/22	8/31/22
Primis Bank General Operating Bank Account	583,885.32	639,319.37	658,223.65
Renter Water Deposits	14,551.66	16,101.66	16,551.66
Net Operating General Bank Account	564,998.69	613,689.21	645,877.97
TRUIST Historic Trust	21,795.73	21,333.14	27,003.65
TRUIST Pool Replacement Account	36,761.57	36,764.91	94,765.68
Primis Bank Water Fund Reserve	113,782.20	114,133.07	114,189.82
Primis Bank General Fund Reserve	94,628.82	94,825.78	94,855.79
Primis Bank Cares Local Recovery	237,602.06	475,302.77	475,324.26
Primis Bank DMV	n/a	4,289.45	5,817.83
Taber Trust – Account Value	1,471,259.67	1,361,671.49	1,300,340.91
	8/31/21	7/31/22	8/31/22
Meals Tax collected in August	16,638.47	14,635.00	14,992.16
Lodging Tax collected in August	1,625.18	3,422.19	3,213.42
Cigarette Tax collected in August	n/a	1,150.72	670.32

AUGUST EXPENDITURES:

- \$4,600 painting museum

REVENUE as of 8/31/2022

- \$5,000.00 Grant from MOM deposited to Truist Historic Trust

Notes: Real Estate Past Due notices sent 8/11/22

Lodging Tax

September 1, 2022
10:13 AM

Town of Urbanna
2023 Revenue Summary by Month

Page No: 1

Range of Accounts: 100-12100-0001 to 100-12100-0001 Start Month: July Start Year: 2022
Type: Revenue Activity Includes Accounts with Zero Activity: N Year To Date As Of: 09/01/22
Subtotal CAFR: No

[illegible]

Meals Tax

September 1, 2022
10:12 AM

Town of Urbanna
2023 Revenue Summary by Month

Page No: 1

Range of Accounts: 100-12110-0001	to 100-12110-0001	Start Month: July	Start Year: 2022
Type: Revenue Activity	Includes Accounts with Zero Activity: N	Year To Date As Of: 09/01/22	
Subtotal CAFR: No			

[illegible]

Water Sales

September 1, 2022
10:05 AM

Town of Urbanna
2023 Revenue Summary by Month

Page No: 1

Range of Accounts: 500-17010-0001 to 500-17010-0001 Start Month: July Start Year: 2022
Type: Revenue Activity Includes Accounts with Zero Activity: N Year To Date As Of: 09/01/22
Subtotal CAFR: No

Account No	Description	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Total													
500-17010-0001	Water Sales Charges												
68709.34	2878.78	65830.56		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Fund Total													
68709.34	2878.78	65830.56		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Grand Total	Count: 1												
68709.34	2878.78	65830.56		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

September 1, 2022
10:14 AM

Collected RE Tax - Delinquent

Range of Accounts: 100-11010-0002 to 100-11010-0002
Type: Revenue Activity Include
Subtotal CAFR: No

Account No	Description	Jul	Aug	Sep
Total				
100-11010-0002	Real Estate Tax - Delinquent			
2356.93	1029.48	1327.45		0.00
Fund Total				
2356.93	1029.48	1327.45		0.00
Grand Total	Count: 1			
2356.93	1029.48	1327.45		0.00

September 1, 2022
10:15 AM

Collected PPT - Delinquent

Range of Accounts: 100-11030-0002 to 100-11030-0002
Type: Revenue Activity Include:
Subtotal CAFR: No

Account No	Description	Jul	Aug	Sep
Total				
100-11030-0002	Delinquent Personal Property			
58.31	1.84	56.47		0.00
Fund Total				
58.31	1.84	56.47		0.00
Grand Total	Count: 1			
58.31	1.84	56.47		0.00

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Agenda Item Summary

Agenda Item: #11a-Kayak Trail Update

Background: Councilmember Chowning continues his work on the Kayak Trail on Urbanna Creek. He has gathered hundreds of photos and written “cut lines” for each one. He is requesting that Council review the cut lines and provide feedback and editing to him. The proposed cut lines are attached.

Fiscal Impact: NA

Staff Recommendation: NA

Council Action Requested: No official action to be taken

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Folder 1

1. There were three steamboat wharves in Urbanna but the main one was Burton's Wharf at this location. Alfred Palmer was owner and dock master from 1841 to when the landing was sold to Columbus Burton in the 1880s. It was called Palmer's Wharf, before it was known as Burton's Wharf. (Courtesy of Betty Burton)
2. Columbus (Lum) Burton ran Burton's Steamboat Wharf and was in the business of making wooden shaft tongs. Lum, along with his wife Lucy, ran the Burton House, a boarding house that was right up the street from the wharf. (Courtesy of Betty Burton)
3. This is a rare sight of two steamboats rafted off in Urbanna Creek, perhaps due to a warning of bad weather. (Courtesy of Buddy Davis)
4. The steamboat Potomac is entering Urbanna Creek. She is bound for Burton's Wharf. (Courtesy of the Dr. A. L. VanName collection/Deltaville Maritime Museum)
5. This photo is taken from Lucy and Lum Burton's front yard overlooking Urbanna Creek at Burton House. (Courtesy of Buddy Davis)
6. The original owner of this post card of the steamboat Middlesex was staying at the Burton House. (Courtesy of Judy Richwine)
7. Aubrey Burton, above, ran Burton's Wharf when Lum retired as dock master. (Courtesy of Betty Burton)
8. Towards the end of the steamboat era, the name Burton's Wharf was changed to Urbanna Wharf No. 12. (Courtesy of the Middlesex County Public Library)
9. Captain Columbus (Lum) Burton with Lucy and family. (Courtesy of Betty Burton)
10. The namesake of Burton's Wharf was Urbanna's last living Confederate soldier. (Courtesy of Betty Burton)

Folder 2

1. The single-story broom factory can be seen on the waterfront beside the large white building near Urbanna Bridge. (Photo courtesy of Pat Marshall)

Folder 3

1. The Swirly Top Drive-In can be seen in this photo. This was the first fast food eatery in Urbanna to serve soft freeze ice cream. (Courtesy of Norma Jean Sears)
2. This photo shows the tent which provided customers cover to eat and socialize. Customers came by water regularly to purchase fare similar to fast food eateries of today. It was the first fast food establishment in Urbanna. (Courtesy of Bob and Carolyn Henkel)

Folder 4

1. The River Rink was built in the 1930s and it housed the skating rink and bowling alley. It was a main entertainment center in the town and Middlesex County. The sign hanging over the creek encouraged boaters to "Stop Here, A Good Place to Eat, Home Cooking." (Courtesy of Emily Chowning)
2. These River Rink roller skaters still have their skates on. The skating rink was a regional weekend destination spot for young people to come and socialize. (Courtesy of Betsy Glasco Hudgins)
3. "Gas and Oil" were sold at the River Rink wharf in the 1940s. Ring the bell for service. (Courtesy of Betty Page Bristow)

4. The Betty Page named after the late Betty Page Bristow is fueling up at the River Rink gas pump. The Betty Page was a classic wooden yacht built at Linwood Price's boatyard in Deltaville. (Courtesy of Betty Page Bristow)

5. The River Rink burned to the water in 1947 ending an era of one of the most popular Urbanna Creek businesses. (Courtesy of Betsy Glasco Hudgins)

Folder 5

1. This survey shows "Road to the ferry" and the location of landing on Urbanna Creek before the first 1858 bridge was built. (Courtesy of Middlesex County Circuit Court)

2. This early photo of the bridge on Urbanna Creek shows one of the first wooden bridges built across the creek. (Courtesy of Emily Chowning)

3. The one lane bridge had a passing lane towards the center of the bridge for cars to pass. (Courtesy of Middlesex County Public Library)

4. This survey shows the wooden bridge and draw on the bridge. (Middlesex County Clerk's Office/drawing by Klondike Willie Stiff)

5. For a few years in the early 1930s the Urbanna Labor Day boat races were held on the west side of the bridge and fans stood on the wooden Urbanna Bridge to watch. (Courtesy of Pat Marshall)

6. Thornton's Store was located right at the end of the bridge in the Town of Urbanna, where Bridge Marina is located today. Washington (Wash) Thornton's general merchandise store and barber shop catered to an African-American clientele. (Courtesy of Emily Chowning)

7. This 1940s post card shows the last wooden bridge and draw near the middle of the bridge. (Courtesy of Emily Chowning)

8. This photo was taken soon after the 1957 concrete bridge was built. (Courtesy of Southside Sentinel)

Folder 6

1. Local Black Baptist Churches used the waters of Urbanna Creek and Rappahannock to nourish the soul. Hand in hand they waded out into the waters and were baptized "To the Glory of God." (Courtesy of Cavalry Baptist Church)

Folder 7

1. The location of Barn Landing on Rosegill shore can be pinpointed by this 1920s survey showing Rosegill and portions of Urbanna. (Courtesy of Middlesex County Circuit Court/drawing by Klondike Willie Stiff)

2. The icebreaker Commodore Maury was in Urbanna Creek when this photo was taken in the 1930s. The schooner in the distance moored out in the water is near Barn Landing. (Courtesy of Pat Marshall.)

