



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR MONTHLY MEETING
IRVINGTON BAPTIST CHURCH
THURSDAY, September 12, 2024; 6:30 p.m.**

AGENDA –

A. CALL TO ORDER

B. ROLL CALL

J. Penniman, present
P. Robinson, present
M. C. Bradley, present
D. Patteson, present
B. Schaschek, present
J. Harris, present
W. Nunnally, present – arrived after the roll call at 6:36 p.m.

C. APPROVE AGENDA

**Motion made by B. Schaschek to approve the agenda.
Seconded by P. Robinson.
Motion carries 5-0-1, Absent: Nunnally**

D. APPROVE MINUTES

**Motion made by M. C. Bradley to approve the August 8, 2024 Town Council Meeting Minutes.
Seconded by D. Patteson.
Motion carries 5-0-1, Absent: Nunnally**

E. FINANCIAL REPORT

- Treasurer's Report accepted with no objections.
**Motion made by B. Schaschek to accept the Treasurer's Report.
Seconded by D. Patteson.
Motion carries 5-0-1, Absent: Nunnally**

F. PUBLIC HEARING

- Roll Call for Town Council was completed at the beginning at the meeting.
- Roll Call for Planning Commission:
Members Present: T. Chapman, S. Strait, and D. Clarke.
Absent: R. Fuller., R. Camillo, M. Smith, and J. Taylor.
(Note: Since this did not constitute a quorum, Mr. Chapman noted that the Planning Commission would also allow public comments on Ordinance Amendment #2024-10 during the October Planning Commission meeting.)



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Joint Public Hearing

- Proposed Ordinance Amendment #2024-10.uc – 1st Reading
This proposed Ordinance includes a land use ordinance amendment related to subdivisions (septic pump-out requirements) and zoning ordinance amendment related to the Chesapeake Bay Preservation Area Overlay District.
- No comments from the public were made regarding this proposed Ordinance.

G. PUBLIC COMMENT

- **T. Ransone (King Carter):** Ms. Ransone wanted to expand on her comments from last month regarding the proposed addition of six units at the Refuel site (POLLARD 3.24 Conditional Use Permit). She expressed her support for Refuel as a valuable addition to the community, noting that the current facility is well-executed. Her primary concern and question moving forward related to density and how the addition of six new units might affect the concentration of individuals in such a small area.
- **M. Arthos (Sams Cove Landing):** Also regarding the proposed Refuel CUP, Ms. Arthos expressed her belief that the application must demonstrate that the establishment will not negatively impact property values in the neighborhood. After reviewing the application, she felt this had not been adequately shown. She also echoed Ms. Ransone's concerns about density, noting that the addition of six units adjacent to single-family homes could lead to increased traffic, noise, and potentially lower property values. Additionally, Ms. Arthos raised an unresolved question about how the units in Refuel are defined—specifically, whether they are considered short-term or long-term rental units.
- **H. Purcell (Illuminate Irvington Committee):** Ms. Purcell announced that the Illuminate Irvington event is scheduled for December 5th. The event will feature two main parts. The first half will include the traditional lighting of the tree at the Methodist Church, accompanied by a performance from the children's choir, as well as the illumination of small lights to create a guided path to the Commons. The second half will focus on lighting the new tree purchased for the Commons area, along with family-friendly activities and food. To facilitate this, the committee has requested use of the Commons for the entire day/evening of December 5th.
- **W. Nunnally (Town Council):** Mr. Nunnally requested that the record show he had arrived.
- **C. Dyson (Town Clerk):** Mr. Dyson read a letter from Mr. and Mrs. McGeorge of Sanders Lane, who were out of town and unable to attend the meeting. In their letter, they expressed support for the Deputies Program and recounted their experiences with past traffic calming efforts in collaboration with VDOT, which they felt were less effective. After years of advocating for the deputies, they are pleased with the outcomes and believe this program is the most effective measure



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for enhancing the town's safety. They also invited anyone interested in observing the issue firsthand to visit their home and watch from their front porch.

- **C. Dyson** also summarized a letter from Terri Wesselman requesting that the town's proposed sign ordinance be amended to allow feather signs on a temporary basis.
- **J. Nelson (Zoning Administrator):** Mr. Nelson read four emails related to the proposed Pollard CUP. Barnard Carter of King Carter Drive was opposed to the additional units. Cleland Carter on the Lane noted that she was very opposed as an adjacent property owner. She believed the project would impair property value, privacy, and the serenity of neighborhood. She also questioned the project's alignment with the comprehensive plan. Donna Cummings on the Lane was also opposed and believed the project would impact the safe environment of the neighborhood and the visual appearance of the town. Jill Fisher expressed concern with the cottages creating too much density in a small area.

