

**Irvington Town Council
Regular and Public Meeting
December 12, 2002**

The regular and public meeting of the Irvington Town Council was held on December 12, 2002, at the Irvington Town Office.

Present:

Vice-Mayor

Ralph Ransone

Council

William H. Evans, III
Garry Luckham
Norman Mosher
Robert Pittman
Kathleen Pollard

Zoning Administrator

John C. Fitzpatrick

Legal Counsel

Matson C. Terry, II

Absent:

Mayor

Alexander McD. Fleet

Guest:

William E. Westbrook, Jr.

Visitors:

Robert Hardesty

Mr. and Mrs. George Ebeling (arrived late because of confusion regarding order of business)

Call to Order:

Ralph Ransone called the meeting to order.

Robert Pittman made a motion and Norman Mosher seconded the motion to go into a public hearing.

Public Hearings:

Conditional Use Permit Application: Additional Two Cottages at Hope & Glory Inn at 65 Tavern Road: The Zoning Administrator explained that Mr. Westbrook is applying for a Conditional Use Permit to construct 2 cottages in the rear of the property on the east side, abutting the Irvington United Methodist Church Cemetery. The fees have been paid, notices have been given, and there are no objections. The cottages will follow the architectural design of the Hope & Glory. The Town Ordinance requires that a conditional use permit be obtained to construct the cottages, but there is no limit on the number of buildings that can be put on the property in the B-1 Business District. Norman Mosher made a motion to come out of public hearing and Kathleen Pollard seconded the motion. Vote – Yea: Evans, Luckham, Mosher, Pittman, and Pollard. Nay: 0. Ransone did not vote. Garry Luckham made a motion to approve the application and Norman Mosher seconded the motion. Vote – Yea: Evans, Luckham, Mosher, Pittman, and Pollard. Nay: 0. Ransone did not vote.

Norman Mosher made a motion to go into public hearing and Robert Pittman seconded the motion. Vote – Yea: Evans, Luckham, Mosher, Pittman, and Pollard. Nay: 0. Ransone did not vote.

Amendment to Town Ordinance to Require All New Construction to Have All Underground Services: The Zoning Administrator explained that other localities and the Irvington Subdivision Ordinance require that new construction have underground services. The Planning Commission unanimously approved the amendment. Mr. Hardesty and the Ebelings expressed approval of the amendment.

Kathleen Pollard made a motion to come out of public hearing and Norman Mosher seconded the motion. Vote– Yea: Evans, Luckham, Mosher, Pittman, and Pollard. Nay: 0. Ransone did not vote.

Robert Pittman made a motion that the amendment be approved. Garry Luckham seconded the motion. Mr. Pittman amended his motion that the amendment to require underground service for new construction be effective January 1, 2003 and Garry Luckham seconded the motion. Vote – Evans, Luckham, Mosher, Pittman, and Pollard. Nay: 0. Ransone did not vote.

Amendment to Town Ordinance to Require Side Setbacks in Business Districts (B-1 and B-2): The Zoning Administrator explained that there are no side setbacks required in the business districts. The amendment would require a ten foot side setback in the business districts. Robert Pittman made a motion to go into public hearing and Norman Mosher seconded the motion. Vote – Yea: Evans, Luckham, Mosher, Pittman, and Pollard. Nay: 0. Ransone did not vote. Currently if a business abuts a residence there is a thirty-five foot setback for the business. If a business is next to a business, there is no setback and the business can build up to the property line. Mr. Evans said that the setback would be beneficial for firefighting. Kathleen Pollard made a motion to come out of the public hearing and Robert Pittman seconded the motion. Vote – Yea: Evans, Luckham, Mosher, Pittman, and Pollard. Nay: 0. Ransone did not vote.

Mr. Terry said that the new amendment would affect only side setbacks. The setback from the road remains 25 feet from State maintained roads. Mr. Evans made a motion that the amendment be approved and be effective January 1, 2003. Garry Luckham seconded the motion. Vote – Evans, Luckham, Mosher, Pittman, and Pollard. Nay: 0. Ransone did not vote. The motion will state: Structures shall be located 10 feet or more as measured from the closest point of the structure to the nearest property line or to the edge of any private right of way. The setback from the State maintained road or street shall remain 25 feet.

Public Questions and Remarks:

Mrs. Ebeling wanted to know about Mr. Westbrook's plans for Hope & Glory property as she was concerned about speed and visibility along Chesapeake Drive. Mr. Fitzpatrick asked her to attend the BZA hearings when Mr. Westbrook's request for a variance to build cottages at the rear of the Hope & Glory property will be heard.

Mr. Hardesty mentioned the need for additional help for the ICC/VIA projects.

Executive Session:

Kathleen Pollard read the following motion: "I hereby move that the Town Council of the Town of Irvington go into closed or executive session, to consult with legal counsel pertaining to probable litigation concerning the ditch between King Carter Drive and Chesapeake Drive, and regarding specific legal matters requiring the provision of legal advice, pursuant to *Code of Virginia*, Section 2.1-3.711 A.(7)." Norman Mosher seconded the motion. Vote – Yea: Evans, Luckham, Mosher, Pittman, and Pollard. Nay: 0. Ransone did not vote.

Motion was made to come out of executive session.

Motion for Certification by Kathleen Pollard: "I move that there be a roll call or other recorded vote, to be included in the minutes of this meeting, certifying that (1) only public business matters lawfully exempt from public meeting requirements under the Virginia Freedom of Information Act were heard, discussed or considered in the closed session; and (2) only such public business as was identified in the motion to convene a closed session was heard, discussed or considered." William Evans seconded the motion Roll Call:

I, Robert Pittman, so certify.
I, Kathleen Pollard, so certify.
I, Williams Evans, so certify.
I, Garry Luckham, so certify.
I, Norman Mosher, certify.
I, Ralph Ransone, so certify.

Garry Luckham made a motion that Mr. Fitzpatrick be authorized to continue to have Audrey Lowery's septic system pumped as necessary and Mr. Terry to contact Mr. James, an engineer, and Mr. Staton (VDOT) to arrange a meeting (for the purpose of reaching an agreement on a plan for the ditch that would be acceptable to Ms. Lowery and Mr. Franklin) prior to January 15, and according to the availability of Mr. Staton. If he cannot get Mr. James, then he will contact another engineer. Mr. Mosher seconded the motion. Vote – Yea: Evans, Luckham, Mosher, Pittman, and Pollard. Nay: 0. Abstain: Ransone. A letter will be written to Ms. Lowery on December 13, 2002.

Resolutions: Alison Drake and Mariah Pollard for their work in establishing the Village Improvement Association and their work in the Town.

Robert Pittman made a motion to have Matson Terry write a resolution to be presented to Alison Drake and Garry Luckham seconded the motion. Kathleen Pollard made a motion that Mr. Terry write a resolution to be presented to Mariah Pollard. Norman Mosher seconded the motion. Vote – Yea: Evans, Luckham, Mosher, Pittman, and Pollard. Nay: 0. (Mr. Terry departed.)

Minutes and Treasurer's Report:

Norman Mosher made a motion to approve the minutes and Garry Luckham seconded the motion. Vote – Yea: Evans, Luckham, Mosher, Pittman, and Pollard. Nay: 0. Ransone did not vote.

Ralph Ransone stated that several Certificates of Deposit are maturing in December, and the Mayor will seek the best available rates.

Norman Mosher made a motion to approve the treasurer's report. Garry Luckham seconded the motion. Vote– Yea: Evans, Luckham, Mosher, Pittman, and Pollard. Nay: 0. Ransone did not vote.

Zoning Administrator:

Fees: William Evans made a motion to table the discussion on the fee schedule revision until January, 2003. Kathleen Pollard seconded the motion. Vote – Yea: Evans, Luckham, Mosher, Pittman, and Pollard. Nay: 0. Ransone did not vote.

Planning Commission Report:

Mr. Pittman reported that the Planning Commission had acted on the Amendments to the Ordinance. He stated that in January, Mr. Westbrook's request to subdivide the following two R-1 properties will be heard:

Scott-Lewis Property on Chases Cove: One parcel will be subdivided into two parcels. The other parcel will remain as is:

Luther Turlington/Rowe Property on King Carter Drive: One of the parcels will be subdivided into two parcels. The remaining two (approximate ½ acre) parcels are grandfathered.

Old Business:

Town Police: Katheen Pollard said she talked with the White Stone Mayor about their policeman. They have two men sharing the position and they are paid \$15.00 an hour. They have purchased a vehicle.

New Business:

Norman Mosher expressed concern about enforcing CUP's, ordinances, etc. and the Town's not having means to enforce them. William Evans stated that had been a problem in the past and a policeman could be used with helping enforce regulations. The Zoning Administrator stated that as long as the setbacks are observed, then the Town's requirements are met. It is the County's responsibility for further enforcement and he has contacted the County in the past requesting inspections. Mr. Mosher said that he sees this as a "toothless organization." Mr. Fitzpatrick said that if it can be proved that the resident has not done as permitted, then the town has the right to pursue or require removal of the offending structure. Mr. Mosher said that abandoned buildings present hazards and questioned the process of condemnation of abandoned buildings.

Announcements:

Mr. Ransone read the announcements.

Christmas Tree:

Mr. Ransone said that the Committee had fixed the broken lights on the Christmas Tree. They thought that something extending from a truck had hooked into the lights and broken them.

Adjournment:

Robert Pittman made a motion to adjourn the meeting and Norman Mosher seconded the motion. Vote – Yea: Evans, Luckham, Mosher, Pittman, and Pollard. Nay: 0. Ransone did not vote.


Ralph D. Ransone, Vice Mayor

RESOLUTION
OF
THE TOWN COUNCIL
OF
THE TOWN OF IRVINGTON, VIRGINIA
ADOPTED DECEMBER 12, 2002

WHEREAS, in addition to operating her business, Duncan and Drake, in the Town, Alison MacLeod Drake has also helped to establish the Village Improvement Association, which organizes the Farmers' Market, the Fourth of July Parade, the Irvington Boat Parade, summer concerts, and the Irvington Illumination; and

WHEREAS, further, Alison MacLeod Drake has devoted great amounts of time and effort to the Irvington Chamber of Commerce, of which she currently serves as Chairperson, which, among other things, coordinates the Fourth of July Air Force Band Concert; and

WHEREAS, Alison MacLeod Drake has been involved in many beautification projects for the Town such as the tubs of flowers and the benches along King Carter Drive; and

NOW, THEREFORE, upon motion duly made, seconded, and unanimously carried, it was

RESOLVED, that the Town Council of the Town of Irvington hereby acknowledges, with great gratitude, the many contributions of Alison MacLeod Drake to the Town of Irvington, which she has not only graced with her loveliness, but also with her energy, commitment, time, dedication and enthusiasm; and

FURTHER RESOLVED, that a copy of this resolution be presented to Alison MacLeod Drake, and that a copy be spread upon the minutes of the Town Council.

Witness the following signatures:

RESOLUTION
OF
THE TOWN COUNCIL
OF
THE TOWN OF IRVINGTON, VIRGINIA
ADOPTED DECEMBER 12, 2002

WHEREAS, Mariah Mears Pollard helped to establish the Village Improvement Association, which organizes the Farmers' Market, the Fourth of July Parade, the Irvington Boat Parade, summer concerts, and the Irvington Illumination; and

WHEREAS, further, Mariah Mears Pollard has devoted great amounts of time and effort to the Irvington Chamber of Commerce, of which she was Co- Chairperson, which, among other things, coordinates the Fourth of July Air Force Band Concert; and

WHEREAS, Mariah Mears Pollard has been involved in many beautification projects for the Town; and

WHEREAS, Mariah Mears Pollard has recently moved from the Town,

NOW, THEREFORE, upon motion duly made, seconded, and unanimously carried, it was

RESOLVED, that the Town Council of the Town of Irvington hereby acknowledges, with great gratitude, the many contributions of Mariah Mears Pollard to the Town of Irvington, which she has not only graced with her loveliness, but also with her energy, commitment, time, dedication and enthusiasm, and, perhaps most importantly, with the happy presence of her daughter, Mears; and

FURTHER RESOLVED, that a copy of this resolution be presented to Mariah Mears Pollard, and that a copy be spread upon the minutes of the Town Council.

Witness the following signatures:

**Irvington Town Council
Regular and Public Meeting
November 14, 2002**

The regular and public meeting of the Irvington Town Council was held on November 14, 2002, at the Irvington Town Office.

Present:

Mayor	Alexander McDonald Fleet
Vice-Mayor (Selected at meeting)	Ralph Ransone
Council	William H. Evans, III Garry Luckham Norman Mosher Robert Pittman Kathleen Pollard
Zoning Administrator	John C. Fitzpatrick

Absent:

Legal Counsel	Matson C. Terry, II
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Guests:

Dudley Patteson

Visitors:

Marshall Orr

The Mayor called the meeting to order at 7:30 P.M. and led the group in prayer.

Boat Parade:

Dudley Patteson summarized the plans for the Town's illumination on December 13, and the Boat Parade on December 14. On Friday, December 13th, the Committee plans to place 875 luminaries along the street from the Bay Window to Chesapeake Academy and to the Tides Inn. There will be a horsedrawn carriage available for rides. Shops will be open until 9:00 P.M. with music provided by various groups throughout the evening. Selected vendors will have stands in the Methodist Church Parking Lot. Chesapeake Academy will have its annual party at Hope & Glory. Tavern Road will be blocked for Chesapeake Academy parking. The Mayor gave Mr. Patteson permission to use Irvington Commons if the weather is good.

On December 14, the Coast Guard will lead a parade of 25 - 30 decorated boats on Carters Creek. The public can view the parade from the beach where there will be a cash bar and oysters available. The waterside of decorated homes and piers will be judged from the boats that night. The Tides Inn will be encouraged to keep the marina open to allow the selected boats to be docked there for public viewing. After the Parade a party for the boat captain/crew and the sponsors is planned at the Tides Inn. Free 48 page programs will be available.

Sponsorships: Grand-\$2500 (1)- Select Properties, Event-\$1000 (4), and Corporate -\$500 (8). Garry Luckham made a motion for the Town of Irvington to become a \$1000 sponsor of the Boat Parade. Norman Mosher seconded the motion. Vote - Yea: Evans, Luckham, Mosher, Pittman, Pollard, and Ransone. Nay: 0.