3. Barn Landing was schooner landing where bulk product was brought and loaded onto sailing vessels. The schooner Mildred just left the landing in 1941 with a load of lumber bound for Baltimore, Md. (Dr. A. L. VanName Jr. Collection/Deltaville Maritime Museum)

4. This post card showing an aerial view of Urbanna's waterfront shows a portion of the Rosegill shore near Barn Landing. (Courtesy of Emily Chowning.)

Folder 8

1. R. O. Smith Sr. of Saluda owned the two-mast sailing schooner Kate H. Tilghman and home ported her on Urbanna Creek. When the age of sail was coming to an end in 1947 Smith abandoned the schooner on Rosegill

shore where her bones can still be seen at low tide. (Courtesy of Deltaville Maritime Museum/Dr. A. L. VanName Jr. collection)

2. This photo was taken of the Kate H. Tilghman, abandoned near this spot on July 6, 1947. (Carroll C. Chowning Jr. collection)

3. The abandoned schooner Kate H. Tilghman can be seen in the distance on Rosegill shore. The Union was a fishing party boat owned by Captain Jack Wyker. This photo was taken circa 1948. (Courtesy of Buddy Wyker)

Folder 9

1. Rosegill is the mother of the Town of Urbanna and the creek path leading to the grand plantation was used by generations after generations. Urbanna was formed from 50-acres of Rosegill land in through the English Act of Cohabitation in 1680. (Courtesy of George Temple)

2. During English settlement of Middlesex, Rosegill was established by the Wormeley family in 1649. The Wormeley's owned over 1,000 acres of Rosegill land into the early 1800s. Generations of footprints were made along the creek path to Rosegill - from slaves, to indentured servants, to visiting sea captains and crews having sailed from Europe, to Civil War wounded and dying, to colonial governors. (Courtesy of George Temple)

4. This is a wider look at Rosegill Plantation where during from 1649 into the early 19th century tobacco was the money crop of the Wormeley family. Hogheads of tobacco were rolled down this path to the creek and loaded onto ships bound for England, France, Prussia and beyond. (Courtesy of Emily Chowning)

5. This tinted postcard shows Rosegill in the 1930s. (Courtesy of Emily Chowning)

Folder 10

1. Eliza Bailey owned Rosegill during the Civil War era and allowed the home to be used as a hospital after a naval conflict on the Rappahannock River left Union and Confederate soldiers and slaves wounded and dying. They were carried along this path to Rosegill. (Carroll C. Chowning Sr. collection)

2. The Temple family owned Rosegill for a while in the 20th century. George Temple, above, stands in front of the Rosegill boathouse a watermark on the creek to this day and near the start of the waterfront path to Rosegill. (Courtesy of Larry Chowning)

3. This 1947 mahogany-hulled Chris-Craft, Bounty II, on Urbanna Creek ushered in a new era of boating on town waters and the boathouse can be seen in the background. (C. C. Chowning collection)

4. Races at the annual Urbanna Labor Day Regatta ran passed the boathouse and the colonial footpath to Rosegill. (Courtesy of Pat Marshall)

5. Since it was built in the 1940s, Rosegill's boathouse has been a "creek" mark on Urbanna Creek. The boathouse can be seen in this photo taken in the late 1940s of a relaxing summer day at Southside Marine. The path leading to Rosegill has seen the footprints of generations of a new and growing nation. (Courtesy of Carroll C. Chowning Jr.)

Folder 11

1. Ballast stones, whose weight stabilized empty sailing ships, have been found near this site on the bottom of Urbanna Creek. Sailing vessels with ballasts in the hold came to Urbanna which was a port of call for conducting business during the tobacco era. When loaded with 1000 pound barrels (hogheads) of tobacco the stones were left behind. (Courtesy of the Town of Urbanna)

2. These three rounded stones are ballast stones. The smaller one was found on the bottom of Urbanna Creek near this location in the early 1960s. The two larger ones were found on shore near a Colonial shipping location known

today as “Rock Hole” on Lagrange Creek. (Courtesy of Larry and Dee Chowning)

Folder 12

1. Bailey’s Point was named for Captain John Bailey who when he retired as a sea captain purchased Rosegill in the 1840s. As a boy he grew up in Lancaster County and would look across the Rappahannock River at Rosegill and would speak of one day living and owning the grand plantation. When he retired from the sea, Bailey and his wife Eliza purchased and lived at Rosegill. (C. C. Chowning Sr collection.)
2. Captain John Bailey was buried at Rosegill. His body and monument were later moved to the colonial Christ Church graveyard just down the road. His marker reads Capt. John Bailey, born in Lancaster Co. Va., Died at Rosegill, April 6, 1856, Age 58 years. (Courtesy of Larry Chowning)
3. This early post card shows the amount of industry at the town marina and pines trees on Bailey’s Point. (Courtesy of the Urbanna Public Library)
4. The long-time town gallow tree on Bailey’s Point can be seen in the distance in this early photo of Urbanna Creek. (Courtesy of Emily Chowning.)
5. Bailey’s Point can be seen off in the distance. (Courtesy of Pat Marshall.)

Folder 13

1. The buyboat East Hampton of Chestertown, Maryland passes-by Rosegill Beach at a recent Chesapeake Bay Buyboat Association Rendezvous at the Urbanna Town Marina. (Courtesy of Larry Chowning)
2. Rosegill beach, part of Bailey’s Point, can be seen in this steamboat era photo. (Courtesy of Emily Chowning)
3. As can be seen across the creek in this 1930s photo Rosegill Beach extends out from Bailey’s Point. (Courtesy of Deltaville Maritime Museum/Dr. A. L. VanName Jr. collection)

Folder 14

1. The first official dredging project on Urbanna Creek was in 1879 when a channel, 150' wide x 10' deep, was cut through the outer bar in the Rappahannock River. This project extended into 1883 when a depth of 10' was cut through a shoal inside the creek. Dredge spoils were dumped and spread to create what is today called The Point. Squatters moved to The Point and built shanties, which later grew into summer cottages and into today’s modern homes. (Courtesy Southside Sentinel)
2. These were some of the early cottages on the sand based point at the mouth of Urbanna Creek. (Courtesy of Carroll C. Chowning Jr.)
3. This pristine photo of the mouth of Urbanna Creek on a calm summer day shows The Point and jetty. (Courtesy of Pat Marshall)
4. It was summertime on a stick for these little girls visiting a cottage on The Point. (Courtesy of Carroll C. Chowning)
5. Captain Paul Vrooman home ported the buyboat Ellen Marie at The Point in the early 2000s. (Courtesy of Larry Chowning)

Folder 15

1. The Urbanna Manufacturing Plant opened in 1901 as an overalls and shirt factory at this site. The building was later converted to Urbanna Beach Hotel. (Courtesy of Mary and Danny Loving)
2. Donaldson’s Wharf was a private wharf near this location and used by Donaldson Shultz Vinegar & Pickles as a

shipping point. Steamboats also used it as a town stop. (Courtesy of Bettie James)

3. This early photo shows Donaldson's Steamboat Wharf and Urbanna Beach Hotel. (Middlesex County Public Library)

4. The shirt factory building can be seen in the far right edge of this photo. (Courtesy of Emily Chowning)

5. Urbanna Beach Hotel was an annual summer haven for visitors. The old shirt factory building made a wonderful hotel. It was torn down in the 1980s to make way for Queen Anne's Cove Condominiums. (Courtesy of Middlesex County Public Library)

6. The Urbanna Beach Hotel was known for its "good" food as weeklong visitors came to town, stayed at the hotel and ate breakfast, lunch and dinner at the hotel. (Courtesy of Town of Urbanna)

7. This early post card shows the interior of the "spacious" screened in porch at the hotel. (Courtesy of the Middlesex County Public Library)

8. This is another angle showing the old hotel. (Courtesy of Emily Chowning)

Folder 16

On August 30, 1946 and on this site, the Town of Urbanna experienced a shocking murder. The case went all the way to the Virginia Supreme Court and was later documented in *Signature In Time A Living History of Middlesex County, Virginia*. (Courtesy of Middlesex County)

Folder 17

1. Freta Greenwood and friend swim in Urbanna Creek in the days when swimwear was a bit different from today. (Courtesy of Wanda Greenwood Hollberg)

2. Urbanna Beach was a private/public partnership between several town landowners and town government. The town maintained the wire fence designed to keep stinging nettles out and the diving platform. (Courtesy of Pat Marshall)

3. Pictured above standing on the shoulders of a boyfriend is Beatrice Payne, the first female mayor of the Town of Urbanna who is spending a summer day at Urbanna Beach. (Courtesy of Beatrice Payne Taylor)

4. Boyd and Virginia Hurley's Great Dane was a regular in 1955 at Urbanna Beach. (Courtesy of Margaret Hurley)

5. The town beach was often visited by town folk after Sunday church and not always to swim - just to relax. (Courtesy of Pat Marshall)

6. The public beach fencing can be seen in the background here of this 1949 photo. (Courtesy of Joe Cardwell)

7. The beach can also be seen in this early outboard motor era on the creek. (Courtesy of Joe Cardwell)

8. This "Greetings" post card promoted the water activities in Urbanna in the 1950s. (Courtesy of Pat Marshall)

Folder 18

1. The H. S. Chowning Co. had two locations in town. The block and vault plant was located near this site on the creek and his retail establishment was located on Watling Street. A burial vault could be purchased in 1926 for \$9.00 and the delivery cost to Glebe Landing Baptist church nearly 15 miles away in Laneview was \$4.00. It may, however, have been a family price as the vault was sold to his wife. (Courtesy Charles H. Palmer Jr.)