H. REPORT FROM THE MAYOR, *J. Harris*

- The Mayor provided several reminders to the Council. Topics included were:
 - Committees cannot appropriate funds without prior approval from the Town Council.
 - All committee meetings must have either minutes or a recording for public record.
 - Meetings should receive public notice at least three working days in advance of the meeting, meaning the Clerk needs to be notified in time to issue the notice.
 - The Town Council is encouraged to submit motion plans to the Clerk prior to future meetings.

I. REPORT FROM TOWN ATTORNEY, *A. McRoberts*

- No report.

J. REPORT FROM THE ZONING ADMINISTRATOR, *J. Nelson*

- Mr. Nelson reported that there were three permit applications submitted in the last month, including a tree removal in the Resource Protection Area (RPA) at 605 Glebe Road. The second application was submitted for an addition to an existing dock at 100 Rappahannock Rd. The third application was for a renovation/addition to 380 Steamboat Road.
- Mr. Nelson also reported that construction would soon begin on the White Fences sidewalk project.



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K. COMMITTEE REPORTS

- Budget & Finance Report, *B. Schaschek & M.C. Bradley*
 - Ms. Schaschek reported that the committee met on September 9th and that the meeting minutes had been posted on the website. Some topics discussed were a review of current budget files, including monthly budget workbook updates, preparation for the final budget file to be posted on the website, and updating the Financial Policy.
 - Ms. Bradley highlighted several key points regarding the appropriation process:
 - The operations budget has been fully appropriated, so related expenses do not need further Town Council approval.
 - The Capital Budget is a planning document, not a guarantee of funds. Therefore, any Capital Budget expenditure requires Town Council approval and appropriation.
 - A committee cannot modify the scope of work for a project without Town Council approval.
 - Additionally, expenses for Tourism and Community initiatives require appropriation, as they are not included in the Operational Budget.
- Charter, Codes & Ordinances Committee, *P. Robinson & B. Schaschek*
 - No report.
- H. R. Committee, *W. Nunnally & B. Schaschek*
 - No report, but Ms. Schaschek noted that there would be items discussed later in closed session.
- Facilities Committee, *P. Robinson & M.C. Bradley*
 - Mr. Robinson announced that the White Fences sidewalk work had commenced. He also mentioned that he is participating in ancillary meetings related to the sewer committee to discuss broader county efforts, with one scheduled for September 19.
- Community & Special Events Committee, *J. Penniman & D. Pattenon*
 - Ms. Penniman expressed her support for Ms. Purcell's request to use the Town Commons for the Illuminate Irvington event on December 5th. She indicated that she would make a motion in support of the request later in the meeting.
- Commons Committee, *J. Penniman & W. Nunnally*
 - Ms. Penniman directed everyone's attention to the master plan poster. She explained that the committee will break the plan into phases and seek Town Council approval for each phase. She shared a letter from Friends of the Rappahannock, who offered to write a grant to the Department of Forestry for greenery for the Commons. Once the grant is awarded, likely in Spring and Fall of 2025, Town Council and the Commons Committee



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will determine where to incorporate the plants. As part of the grant process, Four Winds Design will need to bill the town for four hours of additional work to provide a plant list for the proposal.

- Mr. Robinson pointed out that the Friends of the Rappahannock letter mentions a required 50% of non-federal matching funds and asked for clarification on the financial obligation involved.
- Ms. Penniman responded that the town's contribution could include in-kind donations, such as volunteer hours.
- Waterfront Committee, *D. Patteson & J. Penniman*
 - No report
- Planning Commission Update, T. Chapman – Chair
 - Mr. Chapman reported that the Planning Commission had voted to recommend that the Town Council approve both the POLLARD 3.24 CUP and the 2024.KCH CUP.
 - Planning Commission also recommended that the Town Council approve the Ordinance Amendment related to Short Term Rentals (#2024-08).
 - The Planning Commission voted to approve the proposed Sign Ordinance amendment (#2024-09). However, Mr. Chapman noted that after their meeting, they received a letter from the owner of Objects, who expressed a desire to continue using feather signs for advertising special events. Since the current proposed Ordinance prohibits these signs, Mr. Chapman recommended that the Town Council delay the vote on the Sign Ordinance and ask the Planning Commission to consider including provisions for temporary feather signs for special events.
 - Regarding accessory structures, the Planning Commission is continuing discussions on potential changes to the Land Use Code and will provide recommendations in the future. Commissioners Smith and Taylor will collaborate with the Zoning Administrator on specific language.
 - The Zoning Administrator has suggested simplifying the town's CUP process, and Commissioners Strait and Clarke will also work on specific recommendations.
 - As traffic calming is a goal of the Comprehensive Plan, the Planning Commission, with Mayor Harris's agreement, recommended that the Town Council appoint a committee consisting of two Town Council members and two Planning Commission members (Commissioners Camillo and Smith) to study this issue and suggest effective practices from other rural communities.
 - Finally, the Planning Commission recommends that the Town Council adopt the revised Comprehensive Plan, which includes only minor changes from VDOT in the last six months. The town's consultant is currently updating the draft, which will be ready for Council adoption at a future meeting.