Flags and Banners:

The Mayor thanked the Flag Committee for putting up the flags and banners. The Committee scheduled time and date for the flags and banners to be taken down.

Selection of Vice-Mayor and Planning Commission Representative:

By secret ballot, the Council selected Ralph Ransone to be Vice-Mayor.

Garry Luckham made a motion for Robert Pittman to be the representative to the Planning Commission. Kathleen Pollard seconded the motion. Vote - Yea: Evans, Luckham, Mosher, Pollard, and Ransone. Nay: 0. Pittman did not vote.

Minutes and Treasurer's Report:

Robert Pittman made a motion to approve the minutes and Gary Luckham seconded the motion. Vote - Yea: Evans, Luckham, Mosher, Pittman, Pollard, and Ransone. Nay: 0.

Garry Luckham made a motion that the Treasurer's Report be approved and Kathleen Pollard seconded the motion. Vote - Yea: Evans, Luckham, Mosher, Pittman, Pollard, and Ransone. Nay: 0.

Zoning Administrator:

The Zoning Administrator announced that the following will be considered at the December Town Council meeting:

1. Proposed changes in the fee schedule.
2. Proposed amendment to Zoning Ordinance requiring underground service for all new construction. The Mayor said that other localities are going in that direction.

He reported that the Morchowers were not going to build a pool at their home.

Legal Counsel: No report, absent.

Planning Commission: No report.

Old Business:

Before the purchase of the banners, approval was obtained by phone from Council members. For the record: William Evans made a motion to approve retroactively the purchase of 10 banners. Robert Pittman seconded the motion. Vote - Yea: Evans, Luckham, Mosher, Pittman, Pollard, and Ransone. Nay: 0.

New Business:

CD: The Mayor announced that a CD was maturing and he would check with the Bank for rates.

Announcements:

The Mayor announced dates for upcoming events sponsored by the ICC/VIA.

Town Police:

William Evans asked about Irvington's sharing a policeman with White Stone. The Mayor said that White Stone has not completed its plans until a second reading of its budget. Kathleen Pollard said that she had not been able to find much information on the internet about police in small Towns/Counties.

White Stone Roundabout:

Mrs. Pollard said that she had attended the presentation of the roundabout plans in White Stone and she was impressed with the plans. She said that the Mayor of White Stone said that the roundabout was not "ground in stone" yet.

Executive Session:

Norm Mosher made a motion to go into executive session to discuss real estate and possible legal ramifications. Kathleen Pollard seconded the motion. Vote - Yea: Evans, Luckham, Mosher, Pittman, and Pollard. Nay: 0. Abstain: Ransone.

Norm Mosher made a motion to come out of executive session and Bill Evans seconded the motion. Vote: Evans, Luckham, Mosher, Pittman, and Pollard. Nay: 0. Abstain: Ransone.

Norm Mosher made a motion and Garry Luckham seconded the motion to instruct the Zoning Administrator to contact Mat to proceed with the completion of the ditch. Vote - Yea: Evans, Luckham, Mosher, Pittman, and Pollard. Nay: 0. Abstain: Ransone.

Garry Luckham made a motion to approve paying the bill of Sutton & James, P.C., an engineering firm that inspected the ditch and provided recommendations for completing the ditch. Kathleen Pollard seconded the motion. Garry Luckham questioned approving the drawings if they were not approved by VDOT. Vote - Yea: Evans, Luckham, Mosher, Pittman, and Pollard. Nay: 0. Abstain: Ransone.

Bill Evans made a motion that the Executive Session met the requirements of the FOIA and only one subject which was expressed prior to the session was discussed. Garry Luckham seconded the motion. Vote - Yea: Evans, Luckham, Mosher, Pittman, and Pollard. Nay: 0. Abstain: Ransone.

Thomas Property:

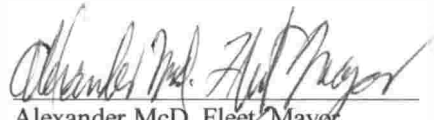
The Mayor said that he and the Zoning Administrator will ask if the Town can purchase all four lots from the Thomas family. (The Town has an interest in two of the lots.)

Christmas Tree Electrical Box:

Mr. Ransone explained that an aluminum electrical box has been made. It will not rust and a special paint can be painted on it to make it blend into the background. It will house circuit breakers instead of fuses.

Adjournment:

Kathleen Pollard made a motion to adjourn the meeting and William Evans seconded the motion. The meeting was adjourned.


Alexander McD. Fleet, Mayor

**Irvington Town Council
Regular and Public Meeting
October 10, 2002**

The regular and public meeting of the Irvington Town Council was held at the Irvington Town Office at 7:30 P.M. on October 10, 2002.

Present:

Mayor	Alexander McD. Fleet
Council	William H. Evans, III Garry Luckham Norman G. Mosher Robert A. Pittman Ralph Ransone
Zoning Administrator	John C. Fitzpatrick
Legal Counsel	Matson C. Terry, II

Absent:

Council	Kathleen Pollard
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Guests:

Bill Westbrook

Visitors:

Duncan Bright H.S. Gov't Students	Sam Terry Brian Poole
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The Mayor called the meeting to order at 7:30 P.M., and led the group in prayer. He welcomed William Evans to the Council. He stated that the Vice-Mayor and the Planning Commission appointee would be selected at the November meeting when all Council members would be present.

Norman Mosher made a motion to go into a public hearing and William Evans seconded the motion. Vote - Yea: Evans, Luckham, Mosher, Pittman, and Ransone. Nay: 0.

Public Hearing:

CUP: Inground Swimming Pool; William E. Westbrook - 118 Rappahannock Drive; The Zoning Administrator explained the application for a pool at Mr. Westbrook's residence and said that the fees had been paid, notices given to the appropriate neighbors, and no negative response was received. The pool is in compliance with the Bay Act and Town Ordinance, and that it was approved by all the Planning Commission members who were present at their meeting.

Norman Mosher made a motion to come out of public hearing and Robert Pittman seconded the motion. Vote - Yea: Evans, Luckham, Mosher Pittman, and Ransone. Nay: 0.

Robert Pittman made a motion to approve the pool and William Evans seconded the motion. There was no further discussion or questions. Vote - Yea: Evans, Luckham, Mosher, Pittman, and Ransone. Nay: 0.

Minutes and Treasurer's Report:

Robert Pittman made a motion to approve the minutes and Garry Luckham seconded the motion. Vote - Yea: Evans, Luckham, Mosher, Pittman, and Ransone. Nay: 0.

Ralph Ransone made a motion to approve the treasurer's report and Garry Luckham seconded the motion. Vote - Yea: Evans, Luckham, Mosher, Pittman, and Ransone. Nay: 0.

Zoning Administrator:

Fees: The Zoning Administrator will have the report on fees from other localities at the next meeting.

Renaming Street: William Evans made a motion to approve the resolution to rename the eastern leg of Sanders Lane "The Pony Pasture." and Norman Mosher seconded the motion. Vote - Yea: Evans, Luckham, Mosher, Pittman, and Ransone. Nay: 0. This name change was requested by the residents because of the confusion to visitors and delivery persons caused by the "u" shaped street. The procedure is in accordance with the requirements of the County. The residents selected the name "The Pony Pasture." Council members signed the resolution and it will be forwarded to the County. The portion of the lane by the Sanders residence will remain Sanders Lane.

No Turn Around Sign: The Zoning Administrator informed the Council that the "No Turn Around Sign" for the end of King Carter Drive will be moved to Bruce Sanders' property. That will provide two state roads for the drivers to use for turn arounds rather than private drives. Bruce Sanders approved the action.

Irvington Welcome Signs: Kathleen Pollard, C.C. Burgess, and the Zoning Administrator have decided on the location of the Welcome Signs. The Zoning Administrator must provide plats to indicate the location of the signs

Legal Counsel:

Open Spaces: Mr. Terry said that the Mayor has appointed two persons (Kathleen Pollard, Norman Mosher, and Robert Morrison who is Planning Commission Chairman) to identify open space in Town, assign priority which is most desirable to remain open space, and approach the landowners for options to purchase if they should decide to sell. Then a long range plan should be developed. He said that there are ways to get tax breaks for the landowners as incentives for them to sell the land to the Town.

Thomas Property: Mr. Terry informed the Council that he had received notice from Park Brooks, who represents Mrs. Eleanor Thomas, for a partition suit of the Thomas Property in which the Town in 1977, acquired an interest (1/8) in Parcels 437 and 438 on Tax Map 33. By statute the Town has the opportunity to try to buy the other interests in these parcels. Perkability has not yet been determined and this could affect value. Current assessed values are Parcel 437-\$31,000 and Parcel 438-\$21,300.

Ditch: Mr. Terry said that he had not been able to receive any answer from Mr. James, the engineer, who was going to inspect the ditch and make a recommendation. He was granted permission to pursue another engineer.

Planning Commission Report: No report.

New Business:

Bank Lease: Ralph Ransone made a motion to renew the Chesapeake Bank lease at \$480 per year for a period of five years. Norman Mosher seconded the motion. Vote - Yea: Evans, Luckham, Mosher, Pittman, and Ransone. Nay: 0.

Raffle Permit: Norman Mosher made a motion to approve a raffle permit for the Irvington Boat Parade (under ICC/ICC) to sell tickets for a raffle to raise money to help finance the Boat Parade. Garry Luckham seconded the motion. Vote - Yea: Evans, Luckham, Mosher, Pittman, and Ransone. Nay: 0. Outside organizations selling raffle tickets in Irvington will not be required to obtain an Irvington Raffle permit.

Banners: The Committee has decided on the following locations for the banners:

1. Three from the Methodist Church to Museum, every other pole
2. Three from Trick Dog to Church Corner
3. Two in the Triangle
4. One past the Museum, on King Carter Drive
5. One in area of Post Office

Robert said that they could put banners on the outside of the poles in off seasons for flags and Christmas lights..

Christmas Lights: Robert Pittman made a motion to have Southern Chesapeake put up and take down the Christmas decorations this year at the increased cost of \$1200.00 and it was seconded by Norman Mosher. Other bids were received from One Stop Electric and Goodman's Tree Service. Vote - Yea: Evans, Luckham, Mosher, Pittman, and Ransone. Nay: 0. Mr. Pruitt is to be told that the lights should be removed by January 15.

Tennis Tournament: The Clerk gave a summary of the tennis tournament.

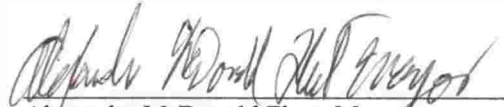
Upcoming Events: The Mayor announced the upcoming events and Duncan Bright summarized plans for the Town Illumination on December 13th. The Shops will also have Open House the first weekend of December

Heavy Truck Traffic Passing Through Irvington: Mr. Mosher mentioned that he had encountered an 18 wheeler truck driver looking for the James Jones Road and learned that the dispatcher was routing truck drivers through Irvington. Mr. Fleet will talk with Mr. Staton, Resident Engineer for VDOT about trucks being routed elsewhere. Mr. Bright said that the flashing sign helped the traffic speed situation., especially at night.

Electric Box for Christmas Tree and Lights: Robert has talked with Glen Tignor, but he has not received an answer about the cost for the replacing the box and installing circuit breakers.

Adjournment:

Garry Luckham made a motion to adjourn the meeting and Robert seconded the motion. Vote-
Yea: Evans, Luckham, Mosher, Pittman, and Ransone. Nay: 0. The meeting was adjourned at 8:20 P.M.


Alexander McDonald Fleet, Mayor

Town of Irvington, Lancaster County,
Virginia.



Sept. 27, 2002
Map 34

We, the undersigned residents of what is now know as Sanders Ln., request a name change for our Lane due to the fact that there are two "Sanders Lanes" which has caused much confusion.

Our Lane is commonly know as "The Pony Pasture", which is what we unanimously agree to make official.

With our sincere thanks, we are:

Randal Tyler
Randal Tyler Parcel 12 F

Bill Westbrook
William Westbrook Parcel 12 D

Carol Ehrsam
Carol Ehrsam Parcel 12 C

Judy Faye
Judy Faye Parcel 12 E

Chris & Catherine Crabill
Chris & Catherine Crabill
Parcel 12 G

Charles & Susan Sanders
Charles L. E. & Susan M. Sanders
Parcel 12 B

**RESOLUTION
OF
THE TOWN COUNCIL
OF THE
TOWN OF IRVINGTON
COMMONWEALTH OF VIRGINIA**

ADOPTED OCTOBER 10, 2002

WHEREAS, due to the recent construction of houses on a circular drive known as Sanders Lane, in the Town of Irvington; and

WHEREAS, the owners of certain properties that abut and are served by Sanders Lane are experiencing problems, inconvenience and confusion for themselves, visitors and delivery personnel, due to the apparent two Sanders Lanes; and

WHEREAS, the said owners are desirous of dividing Sanders Lane into two distinct named roadways; and

WHEREAS, the County of Lancaster has authorized the Town of Irvington to so separate Sanders Lane into two independent roadways;

NOW THEREFORE, upon motion duly made, seconded and unanimously carried, it was

RESOLVED, that the Town Council of the Town of Irvington hereby consents and authorizes the division of Sanders Lane into Sanders Lane, retaining that name for the roadway that abuts the Charles L. and Susan M. Sanders' property, and the remaining lane to be named The Pony Pasture; and

FURTHER RESOLVED, that a copy of this resolution be presented to those residents immediately affected and abutting these two roadways, and that a true copy be spread upon the minutes of the Town Council

Witness the following signatures:

Robert A. Pitts
Ralph D. Parsons
William H. Evans III

Gary J. Luchman
Norman G. Mosher
Alexander Fleet, Mayor

**Irvington Town Council
September 12, 2002**

The regular and public meeting of the Irvington Town Council was held at the Irvington Town Office on September 12, 2002, at 7:30 P.M.

Present:

Council	Norman Mosher William Evans Garry Luckham Robert Pittman Kathleen Pollard
Zoning Administrator	John C. Fitzpatrick

Absent:

Mayor	Alexander McDonald Fleet
Council	Ralph Ransone
Legal Counsel	Matson C. Terry, II

Guests:

John Martin, Attorney	Bob Morrison
Chuck Dawson, Bay Design	Tom Gosse
Bill & Ann McCloskey	David Jones, Connemara
Kate & Dave Raffetto	Bob Hardesty
Court Recorder with Mr. Martin	

Oath of Office:

Mrs. Connie Kennedy, Clerk of the Circuit Court, administered the oath of office to Norman G. Mosher and William H. Evans, III. (Ralph Ransone had previously taken the oath of office.)