2. The best customers of H. S. Chowning Co. in 1929 received this calendar and thermometer promotion gift.

(Courtesy of Larry and Dee Chowning)

3. This sign hung on H. S. Chowning's business at the concrete plant near this spot. (Courtesy of Larry and Dee Chowning)

Folder 19

1. Urbanna Labor Day Regatta was an annual event in town from 1939 to 1966 when the American Power Boat Association determined the creek was unsafe for inboard racing. (Courtesy of Emily Chowning)

2. The event featured outboard races on Sunday and inboard races on Monday. On Sunday morning, the air smelled of alcohol from the high speed fuel used in the outboard engines.. (Courtesy of Pat Marshall)

3. These outboard hydroplanes are in the pits getting ready to go out to the starting line. One of the favorite outboard hydroplanes was named Lobster. The bow was shaped like two lobster claws with a cutout area in the middle to show the separation between claws. (Courtesy Anne Wheeley)

4. Due to the short race track and for safety reasons, the American Power Boat Association banned inboard racing on Urbanna Creek in 1966. That year, the outboard races were held but in 1967 all racing stopped. (Courtesy of Pat Marshall)

5. Baby Majada was a favorite of fans at the regatta. (Courtesy of Carroll C. Chowning Jr.)

6. The waterfront was filled with fans watching the races from shore and decks of boats. (Courtesy of Anne Wheeley)

7. The outboard races on Sunday brought competitors to Urbanna from several surrounding states. (Courtesy of Pat Marshall)

8. Urbanna's own Walter Hurley made the race circuit with E-811 Shufflin Sam, nicknamed "Sam Too." (Courtesy of Margaret Hurley)

9. Shufflin Sam finished third in 1951 in the 48 cu. In. Runabout division. (Courtesy of Walt Hurley)

10. This was just a sampling of the many silver items Walter Hurley won over the years in Shufflin Sam. (Walt Hurley)

11. Urbanna Labor Day Regatta 1948 program. (Courtesy of Walt Hurley)

12. Urbanna Labor Day Regatta 1949 program. (Courtesy of Walt Hurley.)

13. Urbanna Labor Day Regatta 1951 program. (Courtesy of Walt Hurley)

Folder 20

1. The old Standard Oil Dock can be seen in this 1940s dramatic sky photo looking north on Urbanna Creek. The Standard Oil dock is the farthest wharf on the left. (Courtesy of Carroll C. Chowning Jr.)

2. The Standard Oil Dock, at the far end of the shoreline on left in this photo show buildings built out on the water. Jno. D. Gressitt ran a general merchandise store near the site and was an agent for Standard Oil Co. (Courtesy of the Town of Urbanna)

3. Although the Standard Oil Dock is far in the distance, a oyster buying pole and a raft of deadrise oyster boats can be seen. In the foreground is Southern States Granary, Hurley's Oyster House, Montague's boathouse and the old Standard Oil Dock. Later, ESSO products were delivered at the dock to J. T. Thrift until trucks took over the hauling

of fuel. After that the dock was operated by World War II Medal of Honor recipient Beryl (Dick) Newman. Today the location is part of the Urbanna Town Marina. (Courtesy of Carroll C. Chowning Jr.)

Folder 21

1. Jamison Cove once had enough water for large sailing vessels to moor. Today, the cove is only deep enough for canoes and kayaks. (Courtesy of Larry Chowning)

2. The cove's headwaters start on Lansdowne property near the Urbanna Post Office and run under Cross Street into a marsh that extends to the cove. (Courtesy of Larry Chowning)

3. This early aerial photo of Urbanna shows the layout of the town in the 1930s. The entire breadth of Jamison Cove can be seen in this photo. It also shows the fuel tanks at the Standard Oil Dock. (Courtesy of Southside Sentinel)

Folder 22

1. Harry L. Garrett had this car ferry boat, Frances B. Garrett built in 1934 and started a ferry that ran from Irvington to Lockies Creek. The boat was named for Garrett's wife. Around 1935, Harry moved his landing site to Urbanna. It cut time of water travel from the Northern Neck from one and half hours to 18 minutes. (Courtesy of Larry Chowning.)

2. Since the 1960s, Payne's Crab House was the seafood hub of Urbanna. Founded by Avery Payne, the crab house operated at this site until about 2012. Avery's daughters, Catherine Via and Beatrice Taylor operated the crab house after Avery's death. The 1933 August Storm that flooded Tangier Island brought 13 families to Urbanna to live. Avery and Dora Payne came with their children Melvin, Ed, and Catherine. Later Beatrice and Jonesey were born here. Beatrice went on to become the first female mayor of the Town of Urbanna. The town's seafood economy has profited greatly from the understanding of the ways of the water brought to town by those 13 Tangier families who made Urbanna their home. Descendants of that group are still in the seafood business here today. Pictured above are, Catherine (Payne) Via with her children. They are, from left, Ricky, Thomas Lee, Donnie, and Tony Walton. (Courtesy of Southside Sentinel.)

Folder 23

1. This early 1900s photo shows the waterfront where the Oyster Harbor Condos are located today. (Courtesy of Burton Leaf)

2. This photo was taken about 1910. The white two story building in the photo was once the gristmill building on Rosegill Pond. It was moved in 1909 to the town of Urbanna's waterfront near this location. The patent roller mill business was part of the Middlesex Manufacturing & Mercantile Corp. It was later called Powell's Mill and produced the popular "Powell's Pride Flour". (Courtesy Buddy Davis)

3. This photo was taken before 1909 when the Rosegill Patent Roller Mill had not been moved to Urbanna. (Courtesy of Louise Gray)

4. The mill produced "high-grade flour and meal, shorts, chop and bran." (Courtesy of Charles H. Palmer Jr.)

5. The early J. W. Hurley General Merchandise Store was located on Virginia Street next to the Montague cottage. It was later moved across the road to the waterfront and made into a hotel/restaurant. (Courtesy of Wanda Greenwood Hollberg)

6. Boyd and Virginia Hurley had it all together on the waterfront when this photo was taken in 1948. Traffic to the hotel/restaurant were coming by land and sea and the seafood part of the business was in full swing. (Courtesy of B. F. Williams)

7. The hotel/restaurant was filled with customers that came to taste the home style cooking of Joe Cameron who was the chef in the summer months. (Courtesy of B. F. Williams)

8. J. W. Hurley & Son sold all types of local fresh seafood and this invoice speaks to the variety of fish sold there in the 1950s. (Courtesy of Walt Hurley)
9. Alvin Daniels and others haul seined for fish and sold their catch to the Hurleys. On this day in the 1940s, they filled the hold of the seine skiff to the gunnels with croaker. They are off-loading near Hurley's dock at this location. (Courtesy of Grace Daniels)
10. John Davis (front) would one day become high sheriff of Middlesex County. Here he was culling fish at Hurley's in the 1940s. (Courtesy of J. D. Davis)
11. This photo was taken of the boy Boyd Hurley inside the J. W. Hurley & Son oyster shucking house at the turn of the 20th century. J. W. Hurley came to Urbanna in the 1880s and established a lucrative seafood business at this location. (Courtesy of Jonesey Payne)
12. Shuckers worked long hours standing inside wooden stalls. When they got old, the plant manager Wooden Rowe had stalls built with seats so older shuckers could work and not have to stand all day. (Courtesy of Jonesey Payne)
13. The shuckers were paid piece-meal by how many buckets of oysters they could shuck in a day. This shucker came to work with his Sunday hat. (Courtesy of Jonesey Payne)
14. The Hurley's supported the local Bank of Middlesex that was founded in 1902. (Courtesy of Sheldon Richardson)
15. Shelton Lewis of Lancaster County is working in the skimming room at Hurley's in the 1940s. Oysters are being washed and packed in five gallon cans to be trucked by Virginia Freight Line of Kilmarnock to buyer O. A. Wentworth's Oyster Company in Baltimore. Hurley also sold oysters locally under the "King of Them All, Famous Rappahannock Oysters" label. (Courtesy of Jonesey Payne)
16. This 1924 invoice speaks to the selection of oysters being sold at J. W. Hurley & Son Seafood. (Courtesy of Walt Hurley)
17. Urbanna Brand Boyd's Favorite was the brand of tomatoes packed at Hurley's at the turn of the 20th century. (Courtesy of Emily Chowning)
18. Fred Garrett of Center Cross received this letter from J. W. Hurley in 1927. Urbanna Brand tomatoes were advertised on the letterhead. (Courtesy of Wit Garrett)
19. The sign over this man's head speaks to the fact sandwiches, cigarettes and tobacco, cold drinks and ice cream were sold in the store at J. W. Hurley & Son Seafood. (Courtesy of Jonesey Payne)
20. The seafood house and hotel/restaurant was located in a flood zone which can be attested to in this photo. (Courtesy of Pat Marshall)
21. Norris Granary started out as a four tank facility but later a fifth large tank was added when Hurley's hotel/restaurant closed and was torn down in the mid-1960s. (Courtesy of Carroll C. Chowning Jr.)
22. The large grain tank can be seen in this photo as "Bay Boats" M.V. Chief and William-Dea are being loaded with grain. The boats hauled grain from local farmers to Cargill Inc. in Norfolk. (Courtesy of Larry Chowning)
23. Once a year The Original Floating Theater came to town and moored in front of the ice plant where the Oyster Harbor Condominiums are located today. The last show came to town in 1940. (Courtesy of Virginia Burton)