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L. OLD BUSINESS

- Proposed Ordinance Amendment #2024-11.uc – 1st Reading
A proposed amendment to excise the Short-Term Rental Registry from the Business License Registry, creating two separate ordinances on the two topics.
 - The purpose of the proposed ordinance was to clearly separate the Business License and Short-Term Rental registries in the code. However, the discussion focused more on whether a business license was truly necessary. Several council members, including Robinson, expressed concerns about potential complications arising from the licensing process, the burden on residents, or the additional strain it could place on town staff. It was also noted that the Ordinance included outdated language referring tasks to the Town Treasurer, even though the Treasurer does not currently handle those tasks.
 - Ms. Schaschek explained that the original motivation for creating the Ordinance was to address instances where multiple businesses began operating in town without staff awareness or compliance to town requirements. The intent of the license was to require new businesses to register at the Town Office, allowing staff to gather necessary information and guide them on any additional compliance requirements, such as Conditional Use Permits.
 - Mr. McRoberts noted that one goal was to close a loophole in the short-term rental (STR) licensing process. State law exempts realtors operating STRs from the STR registry. Therefore, the Ordinance required realtors to register as businesses, ensuring that all STRs are identified and registered.
 - Ms. Bradley suggested that, given the town's small size, the issue may be more about information than regulation.
 - After some further clarifying discussion, Mr. Robinson and Ms. Bradley requested that the Town Attorney draft an amendment for Council's consideration to rescind the business license entirely. Additionally, Ms. Bradley recommended that if the Town Council proceeds with proposed Ordinance Amendment #2024-11, the language be revised to assign tasks to the "Mayor or designee" instead of the Treasurer.

- CUP POLLARD 3.24 – 73 Seafood Lane – 2nd Reading and Vote
 - This application would allow the owner to build six additional cottages at 73 Seafood Lane. *(Note: a previous CUP was involved in the building of the first six cottages.)*
 - Several Council members raised questions about whether the cottages at 73 Seafood Lane were classified as short-term or long-term rentals and whether a long-term rental would contradict the intent of the originally



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approved Conditional Use Permit. It was confirmed that the existing cottages are rented on 30-day leases. However, since the town ordinances do not define long-term rentals, the property is considered compliant with the pre-existing CUP.

Motion made by P. Robinson to accept/approve the POLLARD 3.24 CUP.

Seconded by B. Schaschek and W. Nunnally

Roll Call Vote:

P. Robinson – Aye

M.C. Bradley – Aye

W. Nunnally – Aye

B. Schaschek – Aye

J. Penniman – No

D. Patteson – No

Motion carries 4-2.

- CUP 2024.KCH – 4282 Irvington Rd – 2nd Reading and Vote
 - The application would allow a retail clothing store at 4282 Irvington Rd.

Motion made by W. Nunnally to accept/approve CUP 2024.KCH.

Seconded by P. Robinson.

Roll Call Vote:

P. Robinson – Aye

M.C. Bradley – Aye

W. Nunnally – Aye

B. Schaschek – Aye

J. Penniman – Aye

D. Patteson – Aye

Motion carries unanimously.

- STR Ordinance Amendment #2024-08.uc – 2nd Reading and Vote
 - This Ordinance Amendment outlines the termination conditions for Conditional Use Permits related to operating Short-Term Rentals.

Motion made by B. Schaschek to approve STR Ordinance Amendment #2024-08.

Seconded by P. Robinson.

Roll Call Vote:

B. Schaschek – Aye

J. Penniman – Aye

D. Patteson – Aye



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P. Robinson – Aye
M.C. Bradley – Aye
W. Nunnally – Aye

Motion carries unanimously.

- Sign Ordinance Amendment #2024-09.uc – 2nd Reading and Vote
 - Before the vote, the Council discussed whether to adopt the Ordinance or refer it back to the Planning Commission, as requested by a resident's letter read during public comment. The Council ultimately decided to approve the Ordinance while also asking the Planning Commission to consider the resident's concern as a potential future amendment.