Call to Order:

Robert Pittman called the meeting to order and made a motion that Norman Mosher act as the chairman for the meeting. Kathleen seconded the motion. Vote - Yea: Evans, Luckham, Pittman, and Pollard. Nay: 0. (Mosher did not vote.)

Mr. Mosher called the meeting to order. Robert Pittman made a motion to go into a public hearing and Mr. Evans seconded the motion. Vote - Yea: Evans, Luckham, Pittman, and Pollard. Nay: 0. (Mosher did not vote.)

Public Hearing:

Review of the Carters Creek Land Trust II: The Zoning Administrator explained that the purpose of the public hearing was to inform the community as the Planning Commission had determined

that the plat had met the requirements of the Subdivision Ordinance. The Town Council is authorized by the Subdivision Ordinance to either approve or disapprove the final plat. Mr. Fitzpatrick stated that the fees had been paid and the notices had been given to the neighbors. Mr. Morrison stated that this was an administrative action. Mr. Mosher said that questions about the character of development would not be addressed at this meeting. Mr. Fitzpatrick said that the height of buildings, setbacks, etc. would be handled by the Town Ordinance. Mr. McCloskey asked who were the owners, but no one present knew who was involved with Carters Creek Land Trust II. Mr. Mosher said that the Council could only be concerned with what required by the Subdivision Ordinance. In response to Mr. Hardesty's question, Mr. Fitzpatrick said that the plat was in accordance with the Comprehensive Plan. Mr. Morrison said that this property had originally been subdivided in 1989, but those property lines were vacated by this new subdivision plat. Ann McCloskey asked about whether or not the addition of these homes and those in the Pony Pasture area would affect the water table. Mr. Morrison said that the addition of ten homes would not destroy the aquifer.

Mr. Tom Gosse said that he was not speaking to the merits of subdivision, but of the consequences of the subdivision. He asked that VDOT revisit the passing situation on that portion of Rt. 200 in front of the Kendall Hall property and the Insurance Office.

Mr. Martin asked that if the plat is not approved, would they be given the reasons, in order that they can resubmit the plat.

Kathleen Pollard made a motion to come out of the public hearing and Robert Pittman seconded the motion. Vote - Yea: Evans, Luckham, Pittman, and Pollard. Nay: 0. (Mosher did not vote.)

Robert Pittman made a motion to approve the plat. Kathleen seconded the motion. Vote - Yea: Evans, Luckham, Pittman, and Pollard. Nay: 0. (Mosher did not vote.)

Minutes and Treasurer's Report:

Mr. Luckham made a motion to approve the minutes. William Evans seconded the motion. Vote - Yea: Evans, Luckham, Pittman, and Pollard. Nay: 0. (Mosher did not vote.)

Mr. Evans made a motion to approve the treasurer's report. Robert Pittman seconded the motion. Vote - Yea: Evans, Luckham, Pittman, and Pollard. Nay: 0. (Mosher did not vote.)

Zoning Administrator:

Director of Emergency Services: The State has asked the County to prepare an emergency management plan. Mr. Fitzpatrick said the Mayor would like to appoint Mr. Evans as the Director of Emergency Services for Irvington and Dr. Bob Westbrook would assist him. Mr. Luckham made a motion to approve the appointment and Kathleen Pollard seconded the motion. Vote - Yea: Evans, Luckham, Pittman, and Pollard. Nay: 0. (Mosher did not vote.)

Legal Counsel: None.

Planning Commission: None.

Old Business: None.

New Business:

Speed Limit on King Carter Drive: Bill Evans made a motion to lower the speed on King Carter Drive from its intersection with VSH Rt. 200, to its intersection with Lancaster Road, from 35 miles per

hour to 25 miles per hour. Robert Pittman seconded the motion. Vote - Yea: Evans, Luckham, Pittman, and Pollard. Nay: 0. (Mosher did not vote.)

Christmas Lighting: Robert Pittman made a motion to obtain a price for replacing the electrical box for Christmas Lighting. Committee members consider it a safety hazard. Mr. Evans seconded the motion. Vote - Yea: Evans, Luckham, Pittman, and Pollard. Nay: 0. (Mosher did not vote.)

It was decided that Leon Pruitt of Southern Chesapeake would put up the Christmas Lights on Sunday, November 17, 2002.

Town Policeman: William Evans made a motion to have a committee formed to investigate hiring a Town policeman, but Mr. Fitzpatrick said that the Mayor was working on it. There was no further action at this time.

Town Sign: Mr. Fitzpatrick reported that Kathleen Pollard, Mr. C.C. Burgess of VDOT, and he would select a location for the sign. The location must meet the By-Way requirements.

Adjournment:

Garry Luckham made a motion to adjourn and it was seconded. Vote - Yea: Evans, Luckham, Pittman, and Pollard. Nay: 0. (Mosher did not vote.)


Alexander McD. Fleet, Mayor

**EXCERPT FROM MINUTES OF MEETING OF THE TOWN COUNCIL FOR THE
TOWN OF IRVINGTON, VIRGINIA, HELD SEPTEMBER 12, 2002**


The undersigned, Clerk of the Town Council of the Town of Irvington, Virginia, hereby certifies that the following is a true copy of a resolution of the Town Council, unanimously adopted at the regular meeting of the Town Council, held September 12, 2002, at 7:30 p. m., at the Town Office in the Town Of Irvington, Virginia:

RESOLVED, that the Virginia Department of Transportation reduce the speed limit on King Carter Drive from its intersection with VSH Rt. 200, to its intersection with Lancaster Road, from 35 miles per hour to 25 miles per hour.

The undersigned further certifies that the foregoing resolution has not been rescinded, revoked or modified.

Date:

September 17, 2002


Clerk, Town Council, Town of
Irvington, Virginia



**Commonwealth of Virginia,
County of Lancaster, to-wit:**

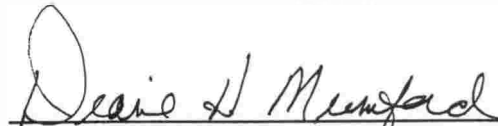
I, **RALPH DOWNING RANSONE** do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the Commonwealth of Virginia, and that I will faithfully and impartially discharge all the duties incumbent upon me as a **Town Councilman for the Town of Irvington** for a **four year term beginning 09/01/2002 and ending 08/31/2006**, according to the best of my ability, (So help me God.)



I, Constance L. Kennedy, Clerk of the Circuit Court in and for the County of Lancaster, in the Commonwealth of Virginia, do certify that **Ralph Downing Ransone** this 15th day of August, 2002, personally appeared before me in my County aforesaid and took and subscribed the above oath.

CONSTANCE L. KENEDY

Clerk



Deputy Clerk

**Irvington Town Council
Regular and Public Meeting
August 8, 2002**

The regular and public meeting of the Irvington Town Council was held at the Irvington Town Council on August 8, 2002.

Present:

Mayor	Alexander McD. Fleet
Vice- Mayor	Jimmie Lee Crockett
Council	Garry Luckham Kathleen Pollard Ralph Ransone Robert Pittman
Zoning Administrator	John C. Fitzpatrick
Legal Counsel	Matson C. Terry, II

Absent:

Council	Norman G. Mosher
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Guests:

Carroll & Dana Davis Kathy Morchower Bob Hardesty	Weeks & Jim Hill
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The Mayor opened the meeting with a prayer at 7:30 P.M.

Public Hearing:

CUP - Pool - Mr. and Mrs. Michael Morchower - 72 Rappahannock Road: Mr. and Mrs. Morchower are applying for a CUP to construct a pool on their property. The fees have been paid and the notices have been given to the neighbors and published in the Record. The pool will be located sixty (60) feet from the water in the Resource Protection Area. There must be fencing, with an inside latch on the gate, on all four sides of the pool. An approximate two foot wide path of stone should be around the pool. The Planning Commission had approved the pool subject to any requirements because of its proximity to the water and had directed Mr. Fitzpatrick to check with the County. Mr. Fitzpatrick reported that so long as the location of the pool is in accordance with the Bay Act, that the proximity to the water was a non-issue with the County. Jimmie Lee Crockett made a motion to approve the CUP and Kathleen Pollard seconded the motion. Vote - Yea: Crockett, Luckham, Pittman, Pollard, and Ransone. Nay: 0.

Pump and Haul:

The Zoning Administrator reviewed the pump and haul procedure, a process authorized by State Statue whereby the local government obtains a permit and accepts responsibility for a businesses to have a pump and haul system that thus eliminates the need for a drainfield. Northumberland County is the only

governing body in the area to have the permit. It is doing it on an emergency basis until the sewer lines are extended to one business.

Mr. or Mrs. Carroll spoke of their having an adequate septic system for Crockett's Landing's current needs as they have a contract with the Tides Inn for their boaters to go there for pumping, but they would like to put in a pumpout station for their customers as well as other boaters on the Creek to use. Crockett's Landing offered to purchase a \$500. bond, but the Town Attorney stated that this was not a sufficient amount to cover clean-up costs should there be a problem. Jimmie Lee Crockett said that this would help to clean up the Bay because if they are able to go with the system, then their drainfields would be sealed. The Carrolls said that their septic system will cover their current needs, but they would need a pump and haul system to have a pump out station and the State is moving toward requiring marinas to have their own pump-out stations. Boaters can also use the facilities of Bruce Sanders and Andy Wylie.

Kathleen Pollard made a motion for the Town not to seek a pump and haul permit as Crockett's Landing can use the Tides Inn's facilities and is not desperate. Robert Pittman seconded the motion. Vote - Yea: Pittman, Pollard, and Ransone. Nay: 0. Abstain: Crockett and Luckham.

Steamboat Museum:

Jimmie Lee Crockett, speaking as the President of the Steamboat Era Museum, traced the evolution of the Museum and stated that it needs to borrow \$300,000 to complete the building. They can go through the Town (in essence the Town would be borrowing the money) and obtain a loan at 4.21% at one local bank. At another bank the Museum can get a loan at 6%. To go through the Town at the 4.21% would save the Museum \$5370 interest a year. The Mayor stated that this would obligate the Town to \$520,000 as it is ultimately obligated for the \$220,000 T-21 grant that the Museum obtained. The T-21 grant obligation is not cleared until the Museum is up and running. He said that under the charter, the Town has the right to borrow pursuant to the Statutes of Virginia. The Town would have to hold published public hearings and be prepared to present all the facts and figures. If the Town borrows the money and lends it to the Museum, then it must discuss the structure, how it is to be paid, and must have a repayment schedule. Robert Pittman pointed out that the Council had just denied the Pump & Haul and now it was discussing obligating itself for a \$300,000 debt. Jimmie Lee Crockett said that the Museum would repay with donations received. After the interest only period then the loan would have to be restructured. Ralph Ransone asked if the Town could make a contribution to cover the interest savings. Matson Terry cautioned against making this an annual contribution. The Mayor said that the Town could consider a donation of \$10,600 to cover the \$5370 annual interest savings for the two year period of the interest only loan and then the Museum could negotiate a stand alone loan without the Town's assuming the obligation. The Town Attorney suggested that the Town's donation be done over one budget cycle.

Ralph Ransone made a motion to donate \$11,000 to the Steamboat Era Museum between now and June 30, 2003. Garry Luckham seconded the motion. Vote - Yea: Luckham, Pittman, Pollard, and Ransone. Nay: 0. Abstain: Crockett.

Minutes and Treasurer's Report:

Robert Pittman made a motion and Garry Luckham seconded it to approve the minutes as presented. Vote - Yea: Crockett, Luckham, Pittman, Pollard, and Ransone. Nay: 0.

Kathleen Pollard made a motion to approve the Treasurer's Report and Jimmie Lee Crockett seconded the motion. Vote - Yea: Crockett, Luckham, Pittman, Pollard, and Ransone. Nay: 0.

Zoning Administrator: No report.

Legal Counsel:

BZA Appointment: Mr. Terry reported that the order for the approval of Mr. Newlon's appointment to the Board of Zoning Appeals now requires only the signature of the Chief Judge of the Circuit Court and the order has been sent to him.

Ditch Report: Mr. Terry will have the ditch report next month.

Planning Commission: No report.

Old Business: None.

New Business:

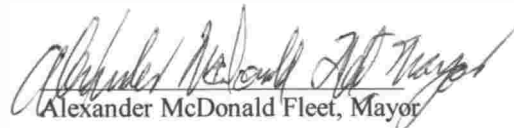
Budget: Jimmie Lee Crockett made a motion to approve the proposed budget for 2002-2003 with the amendment of the donation of \$11,000 to the Museum and make it retroactive from July 1, 2002 to June 30, 2003. Kathleen seconded the motion. Vote - Yea: Crockett, Luckham, Pittman, Pollard, and Ransone. Nay: 0.

Appointment of Clerk/Treasurer: Ralph Ransone made a motion to approve the appointment of Jacqueline H. Burrell as Clerk and Treasurer for the Town for a two year term and Jimmie Lee Crockett seconded the motion. Vote - Yea: Crockett, Luckham, Luckham, Pittman, Pollard, and Ransone. Nay: 0.

Resolution for Jimmie Lee Crockett: Matson Terry presented a proposed resolution to recognize the contributions of Jimmie Lee Crockett, who is leaving the Council, and proposed that it be adopted immediately.

Adjournment:

Jimmie Lee Crockett made the motion that the meeting be adjourned. Ralph Ransone seconded the motion. The meeting was adjourned.