24. This rare photo shows the interior of the theater complete with balcony seats. (Courtesy of Virginia Burton)

25. The theater had a pipe organ and stage and brought New York style theater to Urbanna. (Courtesy of Virginia Burton)

Folder 24

1. The Texaco Oil dock and fuel tank can be seen here in full view. (Courtesy of Buddy Davis)

2. The dock can be seen here with a log canoe at the wharf and a sailing schooner in the creek. (Courtesy of Town of Urbanna)

3. Sailing schooners brought fuel oil to Urbanna in barrels until large enough tanks were built on the shoreline for fuel storage. Large fuel tankers took over from the sailing schooners and large fuel trucks took over from fuel tankers. After that, fuel was delivered by roads - not water. The entire dock is seen in this photo. (Courtesy of Town of Urbanna)

4. Wilber Revere, left with hat, ran the Texaco Oil dock from the 1930s into the 1960s when it was purchased by F. L. Hall. The oil dock buildings can be seen in the background. Wilber and his group obviously had a good day fishing. (Courtesy of Anne Wheeley)

5. Mary Burton and friend are chicken-necking for hard crabs on the family dock. The large onshore tank at the Texaco Oil dock can be seen in the background. (Courtesy of Betty Burton)

6. This early 1940s photo of Southside Marine shows the Texaco Oil tanks on shore near the Texaco Oil Dock. (Courtesy of Carroll C. Chowning Jr.)

Folder 25

1. Sun Tan-IV was an early yacht used by Tides Inn to make the Saturday whiskey run from Irvington to Urbanna's ABC store. (Courtesy of Carroll C. Chowning Jr.)

2. Miss Ann was purchased by the Stephen family in 1952 and it took four years to be refurbished. Miss Ann started in 1956 making the whiskey run to Urbanna on Saturdays. She is pictured at her regular mooring spot at this location. (Courtesy of the Southside Sentinel.)

3. Miss Ann is moored on Carters Creek in Irvington as the buyboat P. E. Pruitt passed by. Miss Ann made her last whiskey run to Urbanna on August 16, 2008. The Urbanna Town Council declared the day "Miss Ann Day in Urbanna" and held a reception for the captain, crew and guest. The long tradition that started in 1947 ended. (Courtesy of Larry Chowning.)

4. As a tribute to the tradition on the Tides 75th birthday in July 2022 Tides Inn had the whiskey run reenacted on a boat trip from Irvington to Urbanna and passed out bottles of whiskey to guest at the Urbanna Town Marina. (Courtesy of Larry Chowning.)

Folder 26

1. The Southside Marine Railway and Supply Co. was founded in 1915 the year this invoice was provided to Urbanna resident Nannie Palmer after her son Charlie purchased these plumping items. (Courtesy of Charles H. Palmer Jr.)

2. This is an early photo of Southside Marine docks before covered slips were introduced. (Courtesy of Carroll C. Chowning Jr.)

3. Urbanna's Southside Marine set the stage for a new age of recreational maritime development in Middlesex. When this photo was taken in 1948 Southside was the premiere boating facility in the county. (Courtesy of Carroll C. Chowning Jr.)
4. Ben Williams and family from Richmond are going out for a cruise on his boat the Vagabond in 1950 from Southside Marine. During the boating months, boatowners at Southside came regularly on weekends to town. (Courtesy of B. F. Williams)
5. A fish box, a sturdy dock and running water at Southside Marine provided a good platform for cleaning fish. (Courtesy of Carroll C. Chowning Jr.)
6. This photo showing Southside Marine and Southern States granary was taken from the house of the U. S. Coast Guard Buoy Tender named Red Cedar in the 1980s. (Courtesy of Southside Sentinel)
7. Summertime on a stick at Southside Marine in 1950. (Courtesy of B. F. Williams)
8. This photo shows old Southside Marine when the railway was still in service. (Courtesy of Buddy Davis)
- 9 This photo was taken before the Texaco fuel tanks were built behind the Texaco oil dock. (Courtesy of Buddy Davis)
10. The two Texaco Company U.S.A. fuel tanks had just been installed when this photo was taken in the 1930s. (Courtesy of Buddy Davis)

Folder 27

1. Dixie Pickling Co. owned by Borshay and Sons Co. of Baltimore can be seen in the far right corner of this photo. It was a large building built out on oyster shells in Urbanna creek. The Borshays closed this waterfront factory in 1935 and opened another plant about a mile and a half outside of Urbanna on Old Virginia Street Road. That plant closed in the late 1950s. (Courtesy of Pat Marshall.)
2. Mary Burton taught art at Urbanna School. She was the daughter of Columbus (Lum) and Lucy Burton who owned the Burton House, a boarding house on Watling Street. The pickle factory was located right down the hill from their home and can be seen behind Mary netting a crab. (Courtesy of Betty Burton.)

Folder 28

1. The laddered oyster buying pole of Jones and Bakers oyster house was located near their shucking house near this location. The buying pole was later used by Gus and Randolph Ashburn to buy oysters from local oystermen. (Courtesy of Buddy Wyker.)



Agenda Item Summary September 22, 2022

Agenda Item: #11b-Sale of old Town Hall

Background: Council has recommended moving forward with the prospect of selling the Old Town Hall. We have received an appraisal of the building at \$367,000. In order to move forward, it is recommended a local Real Estate Company be hired to handle the sale. It is suggested this be done by sending a letter to the three Town Real Estate Firms allowing them to “bid” for the project by responding to certain criteria.

Fiscal Impact: \$150,000.00 (minimum) \$367,000.00 (maximum)

Staff Recommendation: N/A

Council Action Requested: Vote whether or not to consider the sale of the building. If Council decides to move forward with the sale, a Public Hearing will have to be scheduled. Once that is done, and the sale of the building is approved, we would then reach out to the Real Estate Firms to begin the process.

Suggested Motion: Motion is made to proceed with the sale of the Old Town Hall Building located at 45 Cross Street and to direct staff to schedule a Public Hearing at the next Town Council meeting scheduled for October 27, 2022.

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Agenda Item Summary September 22, 2022

Agenda Item: #12a-Ordinance 22-03 Clutter Ordinance-Proposed

Background: In response to complaints regarding unkept properties, staff is proposing an ordinance that would replace Chapter 6 in the current Town Ordinance. The ordinance would add language to add the category of “clutter”, as well as making enforcement easier.

A public hearing will be required prior to a Council vote.

Fiscal Impact: Unknown

Staff Recommendation: Council schedule a public hearing and future vote on the ordinance.

Council Action Requested: Not at this time

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Garbage, Refuse and
Weeds

CHAPTER 6

Section 6-1. Prohibited disposal of garbage, trash, etc.

It shall be unlawful for any person to dispose of any garbage, trash, junk or waste of any kind or description upon any street, sidewalk or public place in the town other than at a public dumping ground designated as such by the town council, or upon the property of another without the knowledge and consent of the owner or occupant of such property, or in any well, cistern spring or watercourse within the town.

Section 6-2. Duty of owners, etc., of premises-To remove prohibited wastes, etc.

It shall be unlawful for owners, occupants and persons in charge of lots and premises within the town not to remove therefrom any and all trash, garbage, refuse, litter and other substances and liquids which might endanger the health or safety of persons or constitute a menace toward starting or spreading fire, or afford a breeding place for insects, rodents or reptiles.

Section 6-3. ~~Maximum height of weeds, grass, etc.~~ Removal of trash, clutter, cutting of grass and weeds.

~~It shall be unlawful for any owner, lessee or occupant, or the agent, representative or employee of any owner, lessee or occupant, having control of any lot or parcel of land within the town, whether developed or undeveloped subdivided or not subdivided, to allow, permit or maintain any growth of weeds, grass or other natural growth thereon which exceeds an average of twelve (12) inches from the general level of the ground. Bona fide agricultural land, wooded parcels of land, marsh land and land not visible from any public street or private right of way are exempt from this section.~~

A. *It shall be unlawful for a property owner to have trash, garbage, refuse, litter, clutter, except on land zoned for or in active farming operation, and other substances that might endanger the health or safety of other residents of the Town on his/her property. For purposes of this section, "clutter" includes mechanical equipment, household furniture, containers, and similar items that may be detrimental to the well-being of a community when they are left in public view for an extended period or are allowed to accumulate. Clutter is further defined miscellaneous items, including but not limited to trash, appliances or furniture that are scattered in and about a yard and/or on a porch; a disordered collection of items in a yard*

or on a porch or up against an accessory structure; items that collect water, are rusted, inoperable or no longer usable,

B. Trash, garbage, refuse, litter, clutter, except on land zoned for or in active farming operation, and other debris shall be disposed of in personally owned or privately owned receptacles that are provided for such use and for the use of the persons disposing of such matter or in authorized facilities provided for such purpose and in no other manner not authorized by law.

C. Upon notice from the Town by letter to a property owner, mailed by first class mail, to the property address and any such other address provided by the property owner for the purpose of receiving tax bills, the property owner shall promptly remove any and all trash, garbage, refuse, litter, clutter, except on land zoned for or in active farming operation, and other substances that might endanger the health or safety of other residents of the Town.