Motion by B. Schaschek to approve Sign Ordinance Amendment #2024-09 and to request that the Planning Commission revisit the issue of permitting temporary feather signs.

Seconded by P. Robinson.

Roll Call Vote:

B. Schaschek – Aye
J. Penniman – Aye
D. Patteson – Aye
P. Robinson – Aye
M.C. Bradley – Aye
W. Nunnally – Aye

Motion carries unanimously.

- Deputy Report
 - The Mayor reported on her research regarding the acquisition of an Originating Agency Identification (ORI) number, which is necessary for Irvington to collect fees from traffic offenders when tickets are issued through the Deputy Program. State Police officials indicated that the town would need to formally establish a police force, complete with a chief and an independent budget, to obtain an ORI number.
 - Mr. McRoberts inquired about amending the agreement with the Sheriff of Lancaster to request that he accept the title of Irvington Police Chief so that Irvington could obtain the ORI number. It was noted that the Mayor is also already designated as a safety enforcement officer in the Town Charter. The Mayor agreed to research whether the ORI number could be issued if Irvington demonstrates that it has an official (either herself or another representative) serving as chief of a police program.
 - Mr. Robinson expressed his gratitude to the Mayor and the deputies for increasing patrols on King Carter in response to feedback from the previous Council meeting. He noted that this adjustment has made a



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noticeable difference.

- Discussion: responding to the petition requesting a public referendum.
 - Ms. Bradley proposed an alternative to the recent petition requesting the addition of a public referendum requirement for any public debt. She aimed to address community concerns about debt while recognizing that many Council members were hesitant to add this requirement to the Town Charter. Her hope was that presenting an alternative in writing might help bridge the gap between both sides and advance the discussion.
 - Ms. Bradley's proposed alternative would establish a process requiring public input on debt and would do so in an ordinance rather than a change to the Charter. This approach would provide greater flexibility for amending the details and requirements in the future.
 - The proposed threshold for triggering this process would be any debt amount equal to or greater than 3% of the assessed real estate value in Irvington. This threshold was selected because it is significantly lower than the state-mandated 10%. However, Ms. Bradley clarified that any percentage threshold ultimately used would be open for discussion.
 - Ms. Bradley suggested several further steps that would be required by the proposed ordinance:
 - Hold a public hearing to allow residents—defined as registered voters, property owners, and business owners—to express their views to the Town Council.
 - Before the public hearing, the Town Council would provide detailed information on the purpose of the debt, its size, the means of incurring it, and the repayment requirements.
 - Within 10 business days of the public hearing, the Council would conduct a public meeting (or Town Hall) to facilitate dialogue between the Town Council and residents.
 - A discussion would address residents' comments from the public hearing and allow for additional dialogue.
 - At the conclusion of the public meeting, attendees would indicate their support for or against the debt in a non-binding manner.
 - A Council vote would then be required for incurring the actual debt moving forward.
 - During the discussion, Mr. Nunnally inquired whether Ms. Bradley's proposal would specify the number of votes required from Council members to approve a debt measure. Ms. Bradley responded that the Charter already addresses this, stipulating that a two-thirds majority (four members) of the Council must vote in favor of approval.
 - Mr. McRoberts confirmed that the proposal is legally sound. He noted that most local governments include similar provisions in their financial



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policies, and the existing state requirements for public hearings prior to incurring debt are already established. However, he recommended that the Council consult with Davenport or other experts before implementing any policies that could limit the Council's actions.

- Mr. Patteson requested that the section stating the Council would provide detailed information to the public be amended to include the requirement to disclose the source of funds for repaying the debt.
- Mr. Nunnally thanked Ms. Bradley for her efforts in fostering ongoing discussions and demonstrating how different perspectives can collaborate and explore alternative approaches.
- Discussion continued where the Council expressed support of Ms. Bradley's idea, but wanted to ensure that the threshold number was researched further to ensure that it was a number that felt comfortable for the Council.
- Mr. Robinson expressed his support for the principle but opposed including requirements in the Charter, as he believed it could limit the town's future opportunities. He also advocated for giving all stakeholders affected by debt—such as property owners and employees of local businesses—the chance to participate, not just the voting public.
- The Mayor recognized the value of the proposal but reiterated her belief that the petition signers sought inclusion of the requirements in the Charter to ensure a binding process. She emphasized that the Council should respect the public's wishes and work toward an approach that aligns with the petitioners' intentions.
- Ms. Bradley expressed her feeling that she did not believe that it could be binding if it is an ordinance.
- Mr. McRoberts agreed that he did not believe that the Council could delegate its governing authority to the public in an ordinance. It would have to be in the Charter (as public referendum) in order to be a binding vote.
- As next steps, the Budget and Finance Committee agreed to create a spreadsheet detailing potential threshold levels. Council members were asked to review the language and consider the individual elements, coming prepared to share their recommendations at the next Council meeting.
- Mr. Patteson requested that this be reviewed by a financial advising firm, such as Davenport, before finalization.
- Ms. Bradley concurred, noting that it would be beneficial to do so, but only after the Council clearly understands the parameters it is comfortable with.