Alexander McDonald Fleet, Mayor

IRVINGTON BUDGET - 2002-2003

RECEIPTS	2002-2003 BUDGET
Sales Tax	\$29,369.00
Auto Tags	\$9,000.00
Sale of Books	\$50.00
Zoning Permits	\$800.00
ABC	\$1,500.00
Tennis Permits	\$100.00
VA Power - Ches. Acad.	\$18,000.00
Maps, Copies, & Pewter	\$0.00
Cable TV	\$1,500.00
Ground Rent	\$480.00
Interest - CD's	\$5,000.00
Interest - Checking	\$300.00
Bank Franchise	\$5,000.00
Contributions	\$0.00
Miscellaneous	\$0.00
Estimated Income from Occupancy Tax	\$11,000.00
TOTAL	\$82,099.00
GRANTS	
Fire	\$6,000.00
Musuem	

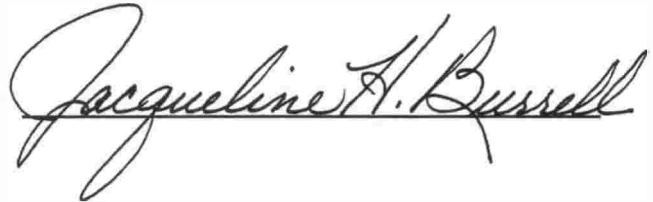
IRVINGTON BUDGET - 2002-2003

DISBURSEMENTS	2002-2003 BUDGET
Gross Wages	\$27,123.00
Employees' Federal Withholding	
Employees' FICA	
Employees' Med B.	
Employees' State Withholding	
Total Employees' Withholding	
Net Wages	
Employer's FICA	
Employer's Med B	
Employer's VA Unemployment Tax*	
Total Payroll Taxes	\$2,076.00
Utilities - Town: Elect. Fuel, Phone, Water	\$8,600.00
Elect. - Ches. Acad.	\$18,000.00
Office Equip. & Supplies	\$3,500.00
Office Maint. - Furn, Cleaning, Garbage	\$1,300.00
Ground Maintenance - Grass	\$2,000.00
Auto Tags	\$1,000.00
Insurance	\$2,500.00
Rappahannock Record	\$400.00
Dues	\$500.00
Election	\$0.00
Miscellaneous	\$1,500.00
Contributions (Inc. Museum Cont. for Int.)	\$11,700.00
Legal/Acc't/Survey	\$500.00
Christmas Lights/Flags/Ju4 Parade	\$1,400.00
TOTAL	\$82,099.00
GRANTS	
Fire	\$6,000.00
Museum	

No VA Unemployment Tax at this time*

**Commonwealth of Virginia,
County of Lancaster, to-wit:**

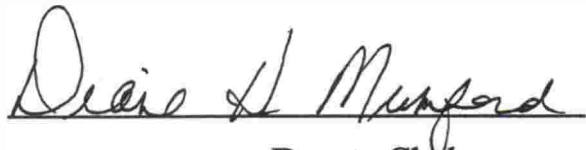
I, **JACQUELINE H. BURRELL** do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the Commonwealth of Virginia, and that I will faithfully and impartially discharge all the duties incumbent upon me as **Clerk/Treasurer for the Town of Irvington** for a **two year term beginning 09/01/2002 and ending 08/31/2004**, according to the best of my ability, (So help me God.)



I, Constance L. Kennedy, Clerk of the Circuit Court in and for the County of Lancaster, in the Commonwealth of Virginia, do certify that **Jacqueline H. Burrell** this 15th day of August, 2002, personally appeared before me in my County aforesaid and took and subscribed the above oath.

CONSTANCE L. KENEDY

Clerk



Deputy Clerk

**RESOLUTION
OF
THE TOWN COUNCIL
OF
THE TOWN OF IRVINGTON, VIRGINIA
ADOPTED AUGUST 8, 2002**

WHEREAS, Jimmie Lee Crockett, has been a member of the Town Council of the Town of Irvington, Virginia, since September 5, 1996; and

WHEREAS, Jimmie Lee Crockett, has chosen to retire from the Town Council; and

WHEREAS, during his tenure on the Town Council, Jimmie Lee Crockett, has performed his duties as a member of the Town Council with energy and courtesy; and

WHEREAS, Jimmie Lee Crockett, has done so much more for the Town of Irvington beyond his obligations as a member of the Town Council;

NOW, THEREFORE, upon motion duly made, seconded, and unanimously carried, it was

RESOLVED, that the Town Council of the Town of Irvington hereby acknowledges, with great gratitude, the many contributions of Jimmie Lee Crockett, to the Town of Irvington during his tenure as a member of the Town Council of the Town of Irvington, Virginia; his genuine love and concern for the Town and its citizens; his unselfish willingness to do more than was asked for the Town; and his humor, courtesy and impartiality in all his efforts for the Town; and

FURTHER RESOLVED, that a copy of this resolution be presented to Jimmie Lee Crockett, and that a copy be spread upon the minutes of the Town Council.

Witness the following signatures:

**Irvington Town Council
Special Meeting
July 18, 2002**

The Irvington Town Council held a special meeting on July 18, 2002, for the purpose of having a second required public hearing to receive public comment about the proposed occupancy tax of 2%.

Present:

Mayor	Alexander McDonald Fleet
Vice-Mayor	Jimmie Lee Crockett
Council	Garry Luckham Norman Mosher Robert Pittman Ralph Ransone
Zoning Administrator	John C. Fitzpatrick
Legal Counsel	Matson C. Terry, II

Absent:

Council	Kathleen Pollard
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Guests:

Larry McAfee	Mike Murray
Doug Power	Candy Howard
Charles Sanders	Bill McCloskey (arrived late)
Nick Trotter	Martha & Bob Morrison
William Dougherty	Peggy Patteson
Lee Stephens (spoke and left)	Bruce King
Kenny Clark	2 unknown ladies

The Mayor called the meeting to order at 7:37 P.M. Jimmie Lee Crockett made a motion to go into a public hearing. Norm Mosher seconded the motion. Vote - Yea: Crockett, Luckham, Mosher, Pittman, and Ransone. Nay: 0.

Public Hearing:

Proposed Occupancy Tax: Lee Stephens said that the resort business has taken a hit this past year and that the occupancy tax can cause loss of momentum as the Tides Inn competes with resorts all over the world and he would encourage the Town not to impose the tax. He advised that if the tax is passed to use it to keep momentum going by reinvesting in advertising what a great place Irvington is.

Nick Trotter, who deals with luxury yacht charters and cruises, advised the Council to take time to allow owners to publicize the tax in their collateral material and to allow owners time to decide how they were going to absorb it.

Larry McAfee stated he was concerned about how the tax was going to be spent and wanted to see it invested in Irvington and put back into improving the quality of life for citizens and visitors.

Doug Power stated that he would be more comfortable if there were a "to do" list about how funds would be used and would encourage the Council to be more public.

Peggy Patteson said that it would impact on future guests as they are trying "to grow" the midweek visits and these guests are on a fixed income. The Hope & Glory is negotiating contracts for 2003 and she said that guests do not like surprises. She requested that the businesses have a voice on a committee or advisory council. She said that she would have to add staff to keep track of it and asked that the business be considered.

Charles Sanders asked what was the rationale to get this done so quickly.

Mike Murray in Sales at the Tides Inn said that people make deliberate decisions, are dollar oriented, and ask specific questions.

William Dougherty in Marketing at the Tides Inn said that a tax of \$5 or \$6 can be a lot for groups and it affects their decisions. He wants to know where the dollars are going and what is the return to the businesses.

Bob Morrison said that the people speaking against it must have thought about for what purposes they do not want it used and perhaps they could work with the Council from that standpoint.

Jimmie Lee Crockett, speaking as a citizen, stated that with the tax, the Town can do things that they have not been able to do such as the Museum, police protection, and beautification and asked that the people think on the positive side.

Doug Power asked that if the issue is increasing the income, to use other methods of increasing the income such as raising the price of the car tag.

Larry McAfee said that if there were an advisory group, then he would be 100% behind the tax and asked if anyone had seen a tax go down and he would like protection from raising taxes.

Garry Luckham made a motion to come out of the public hearing and Robert Pittman seconded the motion. Vote - Yea: Crockett, Luckham, Mosher, Pittman, and Ransone. Nay: 0.

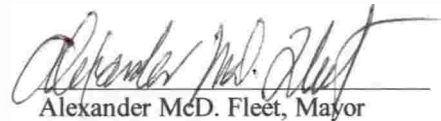
In discussion, the mayor traced the evolution of the proposal for the lodging tax in saying that they started talking about it about a year ago, but it was not the proper time then. Several meetings occurred and about six weeks earlier this year he and Mr. Fitzpatrick had met at Sedona's request. At that time they (Sedona) supported a tax of 2%, but were concerned about how it was going to be spent. The Mayor listed several uses for the tax, such as support of cultural attractions, events, beautification of streets, improvement of trails, acquisition of water access, and the museum. He assured those present that the present Council and Mayor would be open to suggestions from businesses and citizens as to how the money is to be spent. In response to Robert Pittman's question about how much income would the tax generate, the Mayor estimated \$30,000 to \$60,000 annually. Garry Luckham asked if they could start at 1% and increase to 2% at the end of five years. Norm Mosher said that Mrs. Patteson made a good point about contracts already signed. He stated that the contracts should be fulfilled without surprises. He said that he has had a hard time of thinking of ways that would not improve the Town. He said that in the Commonwealth, it is decided in the open how money is spent and the voters are the committee of the whole. He would be deadset against tying the hands from the already existing procedures. Robert Pittman said that he would like to give the business some lead time--couple months--before it goes into effect. Ralph Ransone said that if there were going to be one - he would like to use it for the benefit of the Town.

He stated that the Hope & Glory uses the tennis courts and would use the Museum. He stated that people have wanted security. He thinks that it is the right thing to do at this time.

Jimmie Lee Crockett made a motion to implement a 2% lodging tax effective January 1, 2003. Norm Mosher asked if contracts already signed would be excluded; however, that clause was not included in the motion. Robert Pittman seconded the motion. Vote - Yea: Crockett, Luckham, Mosher, Pittman, and Ransone. Nay: 0. The Mayor read a letter from Kathleen Pollard, who was absent, supporting the tax and asking that it be implemented for August 1, and no later than September 1, 2002. The vote was unanimous to impose a 2% occupancy tax to be effective January 1, 2003.

Adjournment:

Jimmie Lee Crockett made a motion to adjourn the meeting and Norm Mosher seconded the motion. Vote Yea: Crockett, Luckham, Mosher, Pittman, and Ransone. Nay: 0.



Alexander McD. Fleet, Mayor

ARTICLE 7A – TRANSIENT OCCUPANCY TAX

STATEMENT OF INTENT

A transient occupancy tax to be collected as set forth in this Article, for the general good and benefit of the citizens and the Town of Irvington; to better the life for its citizens and, among other things, to maintain and improve its infrastructure; said funds to be allocated and disbursed as solely determined by the Town Council.

Sec. 1. Definition.

For the purposes of this Article, a transient person is one (1) who for a period of not more than ninety (90) consecutive days, either at his own expense or at the expense of another, lodges or obtains lodging at any hotel, motel, tourist home, inn, bed and breakfast, or other facility.

*State law references-Municipal taxes and assessments generally, *Code of Virginia*, 15.2-1104.

Sec. 2. Amount of levy.

There is hereby imposed and levied by the town on each transient a transient occupancy tax in the amount of two (2) percent of the charge made for each room rented to such transient. Such tax shall be collected from such transient at the time and in accordance with this article.

Sec. 3. Collection.

Every person, firm or corporation receiving any payment for lodging with respect to which a tax is levied under this article, shall collect the amount of such tax so imposed from the transient on whom such tax is levied or from the person paying for such lodging at the time payment for such lodging is made. The tax required to be collected under this section shall be deemed to be held in trust by the person, firm or corporation required to collect such taxes as provided in this article.

Sec. 4. Reports required.

The person, firm or corporation collecting any tax as provided in this article shall make a report thereof on such forms and setting forth such information as the town treasurer may prescribe and require, showing the amount of lodging charges collected, and taxes required to be collected. Such person shall sign and deliver such report to the town treasurer with remittance of the taxes collected. Such report and remittance is required by the town treasurer covering taxes collected for each calendar month, on or before the twentieth day of the month following the month in which the taxes are collected.

Sec. 5. Penalties for late payment.

If any person shall fail or refuse to remit to the town treasurer the tax required to be collected and paid under this article within the time and in the amount specified, there shall be added to such tax by the town treasurer a penalty in the amount of ten (10) percent thereof and interest thereon at the rate of ten (10) percent per annum, which shall be computed upon the taxes and penalty from the first day of the month next following the month in which such taxes are due and payable.

Sec. 6. Failure to collect taxes or make reports.

If any person, firm or corporation, whose duty it is to do so, shall fail or refuse to collect the tax imposed under this article and make timely report and remittance thereof, the town treasurer shall proceed in such manner as is practicable to obtain facts and information on which to base an estimate of the tax due. As soon as the treasurer has procured whatever facts and information may be obtainable, upon which to base the assessment of any tax payable by any person, firm or corporation who has failed to collect, report or remit such tax the treasurer shall proceed to determine and assess against such person, firm or corporation the tax, penalty and interest provided in this article, and shall notify the person, firm or corporation by registered mail sent to this last known address of the amount of such tax, penalty and interest. The total amount thereof shall be payable ten (10) days after the date such notice is sent.

Sec. 7. Records required.

It shall be duty of every person, firm or corporation liable for the collection and payment to the town of any tax imposed by this article to keep and preserve for a period of four (4) years all suitable records as may be necessary to determine the amount of tax due to have been collected and paid to the town. The town manager, or a designated representative, may inspect such records at all reasonable times.

Sec. 8. Violations and Penalties.

Any person, firm or corporation who shall violate or fail to comply with any of the provisions of this Article, or who shall file a false or misleading monthly report hereunder, shall be guilty of a Class 3 Misdemeanor and fined an amount of not more than one thousand dollars (\$1000).

This amendment to the Irvington Town Ordinance approved by the Town Council at a Public Hearing held on July 18, 2002. This Ordinance shall be effective on and after January 1, 2003.

Kathleen F. Pollard
P. O. Box 143
Irvington, VA 22480
(804) 438-5578
jpollard@kallabero.com

July 16, 2002

HAND DELIVER TO:

Mayor Alexander McDonald Fleet
Town Council Members
235 Steamboat Road
Irvington, VA 22480

RE: Proposed Amendment to Town Ordinance
For Occupancy (Room) Tax

Gentlemen:

Since I will be away and unable to attend the second hearing on July 18th regarding the above amendment to the Town ordinance, as a member of the Town Council, I wish to go on record that I am in favor of this proposed change.

Should the Council members approve an occupancy tax amendment, I wish to go on record that I am in favor of implementing it by August 1, 2002, or no later than September 1, 2002.