D. If a property owner does not promptly remove any and all trash, garbage, refuse, litter, clutter and other substances that might endanger the health or safety of other residents of the Town within seven (7) days of the date of the notice, the Town may have such trash, garbage, refuse, litter, clutter and other like substances, removed by its own agents or employees, in which event the cost and/or expenses shall be chargeable to and paid by the property owner and may be collected as taxes are collected.

E. The owners of occupied or vacant developed or undeveloped property, including such property upon which buildings or other improvements are located, shall keep the grass, weeds and other foreign growth, including running bamboo, on the property, or any part thereof, cut. No grass, weeds and other foreign growth, including running bamboo shall exceed twelve (12) inches in height.

F. Upon one notice per growing season, by letter from the Town, to a property owner, mailed by first class mail to the property address and any such other address provided by the property owner for the purpose of receiving tax bills, the property owner shall promptly cut the grass, weeds and other foreign growth, including running bamboo, on the property, or any part thereof remove any and all trash, garbage, refuse, litter and other substances which might endanger the health or safety of other residents of the Town.

G. If a property owner does not promptly cut the grass, weeds and other foreign growth, including running bamboo, on the property, or any part thereof remove any and all trash, garbage, refuse, litter and other substances which might endanger the health or safety of other residents of the Town within seven (7) days of the date of the notice, the Town may have such grass, weeds and other foreign growth, including running bamboo, on the property, or any part thereof, cut and removed by its own agents or employees, in which event the cost and/or expenses shall be chargeable to and paid by the property owner and may be collected as taxes

are collected.

H. Every charge authorized by this section with which the owner of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local real estate taxes and enforceable in the same manner as provided in Articles 3 (§ 58.1-3940 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1 of the Code of Virginia, 1950, as amended. At the option of the Town of Urbanna, a lien may be waived in order to facilitate the sale of the property to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

Section 6-4. Clearance of sidewalk or street and overhanging shrubs or trees.

It shall be unlawful for any owner, lessee or occupant, or agent, representative or employee of any owner, lessee or occupant, having control of any lot or parcel of land within the town to allow or permit any part of any shrub or tree to overhang any sidewalk at a height of less than eight (8) feet or to overhang any street or alley at a height of less than fourteen (14) feet.

Section 6-5. ~~Recourse of town upon noncompliance. Reserved.~~

~~(a) Whenever deemed necessary by the town administrator, or the chief of police in the absence of the town administrator, after not less than seven (7) days from date of written notice mailed to the owner at the address shown on the town real estate tax records, the town administrator may direct town employees or an agent for the town to abate any unlawful condition provided for in sections 6-2, 6-3 and 6-4, in which event the cost or expenses thereof shall be chargeable to and paid by the owner of such property, and may be collected by the town as taxes and levies are collected.~~

~~(b) A property owner who has received a written notice as provided for in subsection (a) of this section may appeal the terms of the notice to the town council by submitting, in writing, an appeal and the grounds therefore within five (5) days of the date of such notice. Any appeal submitted to the town council pursuant to this section shall cause a stay in the terms of the notice pending action by the town council, which action shall be final.~~

~~(c) For purpose of this section, "cost and expense" shall mean the total cost to the town for performing the work, including, but not limited to labor, material, and equipment costs; depreciation of vehicles and equipment and an administration fee not less than fifty dollars (\$50.00) but any fee charged in excess of fifty dollars (\$50.00) shall be itemized to include any other expenses incurred by the town in enforcing this chapter.~~

Section. 6-6. Same-Lien created for charges incurred by town.

Every charge authorized by this chapter with which the owner of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property.

DRAFT



Agenda Item Summary September 22, 2022

Agenda Item: #12b-Oyster Festival Master Plan

Background: Urbanna Oyster Festival is an annual event held within the Town Limits. This is the 65th event and will take place Friday, November 4 & Saturday, November 5, 2022

Fiscal Impact: Positive impact, not only for the Town, but for the Oyster Festival Foundation, Middlesex County, and the surrounding counties, as well.

Staff Recommendation: Approve

Council Action Requested: Yes

Sample motion:

Motion to approve the 2022 Oyster Festival Master Plan as presented.

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65th URBANNA OYSTER FESTIVAL MASTER PLAN
November 3rd, November 4th & 5th, 2022

"The Official Oyster Festival of the Commonwealth of Virginia"

FESTIVAL OFFICIALLY CLOSES AT 6:00 PM ON SATURDAY,
NOVEMBER 5, 2022 - NO EXCEPTIONS

IV. Public Safety (Unified Command Structure)

The Public Safety Functions of the event will be managed through a Unified Command of the Middlesex County, VA Sheriff's Office and Garth Wheeler in his capacity as the Town of Urbanna Emergency Services Coordinator.

An Incident Action Plan will be developed for the event, which will outline the Command and General Staff functions, as well as the deployment of all Fire, Emergency Medical and Law Enforcement resources for the duration of the event.

V. Public Safety (Law Enforcement):

15.2-1730.1 In counties where no police department has been established and the Sheriff is the Chief Law Enforcement Officer, the Sheriff may enter into agreements with any other governmental entity providing law-enforcement services in the Commonwealth, and may furnish and received inter-jurisdictional law enforcement assistance for all law enforcement purposes, including those described in this Chapter, and for purposes for Chapter 3.2 (44-146.13 et seq.) for Title 44.

Crowd and traffic control will be provided through a joint public safety effort by the Town of Urbanna, the Oyster Festival Foundation, Middlesex County Sheriff's Office, Virginia State Police, The Department of Transportation, the Virginia Department of Alcoholic Beverage Control. The Sheriff shall exercise 15.2-1730.1 entering agreements with other law enforcement agencies to ensure adequate crowd control, pedestrian safety and emergency health care, motor vehicle parking and traffic flow, parade control.

VI. Public Safety (Emergency Services):

Emergency service functions, to include Emergency Medical Services and Fire Protection, will be managed by the Town of Urbanna, VA, Emergency Service Coordinator. The primary resources required to complete these responsibilities will be provided by the Central Middlesex Volunteer Rescue Squad and the Middlesex Volunteer Fire Department. Additional Rescue Squad and Fire Department resources from Middlesex County, VA and surrounding jurisdictions will be utilized to supplement the primary resources.

Emergency Medical Aid Stations will be strategically located throughout the Festival Area, and additional Emergency Medical personnel will be moving throughout the Festival Area. Transport Resources will be strategically located throughout the Festival Area, predominantly on the perimeters, as not to cause a hazard to citizens. Patients will be moved from the interior to the Festival Areas on "Gator Type" vehicles and transported to a hospital or

Medivac Landing Area. Medivac Helicopter Landing Areas will be located at the Rosegill Plantation airstrip, in the field behind 296 Rappahannock Avenue in Urbanna and Red Hill cemetery on State Route 1011, just west of town.

VII. Public Safety (In Town Parking and Vehicle Movement):

Most unrestricted streets and *many* private properties within the corporate limits of the Town of Urbanna will be available for parking on Friday, November 4, 2022 and until 8:30 AM on Saturday, November 5, 2022.

The following street closures are made pursuant to a resolution passed by the "Town Council" of the Town of Urbanna, and in accordance with the 2022 Urbanna Oyster Festival permit, as issued by the Virginia Department of Transportation.

On Friday, November 4, 2022, Virginia Street from Cross Street to the Waterfront and from Cross Street to Grace Street, Rappahannock Avenue from Marston Avenue to Virginia Street, and a portion of Prince George Street will be closed to vehicular traffic as required by public safety officials. Notwithstanding the foregoing, various streets and locations may be closed at any time on Friday, November 4, 2022 to insure public and/or pedestrian safety as determined by public safety officials.

On Friday, November 4, 2022 vehicular traffic entering or leaving the town will be prohibited from 5:00 PM to 9:00 PM on the West side (Route 602) and from 6:00 PM to 9:00 PM on the East side (Rosegill) for the Fireman's Parade. During this time, the movement of traffic within the town will be limited. Vehicular traffic, except for parade participants will be strictly prohibited along the Fireman's parade route.

At 9:00 AM, or earlier if deemed necessary by State Police, on Saturday, November 5, 2022, State Route 227 (Urbanna Road) will be closed to all vehicular traffic, except law enforcement, fire and rescue vehicles, with a police manned barricade at Molly's Way. Vehicles will be directed to park in the "official" festival parking lots or they will be allowed to turn around and leave the area.

At 9:00 AM, or earlier if deemed necessary by State Police, on Saturday, November 5, 2022, State Route 602 (Old Virginia Street) will be closed to all vehicular traffic, except law enforcement, fire and rescue vehicles, with a police manned barricade at Route 1011 (Red Hill Drive). The only exceptions for further entrance past the police barricade will be vehicles that display an "Official 2022 Urbanna Oyster Festival" vehicle permit, issued by the Urbanna Oyster Festival Foundation. The issuance of these permits will be regulated to vehicles for festival sponsors, dignitaries, medical personnel and "parade participants". Vehicles that do not have a permit will be directed to park in the

"official" festival parking lots or they will be allowed to turn around and leave the area.

On Saturday, November 5, 2022, beginning at 8:00 AM, Virginia Street from Cross Street to Grace Street, Rappahannock Avenue from Marston Avenue to Virginia Street, and all of Prince George Street will be closed to vehicular traffic, except law enforcement, fire and rescue vehicles.