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- Website – Update on September 1 launch and remaining work.
 - Mr. Dyson informed the assembly that the new town website was launched on September 1st at the address “irvingtonva.gov.” He mentioned that the old website would remain active for the time being to allow the public continued access to historical information and documents from recent meetings.

M. NEW BUSINESS

Motion made by J. Penniman to approve the Illuminate Irvington Committee’s use of the Town Commons on December 5th.

Seconded by W. Nunnally.

Motion carries unanimously.

Motion made by J. Penniman to accept the bid by Miller’s Services to map the Chesapeake Bank septic system on the Town Commons for \$750.

Seconded by B. Schaschek.

Motion carries unanimously.

Motion made by J. Penniman to accept the offer by Friends of the Rappahannock to write a grant that includes the Town of Irvington for the purpose of acquiring plants (trees, shrubs) to be used as a part of the Town Commons Master Plan (*note: deadline for the grant application is October 25th, per details in the Friends of the Rappahannock letter dated September 12th*).

Seconded by W. Nunnally.

- Prior to the vote, there was further discussion around the details of the grant commitment. Ms. Schaschek asked for documentation that shows that the required matching funds could be in-kind. Ms. Penniman said that this was information came from Friends of the Rappahannock in her conversations with them.
- Ms. Bradley asked if Friends of the Rappahannock would be writing the proposal for Irvington directly or for a group of localities that included Irvington. Ms. Penniman answered that Irvington would fall under an umbrella group, but also indicated that she would confirm who would be responsible for any reporting associated with the grant.
- Ms. Bradley asked if the Council could receive a copy of the Request for Proposals that would outline any details or requirements that the Friends of the Rappahannock and/or Irvington would need to meet. Ms. Penniman noted that it came from the Department of Forestry and agreed to send that after the meeting.

Motion carries 4-0-2. Abstentions: Bradley and Schaschek.



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Motion made by J. Penniman to approve that Drew Harrigan (of Four Winds Design) work four additional hours to establish a list of trees and bushes that would appropriately fit into the town's master plan for the Commons and that could be used by FOR in their grant proposal (to meet the October 25th grant deadline).

Seconded by W. Nunnally.

- Prior to the vote, there was further discussion, and it was determined that previously appropriated funds could be used to cover this expense.

Motion made by B. Schaschek to approve replacing the former Town Clerk (Laurel Taylor) with the new Town Clerk (Charles Dyson) as the registered contact for the Town with all financial institutions, including Atlantic Union Bank.

Seconded by W. Nunnally.

Motion carries unanimously.

Motion made by B. Schaschek to roll over the current CD with Atlantic Union Bank for 7 months at a rate of 4.75%.

Seconded by P. Robinson.

Motion carries unanimously.

N. ANNOUNCEMENTS

- Next Town Council Meeting, October 10, 2024: 6:30 p.m. at Irvington Baptist Church

O. CLOSED SESSION – motion made by Mayor Julie Harris to go into closed session, pursuant to State Code §2.2-3711(A)(1) for discussion related to town personnel.

P. RETURN TO OPEN SESSION – The Council certifies that to each members' knowledge that only public business matters lawfully exempted by Virginia Law were discussed in closed session and only such public business matters that were identified in the motion convening the closed session were heard and discussed by the board. Is there any member who believes there was a departure in closed session. If so, please state the departure.

I, Judy Penniman, so certify.

I, Phil Robinson, so certify.

I, Mary Cary Bradley, so certify.

I, Dudley Patteson, so certify.

I, Wayne Nunnally, so certify.

I, Bonnie Schaschek, so certify.

I, Julie Harris, so certify.



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Motion made by B. Schaschek to place an advertisement in The Rappahannock Record and start the process for looking for a new Town Treasure.

Seconded by P. Robinson.

Motion carries unanimously.

Motion made by B. Schaschek to make Charles Dyson a Clerk/Office Administrator effective October 1, 2024, with a salary increase of \$6,000 per year.

Seconded by W. Nunnally.

Motion carries unanimously.

Q. ADJOURN 9:05 p.m.

Motion to adjourn made by W. Nunnally.

Seconded by P. Robinson.

Motion carries unanimously.