Gentlemen, I trust that you will make the right decision with the best interests of the town in mind. Hope you can do without me!

Sincerely,

A handwritten signature in black ink that reads "Kathleen Pollard". The signature is written in a cursive style with a large initial "K".

**Irvington Town Council
Regular and Public Meeting
July 11, 2002**

The regular and public meeting of the Irvington Town Council was held at 7:30 P.M. on July 11, 2002, at the Irvington Town Office.

Present:

Mayor	Alexander McD. Fleet
Vice-Mayor	Jimmie Lee Crockett
Council	Garry Luckham Norman Mosher Robert Pittman Kathleen Pollard Ralph Ransone
Zoning Administrator	John c. Fitzpatrick
Legal Counsel	Matson C. Terry, II

Guests:

Jim Johnson	Peggy & Dudley Patteson
Bruce King	Alison Drake/Randall Kipp
Tom Richardson	Bill Westbrook
Doug Power	Bob Hardesty
Nick Trotter	Bill Dougherty
Charles Sanders	Martha & Bob Morrison
George Lidicker	Larry McAfee
Weeks & Jim Hill	Mr. Cohen with Sedona Resorts

The Mayor opened the meeting with a prayer.

Public Hearing:

Occupancy Tax: The Mayor opened the public hearing by giving background information for the occupancy tax. He has contacted other nearby localities which have an occupancy tax regarding the amount, how it was enacted, and the use of the tax.

Jimmie Lee Crockett made a motion to go into a public hearing. Norman Mosher seconded the motion. Vote - Crockett, Luckham, Mosher, Pittman, Pollard, and Ransone. Nay: 0.

Mr. Westbrook stated that in the absence of not knowing how the tax was going to be used, it was hard to support. He had originally hoped that it would be used for the beautification of the Town and cultural events. He does not feel good about it's going into the general fund. In reply to a question of why did it become necessary to have the tax, the Mayor replied that there was always a need for money in small Towns in their continued operation and there were a number of projects for which it could be used. Norm Mosher stated that it could be used for better traffic control or police. Weeks Hills said that Irvington had a steamboat history and that they had brought many wonderful things to Irvington. Doug

Power asked if an envelope could be put around the money and use it as a reserve fund for land acquisition. Larry McAfee said that the Tides Inn needs to attract group business for Sunday through Thursday and that groups look at charges very carefully and this tax could be a factor in attracting groups. He said that this fund could be a kitty for pet projects for future Council members. George Lidicker said that his company had made a huge investment in the Inn and they are a few years from having a healthy operation. They are supportive of community improvement. He said that the best occupancy tax was where it was earmarked for promotion which he is not requesting, but he would like it earmarked for certain things. He would like to have parameters for its usage.

Bob Hardesty recommended that a Committee be established to decide what to do with it. VDOT cleans the streets once a year and removes grass from the joints. That could be a use of the fund.

Jim Johnson said that he liked the idea of studying it, but not to mess it up by forcing the will on the Council. He hopes that the business leaders would be included on a study committee. Bob Morrison noted that we do not have a say in where the money goes when it goes to Washington. He does not see how we can have a say in how a subordinate government can have a say in how the money is spent. The Council is the committee that the people have elected and the people know where they live. Larry McAfee, continuing on Jim Johnson's engine analogy, said that one must maintain the engine for it to run properly.

Jimmie Lee Crockett made a motion to come out of the public hearing and Kathleen Pollard seconded the motion. Vote - Yea: Crockett, Luckham, Mosher, Pollard, Pittman, and Ransone. Nay: 0.

The Mayor announced that according to our Code it is necessary to have two public hearings for the occupancy tax. The Town Attorney advised that it was better to vote after the second public hearing.

Jimmie Lee Crockett made a motion that the 2nd public hearing be July 18, 2002, at 7:30 P.M. Robert Pittman seconded the vote. Mrs. Pollard will be unable to attend the meeting because she will be out of Town on business. In discussion, Mr. Ransone said that the Council listens to people about the needs of the Town. It was stated that the County can pre-empt the Town and impose its own lodging tax. Vote for the Public hearing on July 18, at 7:30 P.M. - Yea: Crockett, Luckham, Mosher, Pittman, Pollard, and Ransone. Nay: 0.

Norm Mosher made a motion to go into public hearings and Kathleen Pollard seconded the motion. Vote - Yea: Crockett, Luckham, Mosher, Pittman, Pollard, and Ransone. Nay: 0.

CUP: Mr. and Mrs. Hallett - Pier - 325 Glebe Road: Mr. and Mrs. Hallett have applied for a CUP to build a pier at the end of a cove where there is no navigation line. The fees have been paid, notices have been given, and there is no opposition. Doug Monroe formerly obtained a conditional use permit to build a longer pier on this parcel, but he did not build it, the Corp permit expired and it is necessary to repeat the process. (The pier is 181 feet in length and 143 feet of it will be over wetlands.) Norm Mosher made a motion to come out of the public hearing and Jimmie Lee Crockett seconded the motion. Vote - Yea: Crockett, Luckham, Mosher, Pittman, Pollard, and Ransone. Nay: 0. Jimmie Lee Crockett made a motion to approve the CUP and Robert Pittman seconded the motion. Vote - Yea: Crockett, Luckham, Mosher, Pittman, Pollard, and Ransone. Nay: 0.

CUP: Mr. and Mrs. Richard Pittman - Above Ground Swimming Pool - 288 Pittman's Drive: Robert Pittman made a motion to go into a public hearing and Ralph Ransone seconded the motion. Vote - Yea: Crockett, Luckham, Mosher, Pittman, Pollard, and Ransone. Nay: 0. The Zoning Administrator explained that the notices have been given, and the fees paid. The Zoning Administrator said that the pool was essentially completed because the contractor was in the area and it would be the end of August before he could do the work otherwise. The paperwork has been in the works for weeks. The pool is well back from the setback and it was approved unanimously by the Planning Commission. Kathleen Pollard made a motion to come out of public hearing and Norm Mosher seconded the motion. Vote - Yea:

Crockett, Luckham, Mosher, Pittman, Pollard, and Ransone. Nay: 0. Garry Luckham made a motion to approve the CUP and Norm Mosher seconded the motion. Vote - Yea: Crockett, Luckham, Mosher, Pittman, Pollard, and Ransone. Nay: 0.

CUP: Fred Comer - Inground Swimming Pool - 399 The Lane: Jimmie Lee Crockett made a motion to go into a public hearing and Robert Pittman seconded the motion. Vote: Crockett, Luckham, Mosher, Pittman, Pollard, and Ransone. Nay: 0. The Zoning Administrator said that the fees have been paid, notices given, and there were no objections to a pool being built in the rear of the residence. It will be 61 feet from the water and there will be a fence around the property. The Conditional Use Permit was approved by the Planning Commission. Jimmie Lee Crockett made a motion to come out of the public hearing. Garry Luckham seconded the motion. Vote - Yea: Crockett, Luckham, Mosher, Pittman, Pollard, and Ransone. Nay: 0. Robert Pittman made a motion to approve the CUP and Ralph Ransone seconded the motion. Vote: Yea: Crockett, Luckham, Mosher, Pittman, Pollard, and Ransone. Nay: 0.

Zoning Administrator:

Irvington Sign: The Zoning Administrator announced that he would work with Mrs. Pollard to select a location for the Irvington sign when she returns from her business trip.

BZA Appointment: Jimmie Lee Crockett made a motion to appoint Richard Newlon to the BZA and Robert Pittman seconded the motion. Vote - Yea: Crockett, Luckham, Mosher, Pittman, Pollard, and Ransone. Nay: 0.

Minutes and Treasurer's Report:

Garry Luckham made a motion to approve the minutes and Norm Mosher seconded the motion. Vote - Yea: Crockett, Luckham, Mosher, Pittman, Pollard, and Ransone. Nay: 0.

Jimmie Lee Crockett made a motion to approve the treasurer's report and Kathleen Pollard seconded the motion. Vote - Yea: Crockett, Luckham, Mosher, Pittman, Pollard, and Ransone. Nay: 0.

Planning Commission Report:

Ralph Ransone reported that the Planning Commission had recommended approval of the three conditional use permits.

New Business: None.

Adjournment:

Norm Mosher made a motion to adjourn the meeting. Robert seconded the motion and the vote was unanimous.


Alexander McDonald Fleet, Mayor

**Irvington Town Council
Special Meeting
July 2, 2002**

The Mayor called a special meeting of the Town Council at 5:30 P.M. on July 2, 2002, to reconsider accepting the small building that was used as the Lancaster National Bank after the Irvington Fire of 1917. Nash Broaddus purchased the property where the building was located and would like to give it to the Town. The Town Council had previously decided not to accept the building as there was the problem of where to place the building.

Present:

Mayor	Alexander McD. Fleet
Vice- Mayor	Jimmie Lee Crockett
Council	Garry Luckham Norman Mosher Robert Pittman Kathleen Pollard Ralph Ransone
Zoning Administrator	John C. Fitzpatrick

Guest:

James Johnson

Jim Johnson, who is on the Foundation for the preservation and restoration of buildings, things of significance, etc. that should be preserved in the Town, said that the Foundation would need to enter into an agreement with the Town to raise funds to restore the building if the Town accepted the building. He said that they have been looking for a project. He would take it to the Foundation Board only if the Town would want it. An Irvington citizen will pay for the cost of moving the building. The Mayor listed suggestions for following locations of the building that could possibly be used as a welcome center:

1. Between the tennis courts and trees until Town found a permanent location
2. Next to bank-front on King Carter
3. On cement slab by tennis courts facing Tavern Road
4. Behind Bob Westbrook's dental office
5. Next to coffee house - problem with setbacks
6. In lieu of the handicap parking spaces at Trick Dog
7. Between the needlepoint and Trick Dog Restaurant buildings facing Rt 200.

Norman Mosher said he was reluctant to make a decision about the Commons until he has seen Randall Kipp's comprehensive plan. He said that to him, the building was of dubious value and there were questions that would depend on whether the Foundation would pay for it. He feels uneasy "mixing Town things with Foundation things" and at this stage would vote not to do anything without further investigation. He said if the building had historical significance and were in good condition he thought it should be on Town property. Robert Pittman said that he was not "crazy" about its being placed on the Irvington Commons as he thought that should be more a park and does not want another building on it.

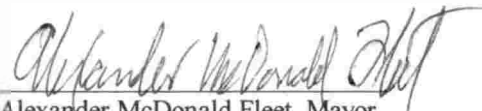
Jim Johnson said that maybe it was not an issue for the Town and maybe Nash Broaddus would give it to a private entity. The Zoning Administrator said that the setback was 25 feet and it would be a

tax deduction for Nash Broadus to give it to a 501(c)(3) organizations for which the Foundation would qualify. Mr. Johnson said that he would talk with his Board.

Jimmie Lee Crockett made a motion to reaffirm the previous decision made (January 10, 2002) for the Town not to accept this building. Ralph Ransone seconded the motion. Vote - Yea: Crockett, Luckham, Mosher, Pittman, Pollard, and Ransone. Nay: 0. Ralph Ransone made a motion to come out of the special meeting and Robert Pittman seconded the motion.

Adjournment:

The meeting was adjourned.


Alexander McDonald Fleet, Mayor

**Irvington Town Council
Regular and Public Meeting
June 13, 2002**

The regular and public meeting of the Irvington Town Council was held at the Town Office on June 13, 2002.

Present:

Mayor	Alexander McDonald Fleet
Council	Garry Luckham Norman Mosher Kathleen Pollard Ralph Ransone

Absent:

Vice-Mayor	Jimmie Lee Crockett
Council	Robert Pittman
Zoning Administrator	John C. Fitzpatrick
Legal Counsel	Matson C. Terry, II

The Mayor opened the meeting with a prayer at 7:35 P.M.

Minutes and Treasurer's Report:

Kathleen Pollard made a motion to approve the minutes and Garry Luckham seconded the motion. Vote - Yea: Luckham, Mosher, Pollard, and Ransone. Nay: 0.

Ralph Ransone made a motion to approve the treasurer's report and Norm Mosher seconded the motion. Vote - Yea: Luckham, Mosher, Pollard, and Ransone. Nay: 0.

Planning Commission: No report.

Zoning Administrator: No report.

Appreciation:

The Mayor thanked the Council for the plant sent him after his recent surgery.

Legal Counsel: Absent.

Occupancy Tax:

The Mayor explained that he had met with the legal counsel and a 2% occupancy (room) tax is being proposed. There will be hearings to provide public input, but the Council will have the final say in how the money is spent. Norm Mosher asked about a tax on meals, but the Mayor said that he thought

that it should be done one step at a time, evaluate it, and it could be changed at a later date. He said that a motion/resolution was needed to have the Town Attorney prepare an ordinance. Ralph Ransone made a motion to authorize Matson Terry, Town Attorney to prepare an ordinance. to enact an occupancy tax. Garry Luckham seconded the motion. Vote - Yea: Luckham, Mosher, Pollard, and Ransone. Nay: 0.

Old Business: None.

New Business:

Contributions: Norm Mosher made a motion to give the following amounts:

White Stone Volunteer Fire Department: \$250.00
Kilmarnock/Lancaster County Rescue Squad: \$250.00
Air Force Band Concert Dinner for Band Members: \$200.00

Kathleen Pollard seconded the motion. Vote - Yea: Luckham, Mosher, Pollard, and Ransone. Nay: 0.

Sound Conflicts at Trade Winds Concert: There was a brief discussion about the sounds of the band or dj from the Hope & Glory activity being heard, the bi-plane flying over, and the swinging children squealing during the time the Trade Winds Group was playing. The Trade Winds Group was relocated to the northwest corner of the Commons. Ralph Ransone filled in the hole that was at the pitcher's mound..

Irvington Commons: The Mayor expressed appreciation to Ransone's for moving the soccer goal to Chesapeake Academy.

Ralph Ransone said that he will work on the grass around the playground and the diamond in the Fall.

Announcements: The Mayor read the list of upcoming events in Town.

Town Sign: The Mayor appointed Kathleen Pollard to work with the Zoning Administrator in deciding where the new Town Sign would be located. Placement of the sign will have to conform to the By-way Rules regarding signs.

Adjournment:

The meeting was adjourned following a motion by Norm Mosher and a second by Kathleen Pollard.