On Saturday, November 5, 2022, motor vehicles located within the corporate limits of the Town of Urbanna will not be allowed to leave town, until approximately 8:00 PM or earlier as deemed appropriate by law enforcement.

Vehicular traffic shall include, but not be limited to, all golf carts as defined under Chapter 14, Article 4, Sections 14-38 et seq. of the Town Code (except "official golf carts" defined under S14-45 of the Town Code). All golf carts, except for "official golf carts" operating within the Town of Urbanna boundaries as may be expanded for this event shall be properly licensed under S14-38 et seq. of the Town Code and properly display a Town of Urbanna vehicle license sticker.

VIII. Public Safety (Outlying Parking Areas):

On Saturday, November 5, 2022, traffic approaching Urbanna from the east will be directed by Oyster Festival parking concessionaires into "official" parking areas on private property (Rosegill Farm) on the east and west side of State Route 227 (Urbanna Road). Vehicles reaching the Virginia State Police barricade and/or traffic control point will be directed to turn around and will not be allowed to enter the town.

On Saturday, November 5, 2022, traffic approaching Urbanna from the west will be directed by Oyster Festival parking concessionaires into "official" parking areas on private property on the north and south sides of State Route 602 (Old Virginia Street). The "official" parking lots at Lord Mott corner and Knapps Hill, closest to Town will be filled first. After these lots have been filled, as determined by the Virginia State Police, the "official" parking lot at Hewick Plantation may be opened for parking. Vehicles reaching the Virginia State Police barricade and/or traffic control point will be directed to turn around and will not be allowed to enter the town.

IX. Public Safety (No Parking Areas):

Pursuant to Resolution of The Urbanna Town Council and Virginia Department of Transportation Parade Permit approval, the following streets are designated "no parking" areas within the corporate limits of the Town of Urbanna between the dates and times indicated

in order to ensure pedestrian safety, expedient movement of fire and rescue vehicles, and safe parade operations:

A. Between 2:00 AM Friday, November 4, 2022 and 11:00 PM Saturday, November 5, 2022 major "No Parking Tow Away Zones" within the corporate boundaries of the Town of Urbanna shall be prominently marked and shall include;

1. Urbanna Road (State Route 227) from the Urbanna Bridge to the Watling Street (State Route 227 and State Route T1015) intersection, both sides of the street;

2. Watling Street (State Route 227) from its intersection with Urbanna Road (State Route 227) at the traffic triangle to Cross Street (State Route 227), both sides of the street;

3. Cross Street (State Route 227 and State Route T1005) from its intersection with Watling Street (State Route 227) all the way past the Marston Avenue (State Route T1006) intersection, both sides of the street;

4. Prince George Street (State Route T1003) from Cross Street (State Route 227) to Virginia Street (State Route 227), both sides of the street;

5. Virginia Street (State Route 227), east from Waverly Road (State Route 1010) to Oyster Road (T1002) on the waterfront, both sides of the street;

6. Marston Avenue (State Route T1006) from Cross Street (State Route T1005) to Rappahannock Avenue (State Route T1001), both sides of the street; Rappahannock Avenue (State Route T1001) south from the Marston Avenue (State Route T1006) intersection to Virginia Street (State Route 227), both sides of the street; Marston Avenue (State Route T1006) east from Cross Street (State Route T1005) to first house on each side of street (excludes Sears house).

7. Bonner Street (State Route T1020) west from Rappahannock Avenue (State Route T1001) to Linden Avenue (State Route T1021), both sides of the street; Grace Avenue (State Route 1010) from Bonner Street (State Route T1020) to Virginia Street (State Route 227), both sides of the street; Park Street (State Route T1019) from Rappahannock Avenue (State Route T1001) to Linden Avenue (State Route T1021), both sides of the street;

8. Upton Lane (State Route T1017) in its entirety, both sides of the street. Post Office patron 10-minute parking will be authorized on Friday until the road is closed by the Sheriff.

9. Hilliard Street in its entirety, both sides of the street.

10. Rappahannock Avenue in its entirety, Cross Street in its entirety, Kent Street in its entirety.

B. Between 2:00 AM and 8:00 PM Saturday, November 5, 2022 there shall be a no parking area from the intersection of Virginia Street (State Route 602) and Lord Mott Road (State Route 615) to the intersection of Virginia Street (State Route 227 and State Route 602) and Waverly Road (State Route 1010) and Red Hill Road (State Route 1011).

C. No parking signs will be placed on State Route 227 and State Route 602 outside the corporate limits of the Town of Urbanna by the Virginia Department of Transportation, Saluda Residency. Tow away zone signs will be placed accordingly.

Additional details of the no parking areas are contained in the 2022 Oyster Festival Public Safety Plan. "No Parking" areas will be designated as tow away zones, and towing charges will be at the violator's expense.

X. Public Safety (Parking Permits and Vehicle Passes):

Parking permits and vehicle passes are not issued by the Town of Urbanna or the Urbanna Oyster Festival Foundation for passage into or out of Urbanna during the hours that routine vehicle traffic is restricted within the Town of Urbanna.

Also, please see Section VI of this document that also discusses parking permits and vehicle passes.

Parade and other Oyster Festival participants must follow published instructions in order to arrive, park, and meet scheduled activities.

XI. Parade Permit and Public Safety Agency Approval:

Pursuant to Section 7.1-22, Urbanna Town Code (1973), as amended, a Virginia Department of Transportation (VDOT) Application For A Parade Permit shall be submitted for approval to the Virginia Department of Transportation, District Resident Engineer for approval of the Friday, November 4, 2022 Fireman's Parade and the Saturday, November 5, 2022, Oyster Festival Parade in order to

temporarily close affected streets and restrict parking. A copy of this Master Plan and its addenda shall be submitted along with the Parade Permits to secure the coordination and approval of the Town of Urbanna Administrator, Middlesex County Sheriff, the Virginia State Police, and the Virginia Department of Transportation. Copies of the Parade permits are attached as addenda to this Master Plan. Final Parade Permit approval is required no later than seven days prior to the event.

XII. Fireman's Parade (Route and Time): The Fireman's Parade will begin at 7:00 PM, Friday, November 4, 2022 and commence east on Virginia Street (State Route 602) from the area of the Urbanna Professional Center (State Route 1011) left on Grace Street (State Route 1010), right on Bonner Street (State Route 1019), left on Rappahannock Avenue, right on Marston Avenue, right on Cross Street, right on Virginia Street to a disband area where the parade began, at the Urbanna Professional Center. The Fireman's Parade duration -approximately one (1) hour. The Fireman's Parade will be restricted to sixty-five (65) self-propelled units.

XIII. The Oyster Festival Parade (Route and Time):

The Oyster Festival Parade will begin at 2:00 PM, Saturday, November 5, 2022 and will commence east from the staging and formation area at the Waverly Commons Office Building on State Route 602 on Virginia Street, left on Grace Street, right on Bonner Street, left on Rappahannock Avenue, right on Marston Avenue, right on Cross Street, right on Prince George Street, left on Virginia Street to the disband area where the parade began. Oyster Festival Parade duration - approximately one (1) hour or less. Parade route signage will be furnished by the Oyster Festival Foundation. The maximum number of parade units will be 80 with the slower marching units in front. Parade units may not stop to perform during the parade, except at the reviewing stand. The Oyster Festival Foundation agrees to provide reasonable funding to the Town of Urbanna for additional police officers. The Oyster Festival Foundation will be responsible for any damage along parade route and returning the landscaped areas of Virginia Street back to pre-festival condition.

XIV. Parade (Safety):

Parade participants are instructed that no objects are to be thrown from any parade vehicle or floats or by any parade marchers. Parade participants will be instructed that no stopping will be allowed along the parade route. Parade officials will be located at critical areas and intersections along parade routes to establish and maintain roadblocks and barriers to keep the parade

flowing smoothly at all times and to limit pedestrians from obstructing the parade route. Air cannons, explosive devices and other objects to create excessive noise are prohibited. No sirens to be blown if parade stops.

XV. Virginia Oyster Shucking Contest:

The Oyster Shucking Contest of the Official Oyster Festival of the Commonwealth of Virginia will be held at 11:00 AM, Saturday, November 5, 2022, at the Firehouse. Duration - approximately one and one-half (1½) hours.

XVI. Waterfront/Scottish Factor Store:

The Waterfront will provide opportunities to view the harbor, enjoy entertainment and view many displays. The Town of Urbanna hereby grants the use of portions of the docks designated slips 21, 22, 23, 24, 25 and 26 for the use of in water displays. On Thursday, the waterfront is used to further educate the children of the community with the heritage of the oyster industry. The Scottish Factor Store now houses the Town of Urbanna Visitor Center. Visitors may purchase Town of Urbanna souvenirs and listen to soft entertainment.

XVII. Sanitation:

Portable public sanitation facilities and supplies will be provided under contract by a private waste management firm, and the portable bathrooms will be positioned throughout the festival area to optimize utilization by festival participants. Handicapped facilities will be made available and conveniently located. Positioning of the portable sanitary facilities and solid waste dumpsters will be a coordinated effort between the Oyster Festival Foundation staff and the Town of Urbanna. Festival officials will contract for cleanup services and traffic control signs/devices with the Virginia Department of Transportation, Saluda Resident Engineer.