Alexander McDonald Fleet, Mayor

**Irvington Town Council
Regular and Public Meeting
May 9, 2002**

The regular and public meeting of the Irvington Town Council was held at the Town Office on May 9, 2002.

Present:

Mayor	Alexander McDonald Fleet
Vice-Mayor	Jimmie Lee Crockett (arrived late)
Council	Garry Luckham Kathleen Pollard Robert Pittman Ralph Ransone
Zoning Administrator	John C. Fitzpatrick
Legal Counsel	Matson C. Terry, II

Absent:

Council	Norman Mosher
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Guests:

Bill Kopsack (Attorney for Mrs. Broaddus)

Visitors:

Mr. & Mrs. Jeff Bishop Duncan Bright H.S. Students: Jeffrey Guthhunt Brook Oliver Shanee Jones Joel Stevens Cameron Carter Marquita Yerby	Mr. Bob Hardesty Maeghaen Goss Joanne Hinson Roderick Boles Luther Smith Reuben Smith
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The Mayor opened the meeting at 7:30 P.M., with a prayer.

Public Hearings:

The Zoning Administrator reported that Mr. and Mrs. Hallett's notices had not been given to the neighbors; therefore, the hearing for their conditional use permit application for a pier at the end of a cove would be rescheduled.

Kathleen Pollard made a motion to go into a public hearing and Robert Pittman seconded the motion. Vote - Yea: Luckham, Pollard, Pittman, and Ransone. Nay: 0.

Rezoning of Southern Chesapeake Property: Mrs. Gloria Moncur Broaddus - 97 Railway Road: Mr. Fitzpatrick reported that the fees had been paid, the required notices given to the neighbors, and that the Planning Commission had recommended that the property be rezoned from industrial M-1 to residential R-1. Mr. Kopsack, using the plat, explained Mr. and Mrs. Broaddus' plans for the property. Robert Pittman asked how would this benefit Irvington. Mr. Kopsack explained that Mr. and Mrs. Broaddus want to clean up the property and make it residential rather than leave it industrial as this is a residential neighborhood. Ralph Ransone made a motion to come out of the public hearing and Garry Luckham seconded the motion. Vote - Yea: Luckham, Pollard, Pittman, and Ransone. Nay: 0. Ralph Ransone made a motion to rezone the property from industrial M-1 to Residential R-1. and Garry Luckham seconded the motion. Vote - Yea: Luckham, Pittman, Pollard, and Ransone. Nay: -0.

Ralph Ransone made a motion to go into public hearing and Kathleen Pollard seconded the motion. Vote - Yea: Luckham, Pittman, Pollard, and Ransone. Nay: 0.

CUP: Broaddus - Swimming Pool; 97 Railway Road: Mr. and Mrs. Broaddus are requesting a conditional use permit to construct a pool on the property. They plan to sell the property with a designated area of 12,287 square feet for the house and pool and plan to request a variance from the Board of Zoning Appeals to construct the home and pool within the buffer zone. CBLAD personnel have approved the invasion of the buffer zone because they are making the property pervious from being impervious. The application for a conditional use permit for a pool was approved by the Planning Commission. Mr. Hardesty asked about the old building (used as the bank after the fire) which is now on the property. The Mayor explained that Mr. Broaddus was willing to give it to the Town, but the Town did not have a place to put it.

Robert Pittman made a motion to come out of the public hearing and Kathleen Pollard seconded the motion. Vote - Yea: Luckham, Pittman, Pollard, and Ransone. Nay: 0. Robert Pittman made a motion to approve the Conditional Use Permit Application for a pool to be located in the designated area. Garry Luckham seconded the motion. (Jimmie Lee Crockett arrived.) Ralph Ransone requested that the BZA inspect the property before making a decision. Vote - Yea: Crockett, Luckham, Pittman, Pollard, and Ransone. Nay: 0.

Old Business:

Pump & Haul: The Zoning Administrator reviewed the Pump & Haul procedure and stated that if the Town should obtain a permit for pump and haul, then it would be responsible for overseeing that the pump and haul system is properly maintained by the property owners. Jimmie Lee Crockett said that Crockett's Landing would be willing to purchase a performance bond, in the amount of \$500. Mr. Terry said that that amount was not sufficient. He said that the entire liability and responsibility would lie with the Town. He said that the Town would have to get a surety bond to cover operation and clean-up costs. and said that it was not as simple as a contract between the Health Department and the business. He recommends that the Town contact a municipality that has the system and inquire about the cost of supervision. Currently the boaters at Crockett's Landing are using the facilities at the Tides Inn on a one year's contract. Duncan Bright said that this could be beneficial for the Town of Irvington as it could be beneficial to other citizens. The Mayor stated that it needed more investigation. The Town would need a contract with a local supervisor or inspector and would need to know the cost. Ralph Ransone made a motion to obtain more information before making a decision and Kathleen Pollard seconded the motion. Vote - Yea: Luckham, Pittman, Pollard, and Ransone. Nay: 0. Abstain: Crockett The Zoning Administrator was asked to check with Matthews County.

Minutes and Treasurer's Report:

Jimmie Lee Crockett made a motion to approve the minutes and treasurer's report and Garry Luckham seconded the motion. Vote - Yea: Crockett, Luckham, Pittman, Pollard, and Ransone. Nay: 0.

Kathleen Pollard asked about VIA/ICC's plans to plant flowers in a boat at the Commons and was told that the VIA/ICC has decided against this project.

Zoning Administrator:

BZA Appointment: The Mayor asked the Council to submit to the Zoning Administrator names of persons to consider for appointment to a five year term to the BZA.

Planning Commission Report: No report.

Announcements:

The Mayor announced upcoming events and recognized the contributions of Bill Kerr, who served on the Planning Commission and made many contributions to the area. He congratulated Ralph Ransone, Norman Mosher, and Williams Evans, who were elected to the Council.

King Carter Sign:


Mr. Hardesty stated that his recent guest, unfamiliar with Irvington could not find the sign indicating King Carter Road as it is concealed by the State Route sign. The Clerk will check with the County.

Speed on King Carter Drive:

Garry Luckham said that Tides Inn employees need to be reminded about the speed on King Carter Drive.

Adjournment:

Jimmie Lee Crockett made a motion to adjourn the meeting and Kathleen Pollard seconded the motion. The meeting was adjourned.


Alexander McDonald Fleet, Mayor

**Commonwealth of Virginia,
County of Lancaster, to-wit:**

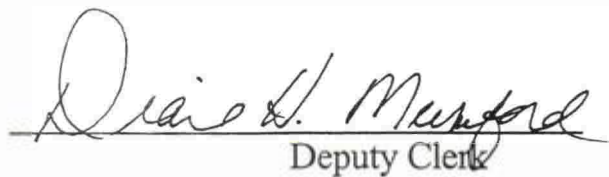
I, Michael L. Molineaux, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the Commonwealth of Virginia, and that I will faithfully and impartially discharge all the duties incumbent upon me as a member of the Board of Zoning Appeals for the Town of Irvington, which term expires May 8, 2006 according to the best of my ability, (So help me God.)



I, Constance L. Kennedy, Clerk of the Circuit Court in and for the County of Lancaster, in the Commonwealth of Virginia, do certify that Michael L. Molineaux this 14th day of May, 200², personally appeared before me in my County aforesaid and took and subscribed the above oath.

Constance L. Kennedy

Clerk



Deputy Clerk

**Irvington Town Council
Regular and Public Meeting
April 11, 2002**

The regular and public meeting of the Irvington Town Council was held at the Town Office on April 11, 2002.

Present:

Vice-Mayor	Jimmie Lee Crockett
Council	Garry Luckham Ralph Ransone Norman Mosher Kathleen Pollard

Absent:

Mayor	Alexander McDonald Fleet
Council	Robert A. Pittman
Legal Counsel	Matson C. Terry, II

Guests:

Margaret Ross
Kathy Morchower
Andy Smith

Visitors:

Edward H. Crockett	Bob Hardesty
Stanford Crockett	Tom Richardson
Duncan Bright	

Jimmie Lee Crockett called the meeting to order at 7:30 P.M. and led the group in prayer.

Planting of Flowers:

Kathy Morchower from the VIA/ICC requested permission to plant daylillies around the utility poles in front of the Commons between the benches, and near the bank between the sidewalk and the curbs. The daylillies are free and there would be a small sign indicating the source. Garry Luckham made a motion to approve the plantings and Kathleen Pollard seconded the motion. Vote - Yea: Luckham, Mosher, Pollard, and Ransone. Nay: 0.

Mrs. Morchower said that the group would also like to place a deadrise boat (less than 20 feet in length), for the purpose of planting flowers in containers, in the Commons between the Bank and the Gazebo. There was discussion about this location because of the bank drainfield and property line between the bank and the Commons. Norm Mosher made a motion to approve this subject to approval of the location of the boat by the Bank and the Town. Ralph Ransone seconded the motion. Vote - Yea:

Mosher, Pollard, and Ransone. Nay: 0. Abstain: Luckham. VIA/ICC would be responsible for the maintenance of the boat.

Public Hearing:

Garry Luckham made a motion to go into public hearings for two Conditional Use Permits applications. Ralph Ransone seconded the motion. Vote - Yea: Luckham, Mosher, Pollard, and Ransone. Nay: 0.

CUP Application for Home Furnishings Business at 4283 Irvington Road; Robert Andrew Smith: Mr. Fitzpatrick explained the CUP application of Mr. Smith for a home furnishing business. He plans no construction at this time, but is not prohibited from construction in the future with a permit. Parking will be available in the rear in the ratio of 1 parking space for every 100 square feet of interior space. There will be a sign for the business and a sign will indicate parking is available in the rear. Norm Mosher made a motion to come out of the public hearing and Kathleen Pollard seconded the motion. Vote - Yea: Luckham, Mosher, Pollard, and Ransone. Nay: 0. Norm Mosher made a motion to approve the CUP and Garry Luckham seconded the motion. Vote - Yea: Luckham, Mosher, Pollard, and Ransone. Nay: 0.

CUP Application: Swimming Pool - Mrs. Margaret Ross at 991 King Carter Drive: The Zoning Administrator explained that the Planning Commission had forwarded Mrs. Ross' application to the Town Council without recommendation because the Record had not published the notices in the paper on the correct dates before the Planning Commission Hearing; however, they had appeared twice before the Town Council Hearing. Mr. Fitzpatrick stated that the notices have been given to the neighbors and the fees have been paid. Mrs. Ross is requesting a conditional use permit to build a new pool closer to her house and fill in the old pool. Norm Mosher made a motion to come out of the public hearing and Ralph Ransone seconded the motion. Vote - Yea: Luckham, Mosher, Pollard, and Ransone. Nay: 0. Garry Luckham made a motion to approve the pool. Kathleen Pollard seconded the motion. Vote - Yea: Luckham, Mosher, Pollard, Ransone. Nay: 0. Mr. Mosher stated that perhaps the Town should communicate to the Record that it should keep a log of legal notices for publication.

Minutes and Treasurer's Report:

Norm Mosher made a motion to approve the minutes and Garry Luckham seconded the motion. Vote - Yea: Luckham, Mosher, Pollard, and Ransone. Nay: 0.

Ralph Ransone made a motion to approve the treasurer's report and Norm Mosher seconded the motion. Vote - Yea: Luckham, Mosher, Pollard, and Ransone. Nay: 0.

Zoning Administrator:

The Zoning Administrator reported that he and the Mayor had met with the District VDOT representative and are waiting to hear their decision regarding the lowering of the speed limit on King Carter Drive. Mr. Mosher stated that perhaps it was time to ask the Tides Inn to remind the employees about the speed limit. Mr. Fitzpatrick told Mrs. Pollard, in response to her question about the signs near Mad Calf being moved, that VDOT would check on it.

Planning Commission Report: No report.

Old Business:

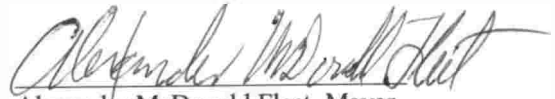
Mr. Fitzpatrick informed the Council that Nash Broadus wants to rezone the Southern Chesapeake property from industrial to residential and would like to do it in May.

New Business:

Ralph Ransone requested that VIA/ICC be informed that the maintenance of the boat at the Commons be their responsibility and said that if it becomes unsightly, then either the VIA/ICC or the Town removes it.

Adjournment:

The Town Council Meeting was adjourned after the motion and the second.


Alexander McDonald Fleet, Mayor


J. Crockett, Vice Mayor

**Irvington Town council
Regular and Public Meeting
March 14, 2002**

The regular and public meeting of the Irvington Town Council was held at the Irvington Town Office on March 14, 2002, at 7:30 P.M.

Present:

Mayor	Alexander McDonald Fleet
Vice-Mayor	Jimmie Lee Crockett
Council	Garry Luckham Norman Mosher Kathleen Pollard Robert Pittman Ralph Ransone
Zoning Administrator	John C. Fitzpatrick

Absent:

Legal Counsel	Matson C. Terry, II
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Guests:

David Fridley Randall Kipp	Virginia Health Department
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Visitors:

Mrs. Fridley Duncan Bright	Bob Hardesty Edward H. Crockett
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Permanent Pump & Haul of Waste Water:

Mr. David Fridley from the Lancaster Co. Health Department, and who supervises the Environmental Health Program for the four counties of the Northern Neck explained how permanent pump & haul operates for either property owners of residences or commercial operations with a holding tank not connected to a drainfield who request their wastewater to be hauled away. The Town would be responsible for obtaining the permits (permit fee is \$75.00) from the State of Virginia and would be the holder of the permits.. The Town would submit a proposal to the County, who reviews and forwards it to the State Health Department for its approval. The Town Council would adopt a written document, resolution or ordinance and prepare a contract for the property owner or commercial property owner to sign. The local property owner will obtain a suitable bond to guarantee the removal of the wastewater. When the holding tank is full, an alarm alerts the owner. If the property owner does not pump in a timely manner, then the Health Department would contact the local government to get it pumped. If the local government declines, then the Health Department would shut down the operation or the individual. By accepting the permit, the Town is always legally responsible for the tank's being pumped. The local health department wants a record of when the tank is full and will inspect, probably on an annual basis. Placement of the holding tank on the property is determined by the local health department. Northumberland Co. has adopted a pump and haul, but Lancaster Co. has not.