The Oyster Festival Foundation will provide trash cleanup and disposal services throughout the festival in coordination with, and in addition to, Middlesex County, the VDOT and private waste management contracted services. The Urbanna Oyster Festival Foundation, in coordination with the Town of Urbanna, shall obtain the approval of the Middlesex County Administrator for the private waste contractor and the Virginia Department of Transportation to dispose of permitted solid wastes in the Middlesex County solid waste transfer station, if required. The Oyster Festival Foundation shall guarantee to the citizens of the Town of Urbanna that the Town of Urbanna will be returned to pre-festival condition as soon as possible after the conclusion of the event.

XVIII. Virginia Department of Health Certification of Temporary Restaurants:

Pursuant to Section 7.1-22, Urbanna Town Code (1973), as amended, the Urbanna Oyster Festival Foundation shall require all food handlers and concessionaires to have a permit from the Middlesex County Health Department. The Oyster Festival Foundation shall provide each food vendor applicant a copy of the Virginia Department of Public Health Division of Sanitation Services regulations governing the permitting of temporary restaurants as part of the application for Special Business License process. Copies of the 2022 Urbanna Oyster Festival Foundation Concession Rules and Regulations, Special Business License application form, and Virginia Department of Health regulations governing temporary restaurants are included as addenda to this master plan.

XIX. Communications:

The Oyster Festival Foundation will maintain a communication capability with key staff personnel of the Oyster Festival through the use of a mobile radio net provided exclusively for the Oyster Festival. The command post will be the established communication during oyster festival operations. The command post will be located on the corner of Rappahannock and Virginia Street.

XX. Motorized Carts:

The Oyster Festival Foundation will utilize clearly identifiable golf carts or "street carts" for the transportation of key staff in and around the festival grounds. The carts will be maintained by the Oyster Festival Foundation or at the residence of the authorized festival staff member. Only authorized members of the Oyster Festival staff are allowed to operate the carts, and they remain responsible for the vehicle and its operation. Motorized carts for the handicapped will be permitted in the festival areas as crowd density permits. Golf carts or "street carts" motorized skateboards, scooters or mopeds, operated by town citizens or festival attendees will not be permitted on any streets that are otherwise closed to motor vehicles. Any law enforcement officer witnessing an unsafe condition involving a motorized cart may terminate the use of the cart by the individual involved for the duration of the Oyster Festival.

XXI. Musical Entertainment:

The Oyster Festival Foundation shall provide entertainment during the festival.

XXII. Town of Urbanna Special Business Licenses:

Pursuant to Chapter 7, Article IV, Sections 7.1-17 through 7.1-29, both inclusive, Urbanna Town Code (1973), as amended, the Urbanna Oyster Festival Foundation, as the sponsoring organization, shall provide for the application and payment of Special Business Licenses by concessionaires. The Special Business Licenses issued by the Town of Urbanna is comprised of two parts; the first part which is payable to the Town of Urbanna and the second part which is payable to the Urbanna Oyster Festival Foundation as more fully described in the Urbanna Oyster Festival Foundation Concession Application attached hereto as Addenda XVIII(3) and incorporated herein by reference. Application forms, to include Special Business License fees, are included as an addendum to this Master Plan. The Special Business Licenses can only be obtained by concessionaires from the Oyster Festival Foundation. Any person or business entity which engages in or conducts any business, calling, profession, or concession in the Town of Urbanna solely or primarily during the Oyster Festival shall qualify for the Special Business License prior to engaging in any business activity. No Special Business License shall be issued to any such person or business entity unless they have entered into a reciprocal agreement with the Urbanna Oyster Festival Foundation to comply with the provisions of this Master Plan and the ordinances and regulations of the Town of Urbanna, the Virginia State Police, the Virginia Department of Health and the Virginia Department of Transportation. Any person or business entity which has obtained a regular Town of Urbanna business license and whose business activities within the Town of Urbanna are not limited to the Urbanna Oyster Festival shall be exempt from obtaining a Special License Permit provided that such person or business entity does not allow unlicensed parties to conduct any business activity ostensibly under the authority of their Urbanna business license during the annual Urbanna Oyster Festival. Notwithstanding the foregoing, all regular Town of Urbanna business licenses issued to a person or business entity engaged as a peddler or itinerant merchant with no definite place of business as defined in Section 7-1.2 of the Town Code shall be null and void during the Urbanna Oyster Festival. Pursuant to Section 7.1-17 of the Urbanna Town Code, any such person or business entity that does not receive remuneration for its activities shall not be required to pay the Town Special Business License fee.

XXIII. Insurance and Indemnification Agreement:

Pursuant to Section 7.1-22, Urbanna Town Code (1973), as amended, the following insurance and indemnification agreement shall be executed between the Town of Urbanna and the Urbanna

Oyster Festival Foundation upon approval of the Master Plan by the Urbanna Town Council, but no later than thirty days prior to the date of the Oyster Festival. The duly executed Insurance and Indemnification Agreement shall be included as an Addendum to this Master Plan:

INSURANCE AND INDEMNIFICATION AGREEMENT

This Insurance and Indemnification Agreement is entered into this ____ day of _____, 2022 by and between the Town of Urbanna, Virginia, a Virginia municipal corporation, and the Urbanna Oyster Festival Foundation, a Virginia non-stock, not-for-profit corporation.

WHEREAS, the Urbanna Oyster Festival Foundation, and not the Town of Urbanna, but with the cooperation and support of the residents, businesses and the governmental authorities of the Town of Urbanna, sponsors an annual event known as the Oyster Festival within the municipal limits of the Town of Urbanna; and

WHEREAS, Section 7.1-22(5) of the Urbanna Town Code, 1973, as amended, requires, among other things, that the Urbanna Oyster Festival Foundation execute an Insurance and Indemnification Agreement that provides for an indemnity to the Town of Urbanna and a general liability insurance policy in an amount established by a resolution of the Urbanna Town Council (as herein described) as a condition precedent to holding the annual Oyster Festival; and

WHEREAS, it is the intent of the Town of Urbanna that the indemnity given in this Insurance and Indemnification Agreement be limited to those claims (as herein described) not covered by the insurance policy.

NOW THEREFORE, THE URBANNA OYSTER FESTIVAL FOUNDATION hereby agrees to save, indemnify and hold harmless the Town of Urbanna, Virginia against all liability claims, demands, losses, damages, judgments or actions of any nature whatsoever arising from acts, omissions, accidents or claims thereof, to persons or property occasioned in connection with the Oyster Festival Foundation and the agents, invitees, employees, volunteers, or others under the general aegis and control of the Urbanna Oyster Festival Foundation in its sponsorship of an annual event known as the Urbanna Oyster Festival (hereinafter "claims") not covered by the insurance policy.

Notwithstanding the foregoing, this indemnification shall be limited to any claim arising from the Oyster Festival (i.e. November 4th and 5th, 2022) and a period thirty days prior to and thirty days after the Oyster Festival, but alleged to be in connection therewith, and not otherwise covered by the insurance policy. In addition, this indemnification shall be subject to the

following:

- 1) Any defenses the Urbanna Oyster Festival Foundation may have, if any, against the Town of Urbanna, for any claim; and
- 2) In the event that any act or omission by the Town of Urbanna shall cause a lack or failure of the coverage of the claim by the insurance carrier, the Urbanna Oyster Festival Foundation shall not be obliged to indemnify the Town of Urbanna for any claim otherwise covered or provided for by the insurance policy; and
- 3) In the defense of the Town of Urbanna under this indemnity, the Urbanna Oyster Festival Foundation shall have and may exercise all of the same or similar rights, duties, obligations and privileges which accrue to the insurance carrier under the insurance policy, including without limitation any defenses available to the Town of Urbanna as a municipal corporation and political subdivision of the Commonwealth of Virginia.
- 4) Any claims arising from any existing business operation, including any claims arising from the operation of the expanded business area(s) for the consumption of alcoholic beverages, shall be expressly excluded from this indemnity.

The URBANNA OYSTER FESTIVAL FOUNDATION shall provide a general liability policy which covers both bodily injury and property damage with a per occurrence limit of One Million Dollars, Five Million Dollars aggregate, to include products coverage, liquor legal liability endorsement, and personal and advertising injury. Such policy shall be provided by an insurance carrier with an A.M. Best rating of B+ or better.

Said insurance shall insure against any and all liability of the Town of Urbanna with respect to the Urbanna Oyster Festival, in any connection therewith, whether thirty days before, during, or thirty days after the actual event. Any such policy of insurance shall be issued by a company reasonably acceptable to the Town of Urbanna and the Urbanna Oyster Festival Foundation, shall provide the Town Administrator a certificate of such insurance, without demand therefor, dated not more than thirty days prior to the date of the event showing evidence of current insurance as above stipulated with the Town of Urbanna as an additional insured. Such policy shall provide therein that such policy shall not be canceled or terminated without thirty days prior notice from the insurance company to the Town of Urbanna (the 'insurance policy').

The Executed Insurance and Indemnification Agreement is included as Addendum 5 to this Master Plan.