Crocketts Landing wants to expand beyond its current capacity and wants its own pump station and not be dependent on other commercial operations where their boats can go to be pumped.

In response to Mr. Fitzpatrick's question of how this would benefit the Town, Mr. Fridley said the Town would have to decide the justification for taking the responsibility.

VIA/ICC Calendar:

Randall Kipp distributed copies of the calendar of events for 2002.

Minutes and Treasurer's Report:

Norm Mosher made a motion to approve the minutes and Jimmie Lee Crockett seconded the motion. Vote: Crockett, Luckham, Mosher, Pittman, Pollard, and Ransone. Nay: 0.

Robert Pittman made a motion to approve the treasurer's report and Kathleen Pollard seconded the motion. Vote: Crockett, Luckham, Mosher, Pittman, Pollard, and Ransone. Nay: 0.

Zoning Administrator:

Signs: The Zoning Administrator explained that the Tides Inn had requested a sign permit to change the sign at the Church Corner in Irvington and consequently he learned about the restrictions that are imposed on signs on By-ways or area visible to drivers from the by-ways. Rt. 200 that passes through Irvington is a by-way.

Speed on King Carter Drive: The Mayor announced that he and the Zoning Administrator were meeting with Mr. Staton and Steve Black's replacement at VDOT's Fredericksburg office. Norm Mosher said he thought there was a 35mph sign near the Tides Inn entrance that should be repositioned.

Kathleen Pollard said "no turn around" sign near Mad Calf Lane has been relocated from one side of Railway Road to the other.

Planning Commission Report: No meeting, no report.

Old Business: None.

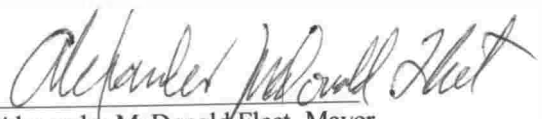
New Business:

VIA/ICC Calendar: Ralph Ransone made a motion to approve the calendar and Jimmie Lee Crockett seconded the motion. Vote - Yea: Crockett, Luckham, Mosher, Pittman, Pollard, and Ransone. Nay: 0.

Pump & Haul: Ralph Ransone made a motion for Mr. Fitzpatrick and the Town Attorney to investigate Pump & Haul. Vote - Yea: Luckham, Mosher, Pittman, Pollard, and Ransone. Nay: 0. Abstain: Crockett. Jimmie Lee Crockett said that initial reason was that Crockett's Landing wanted to stand alone and said that Carroll Davis had been told that Tides Inn had been condemned. The Mayor instructed the Zoning Administrator to check with Larry McAfee. Norm Mosher said that the Rappahannock Yacht Club has limitations in that area and may be interested in pump and haul.

Adjournment:

The meeting was adjourned.


Alexander McDonald Fleet, Mayor

**Irvington Town Council
Regular and Public Meeting
February 14, 2002**

The regular and public meeting of the Irvington Town Council was held at the Irvington Town Council at 7:30 P.M.

Present:

Mayor	Alexander McD. Fleet
Vice-Mayor	Jimmie Lee Crockett
Council	Garry Luckham Norman Mosher Robert Pittman Kathleen Pollard Ralph D. Ransone
Zoning Administrator	John C. Fitzpatrick
Legal Counsel	

Guests:

William E. Westbrook, Jr.
Robert Andrew Smith

Visitors:

Candy Howard	Mikki Kirkbride
Bob Hardesty	Ashley Lewis
Sam Monroe	Jackie Southworth
Theresa Ransone	David Meadows
Fran Westbrook	Ned Crockett
Bob Westbrook	Rev. Philip Thomas
Wendy Szyperski	Buck Johnson
Tom Richardson	Tom Colligan
Dudley Patteson	

The Mayor opened the meeting with a prayer, read a thank-you note from Ralph Ransone, who had surgery, and welcomed the visitors.

Public Hearing:

B-2 Limited Business District: Jimmie Lee Crockett made a motion to go into a public hearing and Kathleen Pollard seconded the motion. Vote - Yea: Crockett, Luckham, Mosher, Pittman, Pollard, and Ransone. Nay: 0. The Zoning Administrator explained the purpose of rezoning the four parcels to create a less intensive business area in the B-2 Limited Business District. Comments from the public: Too many businesses, How is it going to benefit me? and Why are we doing it? Mr. Fitzpatrick explained that even if it were rezoned, it did not mean it would not remain residential, but that creating this district would be a way to regulate growth, determine what type of business would be located in the district, and it would control where business would be expanded. He added that as a benefit to residents, it could allow them to shop here. Mr. Hardesty said that in Crewe, where he had been the Town Manager, a survey was done. There was discussion from those present about doing a survey to solicit residential opinion

regarding more businesses. (In Virginia, a survey is not binding on the Town Council.) Mr. Terry, the legal counsel, said that the amendment has been voted in, and the discussion at this meeting concerned implementing the Ordinance for the B-2 Limited Business District. The Mayor read the use regulations. Mr. Hardesty asked what could happen across the street from the B-2 area. The Mayor said it would be taken individually, but the B-2 rezoning would be available. Mr. Johnson said that if persons could still apply for a B-1 rezoning, even if had B-2, then it was not complete protection. Matt Terry said that the amendment afforded some protection.

See Mr. Fitzpatrick's letter filed with these minutes for address of B-2 zone

Norm Mosher made a motion to come out of public hearing. Jimmie Lee Crockett seconded the motion. Vote - Yea: Crockett, Luckham, Mosher, Pittman, Pollard, and Ransone. Nay: 0.

Jimmie Lee Crockett made a motion not to approve the B-2 Limited Business District and the uses. This motion died for lack of a second.

Norman Mosher made a motion to approve the B-2 Limited Business District and the uses. Kathleen Pollard seconded the motion. Vote - Yea: Luckham, Mosher, Pittman, Pollard, and Ransone. Nay: Crockett.

The Zoning Administrator asked Mr. Smith if he would formally withdraw his application for a B-1 rezoning of the 4283 Irvington Road property that he is planning to purchase. He withdrew his application and said that the B-2 designation was acceptable to him.

Westbrook: Retail Store on Winery in Residential R-2: Jimmie Lee Crockett made a motion to go into a public hearing and Norman Mosher seconded the motion. Vote - Yea: Crockett, Luckham, Mosher, Pittman, Pollard, and Ransone. Nay: 0. The Zoning Administrator explained the application for an amendment to the Ordinance to have a retail store to sell wine on the premises of the vineyard/winery (agricultural endeavors are permitted in Residential R-2 Zone with a Conditional Use Permit). Mr. Westbrook explained his plans to plant 3-5 acres of grapes on the farm he purchased, locate the buildings including the retail store by the woods at the back of the property, have horses on the remaining acreage, fence in the area with white fences, and eventually he might put houses back on the bluff, but not in the open spaces. Mr. Crockett said that runoff was a big problem to the water in that area as there are natural streams on the property that feed into Sams' Cove. Mr. Westbrook plans to import grapes grown elsewhere to mix with his grapes grown on this property. He said that with outside grapes, he could be producing wine within 14 months, but Mr. Fitzpatrick told him that he had to have grapes on his vines before he could produce wine. Mr. Edward Crockett asked if granting this amendment would set a precedence for Business in the R-2 zone. Mr. Fitzpatrick said that the retail store applied only to winery orchard operation, and not to general retail stores. It will be necessary to get a conditional use permit for the buildings and to plant the grapes. Ms Southworth, the adjacent property owner, said that she did not have a problem with the vineyard. She said that there are natural springs on her property and on that of Mr. Westbrook's. Mr. Westbrook said that VA Tech recommended drain tiles. Sam Monroe and Dr. Williams were concerned about the natural springs causing runoff and Dr. Williams was also concerned about spraying. Mr. Westbrook said that the water was "pretty far" and said that he would use care not to harm it. Mr. Fitzpatrick said that the County would be concerned about land disturbances. Mr. Westbrook said that he would not have a vineyard unless he could have the retail operation as it is important to the profitability of the vineyard/winery.

Jimmie Lee Crockett made a motion to come out of public hearing and Robert Pittman seconded the motion. Vote - Yea: Crockett, Luckham, Mosher, Pittman, Pollard, and Ransone. Nay: 0.

Jimmie Lee Crockett thought the vineyard was good, but he was concerned about the regulations about developing a vineyard. He thought that all the regulations should be settled before the retail operation is begun. Ralph Ransone said that there is still the CUP process. Robert Pittman questioned whether or not another type of retail operation can go in the R-2 zones. The response was that this amendment is specific to vineyards/orchards. The retail operation cannot begin until the grapes are

growing. Mr. Terry said the order would be: retail store amendment, CUP process, ABC/pertinent permits, grapes growing, and retail store. Mr. Meadows requested that there be a specific distance for the buildings to be set back off the road.

Ralph Ransone made a motion to approve the amendment to the Ordinance to approve the retail operation in the vineyard as provided in the draft. Garry Luckham seconded the motion. Vote - Yea: Crockett, Luckham, Mosher, Pittman, Pollard, and Ransone. Nay: 0.

Mr. Westbrook will provide a site plan including permits with all required sign off's. Then he will have to go through CUP process again with all requirements.

Minutes and Treasurer's Report:

Norm Mosher made a motion to approve the minutes. Ralph Ransone seconded the motion. Vote - Yea: Crockett, Luckham, Mosher, Pittman, Pollard, and Ransone. Nay: 0.

Jimmie Lee Crockett made a motion to approve the Treasurer's Report and Kathleen Pollard seconded the motion. Vote - Yea: Crockett, Luckham, Mosher, Pittman, Pollard, and Ransone. Nay: 0.

Zoning Administrator: No report.

Planning Commission: No report.

Old Business:

BZA Resignation: Mr. Edward Bradshaw has resigned from the Board of Zoning Appeals. Jimmie Lee Crockett made a motion to approve the submission of William Evans' name to the judges of Circuit Court for approval. Robert Pittman seconded the motion. Vote - Yea: Crockett, Luckham, Mosher, Pittman, Pollard, and Ransone. Nay: 0. Mr. Evans, if approved, would complete Mr. Bradshaw's term which ends May 8, 2002, and serve a full five year term, ending in 2007.

New Business:

Procedural Rule: Robert Pittman made a motion that agenda items be submitted in writing to the Town Office 10 days in advance of the Town Council meeting. Jimmie Lee Crockett seconded the motion. Vote - Yea: Crockett, Luckham, Mosher, Pittman, Pollard, and Ransone. Nay: 0. The Town Attorney has recommended adoption of this rule and it will be advertised in the Rappahannock Record.

Audit: The Mayor announced that the results of the audit were available for review.

Abandoned Houses or Homes in Disrepair: Norman Mosher stated that he thought there should be a process whereby abandoned homes or homes in disrepair can be condemned and that they be either fixed up, torn down or the owner charged for the fix-up. Mr. Terry stated that if property is taken, then the owner must be compensated. He said that this was simple to pose, but the Council needs to tread carefully. He will investigate what can be done.

Executive Session:

Norm Mosher made a motion that the Town Council of the Town of Irvington go in closed or executive session, to consult with legal counsel pertaining to probable litigation concerning the ditch between King Carter Drive and Chesapeake Drive, and regarding specific legal matters requiring the provision of legal advice including extension of Town boundaries pursuant to *Code of Virginia*, Section 2.1 - 3711A. (7) and regarding personnel matters pursuant to Section 2.2-3711A. (1). Jimmie Lee

Crockett seconded the motion. Vote - Yea: Crockett, Luckham, Mosher, Pittman, Pollard, and Ransone. Nay: 0.

Jimmie Lee Crockett made a motion to come out of executive session and Norman Mosher seconded the motion. Vote- Yea: Crockett, Luckham, Mosher, Pittman, Pollard, and Ransone. Nay: 0.

Kathleen Pollard moved that there be roll call or other recorded vote, to be included in the minutes of this meeting certifying that (1) only public business matters lawfully exempt from public meeting requirements under the Virginia Freedom of Information Act were heard, discussed or considered in the closed session; and (2) only such public business as was identified in the motion to convene a closed session was heard, discussed or considered. Jimmie Lee Crockett seconded the motion. Vote - Yea: Crockett, Luckham, Mosher, Pittman, and Pollard. Nay: 0. Abstain: Ransone.

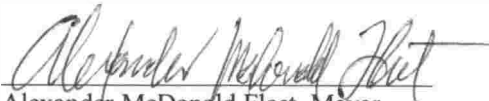
Robert Pittman made a motion that the Town Attorney contact engineering companies to retain the lower bid to determine what needs to be done to the ditch. Norman Mosher seconded the motion. Vote - Yea: Crockett, Luckham, Mosher, Pittman, and Pollard. Nay: 0. Abstain: Ransone.

Jimmie Lee Crockett made a motion that the hours of John C. Fitzpatrick, Zoning Administrator, would be extended from 8:00 P.M. to 12:00 P.M. Kathleen Pollard seconded the motion. Vote - Yea: Crockett, Luckham, Mosher, Pittman, Pollard, and Ransone. Nay: 0.

No action was taken regarding the extension of the Irvington boundaries.

Adjournment:

The meeting was adjourned.


Alexander McDonald Fleet, Mayor

Mr. Fitzpatrick's letter, giving address of B-2 District filed with these minutes.

Town of Irvington

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Alexander McD. Fleet
Mayor

John C. Fitzpatrick
Town Manager
Zoning Administrator

Matson C. Terry, II
Town Attorney

Jacqueline H. Burrell
Clerk of Council
Treasurer

Doris D. Crockett
Librarian

COUNCIL MEMBERS

Jimmie Lee Crockett
Vice-Mayor

Edward H. Crockett
Garry J. Luckham
Norman G. Mosher
Robert A. Pittman
Ralph D. Ransone

February 20, 2002

Mr. Robert A. Smith
Post Office Box 185
Irvington, Virginia 22480

Dear Andy:

As you well know, the Town Council at its regular and public hearing held on February 14, 2002, approved the amendment to the Irvington Town Ordinance rezoning the four (4) parcels situated on the east side of Irvington Road, house numbers 4323 (Molineaux), 4303 (Anna Mitchell), 4283 (W. Westbrook), and 4265 (Bay Windows), from Residential R-1 to the new zone termed Business B-2.

Your application dated 12/19/01 to rezone Mr. Westbrook's parcel 420, Map 33, 4283 Irvington Road from Residential R-1 to Business B-1 was heard before the Planning Commission on 1/8/02 and the Town Council on 1/10/02. Because the B-2 amendment was scheduled to be considered at these same meetings, it ultimately was determined by both the Planning Commission and the Town Council, following their respective approvals of your submission, to table your application pending the outcome of the Town Council's required second hearing on the B-2 amendment scheduled for 2/14/02. As we had previously discussed, your application was to be withdrawn should the B-2 amendment be approved; this you did at the conclusion of the 2/14/02 hearing.

Prior to opening your new business, it is a requirement of Article 6A Business District B-2, that you submit a Conditional Use Permit (C.U.P.) to this office. It is necessary that you provide the required notices to those property owners within three hundred (300) feet of your establishment. For your planning purposes, you will be able to submit your C.U.P. application for the Planning Commission public hearing on April 2, 2002, and the Town Council on April 11, 2002. Your notices must be given to the referred property owners by March 19, 2002, and published in the Rappahannock Record on March 21, 2002 and March 28, 2002.

I am enclosing copies of all pertinent material for your information.

If I can be of any help, please let me know. Congratulations - and best of luck in your new endeavor.

Sincerely,

John C. Fitzpatrick
Zoning Administrator

Enclosures

Article 5A – Residential District R-2

Statement of Intent

Residential District R-2 (2 acre) is composed of certain low to medium concentration of residential uses, plus open areas where similar development appears likely to occur. The regulations for this district are designed to regulate family dwellings as well as the other structures as set forth in the use regulations of both Districts R-1 and R-2 in order to stabilize and protect the essential characteristics of the districts, to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for family life composed of an adult population with children, and to permit certain commercial uses of a character unlikely to develop general concentration of traffic, crowds of customers, and general outdoor advertising.

5A-1. Use Regulations

In Residential District R-2, in addition to the uses set forth in Article 5, the following use and activity are permitted at a farm winery with a Conditional Use Permit and the prior approval of a site plan.

5A-1-1. A use or activity identified in section 5A-1 is authorized only with the prior approval of a Conditional Use Permit and a site plan. Prior to approval of the site plan, the owner shall obtain from the Virginia Department of Transportation approval of a commercial entrance to the farm winery, and any required approval from the local office of the Virginia Department of Health Provisions shall be made for safe and convenient access, parking, outdoor lighting, signs and potential adverse impacts to adjoining property.

5A-1-2. "Farm winery" means an establishment (i) located in District R-2 with a producing vineyard, orchard, or similar growing area and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than eighteen percent alcohol by volume or (ii) with a producing vineyard, orchard, or similar growing area or agreements for purchasing grapes or other fruits from agricultural growers in accordance with Commonwealth regulations, and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than eighteen percent alcohol by volume.

5A-1-3. Each farm winery shall be subject to the following:

- a. The owner shall obtain a farm winery license from the State Alcoholic Beverage Control board. At least fifty-one (51) percent of the fresh fruits or agricultural products used by the owner to manufacture the wine shall be grown or produced on the farm, unless the State Alcoholic Beverage Control Board waives such requirement.
- b. Facilities for fermenting and/or bottling wine shall not be established until the vineyard, orchard or other growing area has been established and is in production.

5A-1-4. Use permitted by Conditional Use Permit Only

- a. Shop for retail sale of wine to persons who lawfully may purchase, but not including other commercial accessory uses.
- b. The shop to be located on the premises, and not to exceed 600 square feet.

This amendment to the Irvington Town Ordinance approved by the Town Council at a Public Hearing held on February 14, 2002. This Ordinance shall be effective on and after March 16, 2002.

Article 6A Business District B-2

Statement of Interest

A limited business district (B-2) is intended to provide a business district that will act as a transistional area between general business (B-1) and the abutting residential area. It is the intent of this zoning district to allow on each site one business activity only of limited floor size which would not produce excessive or offensive dust, noise or odor. Businesses permitted within this district are required to conduct all aspects of their operation enclosed under roof, and having no outside storage. Congestion resulting from traffic and parking is to be held to a minimum to protect and preserve the residential quality of the neighborhood.

6A-1. Use Regulations

In limited business district B-2, structures to be erected, limited to 2500 square feet of floor area, can be used for one or more of the following uses with a Conditional Use Permit:

- 6A-1-1. Town offices and other similar public uses
- 6A-1-2. Bed and Breakfast establishments
- 6A-1-3. Office buildings
- 6A-1-4. Number reserved
- 6A-1-5. Professional offices
- 6A-1-6. Antique shops and galleries
- 6A-1-7. Catering
- 6A-1-8. Bakeries
- 6A-1-9. Florist Shops
- 6A-1-10. Barbershops and beauty shops
- 6A-1-11. Home occupations as defined, conducted by occupants.
- 6A-1-12. Hobby and craft shops
- 6A-1-13. Number reserved

6A-2. Area Regulations

There are no area regulations, except for permitted uses utilizing individual sewage disposal systems; the required area for any such use shall be approved by the health official.

6A-3. Frontage and Yard Regulations

6A-3-1. Structures shall be located twenty-five (25) feet or more from any public street or road right of way.

6A-4. Height Regulations

6A-4-1. The height limit for structures is 35 feet from grade, including cupolas.

6A-4-2. Chimneys, flues, flag poles and radio and television antennas not exceeding eighteen (18) feet in height are exempt.

6A-5. Parking

Offstreet parking as required by this ordinance.

6A-6. Requirements for Permitted Uses

6A-6-1. Before a zoning permit shall be issued or construction commenced on any permitted use in this district, or a permit issued for a new or expanded use, detailed site plans in sufficient detail to show the operation and processes including nonconforming uses and aspects, shall be submitted to the Zoning Administrator for study. Modification of the plans may be required.

6A-6-2. Landscaping may be required within any established or required front setback area. The plans and execution must take into consideration traffic hazards and shall be approved by the Zoning Administrator.

6A-6-3. Sufficient area shall be provided (a) to adequately screen permitted uses from adjacent business and residential districts, and (b) for off-street parking of vehicles incidental to the business, its employees and clients. Other buffer areas and landscaping requirements deemed necessary by the Zoning Administrator, Planning Commission and

governing body of the Town of Irvington may be required (see also Article 3).

- 6A-7-1. No person, firm or corporation, during construction of a house, building or any other structure, or during any grading or excavation, shall permit erosion of runoff or sediment, mud, dirt, or other debris into creeks, streams, or on streets, roads, or abutting property. Grading and seeding or other preventative measures or control thereof shall be taken to prevent any such erosion or runoff as determined by the Administrator and in accordance with Lancaster Erosion and Sediment Control Ordinance.

This amendment to the Irvington Town Ordinance approved by the Town Council at a Public Hearing held on February 14, 2002. This Ordinance shall be effective on and after March 16, 2002

**Irvington Town Council
Regular and Public Meeting
January 10, 2002**

The regular and public meeting of the Irvington Town Council was held at the Irvington Town Office on January 10, 2002.

Present:

Mayor	Alexander McD. Fleet
Council	Garry Luckham Norman Mosher Robert Pittman Ralph Ransone
Zoning Administrator	John C. Fitzpatrick
Legal Counsel	Matson C. Terry, II

Absent:

Vice Mayor	Jimmie Lee Crockett
Council	Kathleen Pollard

Guest:

Andy Smith

Visitors:

Bob Hardesty	Edward H. Crockett	
Sonny Hearold		
H.S. Gov't Students		
Jason Brown	Ashly Franklin	Jason Johnson
Robyn Smith	Maeghaen Goss	Kenneth Hughes
Ester Brown	Taylor Barrack	Jenny Wagers
Vance Banks	Roderick Bates	Ben Wagers
Daryl Veney	Terrance Johnson	Mark Sanders
Tyler Crandall		

The Mayor called the meeting to order at 7:30 P.M. and declared a quorum present.

Public Hearing:

Conditional Use Permit - Susan H. Smith - Needlepoint Shop-4395 Irvington Road: Norman Mosher made a motion to go into a public hearing and Garry Luckham seconded the motion. Vote: Luckham, Mosher, Pittman, and Ransone. Nay: 0. Mrs. Smith is applying for a conditional use permit to operate a needlepoint business in the building formerly known as the Grape Vine. She plans no alterations to the building, but does plan to improve the outside appearance. Mr. Fitzpatrick stated that the fees had been paid, notices given and the Planning Commission had unanimously recommended approval

of the Conditional Use Permit. Robert Pittman made a motion to come out of the public hearing and Ralph Ransone seconded the motion. Vote - Yea: Luckham, Mosher, Pittman, and Ransone. Nay: 0. Robert Pittman made a motion to grant the Conditional Use Permit and Garry Luckham seconded the motion. Vote - Yea: Luckham, Mosher, Pittman, and Ransone. Nay: 0.

Rezone R-1 Parcel to B-1: 4283 Irvington Road; Robert Andrew Smith: Mr. Smith has made application to have the parcel at 4283 rezoned from residential to business (B-1) in order to operate a furniture boutique with catalogue ordering capability for customers, framing shop, and an art gallery. The Zoning Administrator explained that the Planning Commission had tabled Mr. Smith's application because of the deliberation about creating a B-2 Limited Business District in a four parcel area in which this home is located. He added that the Planning Commission had requested that Mr. Smith's application be handled in a timely manner so as not to delay Mr. Smith's contractual obligations. Mr. Fitzpatrick explained what constituted a B-2 Limited Business District and made the recommendation that Mr. Smith's application be tabled until a decision was made about whether or not to create the B-2 Limited Business District. Norm Mosher made a motion to go into a public hearing and Ralph Ransone seconded the motion. Vote - Yea: Luckham, Mosher, Pittman, and Ransone. Nay: 0. Mr. Smith said that his use of the property would conform with the B-2 Uses and the B-2 zoning is acceptable to him. He plans no major changes to the house and it will be furnished as a home. Norm Mosher made a motion to come out of the public hearing and Robert Pittman seconded the motion. Vote - Yea: Luckham, Mosher, Pittman, and Ransone. Nay: 0. The Mayor explained about the Town's waiting for the Comprehensive Plan's being approved by the CBLAD before attempting to create a B-2 Limited Business District. He stated that rezoning required two public hearings and a second hearing would be held within a few weeks. Mr. Smith said it would be acceptable to him to table his public hearing until the February meeting of the Town Council. Ralph Ransone made a motion to table Mr. Smith's application and Norm Mosher seconded the motion. Vote - Yea: Luckham, Mosher, Pittman, and Ransone. Nay: 0.

B-2 Limited Business District: The Zoning Administrator explained the B-2 Limited District as described by the Comprehensive Plan and said it would be less intrusive than B-1 Business. Norm Mosher made a motion to go into a public hearing to hear public comment regarding amending the Town Ordinance to create a B-2 Limited Business District and Robert Pittman seconded the motion. Vote - Yea: Luckham, Mosher, Pittman, and Ransone. Nay: 0.

Mr. Edward Crockett expressed concern about the neighbors, who lived across the street from the proposed B-2 Limited Business District and asked if should Mr. Thomas want his property zoned B-2 would it be hard to say "no." The Mayor said that the Council would take everything on an individual basis. Mr. Crockett asked if looking ten years from now, would both sides of Rt. 200 be developed commercially. The Mayor replied that not to give a short answer, but he was concerned about "now." Mr. Smith said obviously people (neighbors) not here must not object. He said that the neighbors signed off on his wife's request. Robert Pittman made a motion to come out of the public hearing and Garry Luckham seconded the motion. Vote - Yea: Luckham, Mosher, Pittman, and Ransone. Nay: 0. (Council members had handwritten copies of the Planning Commission's recommended Ordinance and uses.) Mr. Terry stated that legible copies of the proposed amendment should be made available for the public to see and have input at the next public hearing. Ralph Ransone made a motion that the Council give preliminary approval of the amendment subject to public input at the public hearing of the Council. Norman Mosher seconded the motion. Vote - Yea: Luckham, Mosher, Pittman, and Ransone. Nay: 0. Mr. Terry stated that the second meeting must be advertised.

Minutes and Treasurer's Report:

Ralph Ransone made a motion to approve the minutes of the December meeting and Robert Pittman seconded the motion. Vote - Yea: Luckham, Mosher, Pittman, and Ransone. Nay: 0.

Norm Mosher made a motion to approve the treasurer's report and Garry Luckham seconded the motion. Vote - Yea: Luckham, Mosher, Pittman, and Ransone. Nay: 0.

Zoning Administrator Report: No report.

Planning Commission Report: No report.

Old Business:

Old Barbershop: Mr. Luckham stated that in his opinion, it was not feasible or worthwhile to move the old barbershop, which is located on the former Southern Chesapeake Property as it was connected with the adjacent building. Ralph Ransone concurred with Mr. Luckham as it was connected with another building, but said it was a "nice idea." There was no motion to move the old barbershop, which served as the bank after the Irvington fire. The new owner of the property may be willing to give the building to the Town.

New Business:

Mr. Bradshaw's resignation: Norman Mosher made a motion to accept the Mr. Edward Bradshaw's resignation from the Board of Zoning Appeals with an expression of gratitude. Ralph Ransone seconded the motion. Vote - Yea: Luckham, Mosher, Pittman, and Ransone. Nay: 0. Mr. Bradshaw is moving from the area.

Executive Session:

Norm Mosher made a motion that the Town Council of the Town of Irvington go into executive session pursuant to *Code of Virginia* to consult with legal counsel regarding potential litigation and legal matters with the jurisdiction of the Town Council, as provided for in section 2.1-344 (a) (6). Vote - Yea: Luckham, Mosher, Pittman, and Ransone. Nay: 0. Robert Pittman made a motion to come out of executive session. Norm Mosher seconded the motion. - Yea: Luckham, Mosher, Pittman, and Ransone. Nay: 0

Norm Mosher made a motion to instruct the Town Attorney to contact Sutton & James and Bay Design to solicit bids for technical assistance in assessing drainage between King Carter Drive and Chesapeake Drive. Garry Luckham seconded the motion. Vote - Yea: Luckham, Mosher, and Pittman. Nay: 0. Abstain: Ransone. The motion adopted was discussed in the closed meeting.

Adjournment:

The meeting was adjourned at 9:00 P.M.


Alexander McD. Fleet, Mayor