XXIV: SERVICE MARK:

All participants in the Urbanna Oyster Festival under this Master Plan, hereby acknowledge and agree, as a condition to participate in the festival:

1. That the Urbanna Oyster Festival Foundation (the "Foundation") is the sole and exclusive owner of all right, title and interest in and to the Service Mark, i.e. oysters logo and/or the words, "Urbanna Oyster Festival", (the "Mark") and any colorable imitations, designations, counterfeits or copies of the Mark; and
2. That the Mark has become distinctive of the Foundation's services and has become famous under 15 U.S.C. Section 1125; and
3. The Foundation has registered the Mark in the United States Patent and Trademark office (Registration Nos. 2,198,679 and 2,208,800) and any use of the Mark, without the expressed written consent of the Foundation shall constitute an infringement on this Foundation's federally registered service mark in contravention of 15 U.S.C. Section 1114(1)(a).; and
4. Not to engage in any conduct in violation of this Section XXIV; and
5. That if the Foundation determines, in its sole discretion, that a participant has used the Mark without the expressed written authorization or license from the Foundation, then the participant after receiving a demand, whether written or oral, from the Foundation to cease and desist from any further use of the Mark, hereby consents to the follows actions:
 - a) The chief law enforcement officer and his deputies or officers may close any activity in violation of this Section XXIV upon written notice from the Foundation; and
 - b) The person or entity in violation of this provision of the Master Plan consents to the

entry of an ex parte order granting injunctive relief to the Foundation to enjoin any unauthorized use of the Mark; and

- c) The person or entity in violation of this provision of the Master Plan hereby acknowledges that the Foundation is entitled to recover all of the profits earned as a result of the use of the Mark; together with other damages that the Foundation has suffered, which shall be trebled, including but not limited to actual attorney fees.

XXV: Controlled Consumption of Alcoholic Beverages:

The Virginia Alcoholic Beverage Control Board ("ABC") has recommended the establishment of controlled areas for the consumption of alcoholic beverages during events such as the Urbanna Oyster Festival ("Expanded Area"). In accordance with that recommendation and to accommodate certain existing businesses operating within the Town of Urbanna, such businesses shall, in addition to complying with any existing laws and regulations in the Commonwealth of Virginia, agree to the following terms and conditions, which must be included and made a part of their application to the ABC for an administrative expansion to their existing license during this event:

1. Provide adequate security within the expanded area to the satisfaction of the appropriate government authorities of the Town of Urbanna and the Urbanna Oyster Festival Foundation; and
2. Provide a general liability insurance policy which covers both bodily injury and property damage with an occurrence limit of One Million Dollars and include products coverage, a liquor legal liability endorsement, and personal and advertising injury. Said policy shall be provided by an insurance carrier with an A.M. Best rating of B+ or better. In addition, the business shall name the Urbanna Oyster Festival Foundation and the Town of Urbanna as an additional insured; and
3. Agree to operate within the hours prescribed by the Urbanna Oyster Festival Foundation and the appropriate governmental authorities of the Town of Urbanna; and

4. Agree to abide by all of the rules and regulations promulgated by the Urbanna Oyster Festival Foundation.

All businesses authorized to operate an Expanded Area hereby acknowledge, as evidenced by their application to the ABC, that this business activity is a privilege agreed to by the Town of Urbanna under this Master Plan and not a right under any existing business license issued by the Town of Urbanna. The failure of any business operating an Expanded Area to comply with one or more of the conditions contained in this Master Plan shall constitute a default under this Master Plan and result in the automatic termination of the privilege to operate an Expanded Area.

XXVI: Raffles:

The Urbanna Oyster Festival Foundation (Foundation) has not permitted raffles and other games of chance at the Urbanna Oyster Festival because these activities were thought to conflict with the family-oriented nature of the Urbanna Oyster Festival. However, the Foundation recognizes that some bona fide non-profit organizations utilize raffles as a fundraising tool for the benefit of the community that they serve as part of their non-profit mission. This shall not apply to the Virginia Lottery.

Therefore, the Foundation may permit raffles during the Urbanna Oyster Festival for which the Foundation receives an advance application for review and approval, and which includes evidence of the sponsoring organization's tax-exempt status granted by the U.S. Internal Revenue Service as well as evidence of compliance with the Commonwealth of Virginia's charitable gaming regulations, as amended. Approval of such raffle applications shall be at the sole discretion of the Urbanna Oyster Festival Foundation.

XXVII: Financial Responsibility:

The Urbanna Oyster Festival Foundation agrees to fully fund any short fall in revenues that would result in any financial loss to the Town of Urbanna.

XVIII. Addenda:

1. Urbanna Oyster Festival Foundation Charter.
2. Urbanna Oyster Festival Foundation Concession Rules and Regulations.
3. Urbanna Oyster Festival Foundation Concession Applications.
4. The Virginia Department of Health Guidelines And Checklist For Temporary Food Events, and Application For Temporary Restaurant Permit.
5. Executed Insurance and Indemnification Agreement.
6. Ordinance of the County of Middlesex authorizing the Town of Urbanna to apply its Master Plan to certain portions of Middlesex County during Oyster Festival weekend, Friday, November 4, 2022 and Saturday, November 5, 2022.
7. VDOT Permit Application for Oyster Festival 2022.
8. VDOT Permit for Oyster Festival 2022.

INSURANCE AND INDEMNIFICATION AGREEMENT

This Insurance and Indemnification Agreement is entered into this _____ day of _____, 2022 between the Town of Urbanna, Virginia, a Virginia municipal corporation, and the Urbanna Oyster Festival Foundation, a Virginia non-stock, not-for-profit corporation.

WHEREAS, the Urbanna Oyster Festival Foundation, and not the Town of Urbanna, but with the cooperation and support of the residents, businesses and the governmental authorities of the Town of Urbanna, sponsors an annual event known as the Oyster Festival within the municipal limits of the Town of Urbanna; and

WHEREAS, Section 7.1-22(5) of the Urbanna Town Code, 1973, as amended, requires, among other things, that the Urbanna Oyster Festival Foundation execute an Insurance and Indemnification Agreement that provides for an indemnity to the Town of Urbanna and a general liability insurance policy in an amount established by a resolution of the Urbanna Town Council (as herein described) as a condition precedent to holding the annual Oyster Festival; and

WHEREAS, it is the intent of the Town of Urbanna that the indemnity given in this Insurance and Indemnification Agreement be limited to those claims (as herein described) not covered by the insurance policy.

NOW THEREFORE, THE UBRANNA OYSTER FESTIVAL FOUNDATION hereby agrees to save, indemnify and hold harmless the Town of Urbanna, Virginia against all liability claims, demands, losses, damages, judgments or actions of any nature whatsoever arising from acts, omissions, accidents or claims thereof, to persons or property occasioned in connection with the Oyster Festival Foundation and the agents, invitees, employees, volunteers, or others under the general aegis and control of the Urbanna Oyster Festival Foundation in its sponsorship of an annual event known as the Urbanna Oyster Festival (hereinafter "claims") not covered by the insurance policy.

Notwithstanding the foregoing, this indemnification shall be limited to any claim arising from the Oyster Festival (i.e. November 3rd, November 4th, and November 5th, 2022) and a period thirty days prior to and thirty days after the Oyster Festival, but alleged to be in connection therewith, and not otherwise covered by the insurance policy. In addition, this indemnification shall be subject to the following:

- 1) Any defenses the Urbanna Oyster Festival Foundation may have, if any, against the Town of Urbanna, for any claim; and
- 2) In the event that any act or omission by the Town of Urbanna shall cause a lack or failure of the coverage of the claim by the insurance carrier, the Urbanna Oyster Festival Foundation shall not be obliged to indemnify the Town of Urbanna for any claim otherwise covered or provided for by the insurance policy; and
- 3) In the defense of the Town of Urbanna under this indemnity, the Urbanna Oyster Festival Foundation shall have and may exercise all of the same or similar rights, duties, obligations and privileges which accrue to the insurance carrier under the insurance policy, including without limitation any defenses available to the Town of Urbanna as a municipal corporation and political subdivision of the Commonwealth of Virginia.
- 4) Any claims arising from any existing business operation, including any claims arising from the operation of the expanded business area(s) for the consumption of alcoholic beverages, shall be expressly excluded from this indemnity.

The URBANNA OYSTER FESTIVAL FOUNDATION shall provide a general liability policy which covers both bodily injury and property damage with a per occurrence limit of One Million Dollars, Five Million Dollars aggregate, to include products coverage, liquor legal liability endorsement, and personal and advertising injury. Such policy shall be provided by an insurance carrier with an A.M. Best rating of B+ or better.

Said insurance shall insure against any and all liability of the Town of Urbanna with respect to the Urbanna Oyster Festival, in any connection therewith, whether thirty days before, during, or thirty days after the actual event. Any such policy of insurance shall be issued by a company reasonably acceptable to the Town of Urbanna and the Urbanna Oyster Festival Foundation, shall provide the Town Administrator a certificate of such insurance, without demand therefore, dated not more than twenty-five days prior to the date of the event showing evidence of current insurance as above stipulated with the Town of Urbanna as an additional insured. Such policy shall provide therein that such policy shall not be canceled or

terminated without thirty days prior notice from the insurance company to the Town of Urbanna (the "insurance policy").

The Executed Insurance and Indemnification Agreement is included as Addendum 5 to the Master Plan.

Urbanna Oyster Festival Foundation,
A Virginia Non-Profit Organization

By: _____
Dick Goyne, Chairman