

**Irvington Town Council  
Regular and Public Meeting  
December 14, 2007**

The regular and public meeting of the Irvington Town Council was held at the Irvington Town Office on December 14, 2007, at 7:30 P.M.

**Present:**

Mayor	Alexander McD. Fleet
Vice-Mayor	Ralph D. Ransone
Council	Garry Luckham Richard Pittman Kathleen Pollard Robert Westbrook
Zoning Administrator	Robert Hardesty
Legal Counsel	Matson C. Terry, II

**Absent:**

Council	William H. Evans, III
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**Guests:**

Steven Reid	Gene Edmonds
Ruth Whay	Dave & Kate Raffetto
Stanford Crockett	Robert Morrison
Ned Crockett	William Wright (arrived late)
	Lee Capps (arrived late)

**Call to Order:**

The Mayor called the meeting to order at 7:30 P.M. and led the group in prayer. He thanked the committee for its work on the Comprehensive Plan.

**Public Hearing:**

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

Comprehensive Plan: Ned Crockett expressed concern about designating the area across the street from the current B-2 zone for any future commercial development. He did not see the need for more residential areas rezoned commercial and stated that congestion was a concern. He presented a signed petition.

Dave Raffetto stated that it must be recognized that the Comprehensive Plan is just a guide or outline to provide general direction for the Town. The current Comprehensive plan does not provide much guidance. He thinks that if there is to be any change, the Town should be out front ahead of change. He said as with any plan, the Comprehensive Plan can be modified.

Mr. Ned Crockett replied that the recurring theme of previous meeting was that zoning follows the plan. Gene Edmonds said he is interpreting the plan to designate where growth is to be; saying where it will not be.

Steve Reid said that society changes and he thinks the plan should stay as is, so the possibility is in place.

Stanford Crockett asked how designating this area is going to benefit Irvington.

Garry Luckham made a motion to come out of the public hearing. Richard Pittman seconded the motion. Vote— Yea: Luckham, Pittman, Pollard, Ransone, and Westbrook. Nay: 0.

Discussion: Richard Pittman said that the Comprehensive Plan has been used as a reference. He said that he has been disappointed in the parking on both sides of the street. Each homeowner has the right to come individually to ask for rezoning. (William Wright arrived.)

Robert Westbrook said he thinks that this Comprehensive Plan provides the legal basis for turning down commercial development elsewhere. He thinks the commercial area benefits everybody in town, who goes there to shop. He does not think the parking is dangerous there.

Kathleen Pollard said that she shares the concern of others. The town will have change and who will put a big house in that area.

Garry Luckham said that this needs to be done – if going to have business, this is where it should be.

Rannie Ransone agrees with Ned regarding the safety issue. The Council is not rezoning. He thinks that if someone wants to open a business, this is where it will go.

The Mayor said that he had a problem with singling out something that was not needed. Others elsewhere have the right to come in to ask for rezoning without its being in the Comprehensive Plan. He asked if once rezoning is started, would rezoning proceed toward Garland Warwick's home. He asked that the one sentence in the Comprehensive Plan be deleted.

Architectural Review Board: Mr. Terry said that the Zoning Ordinance has to track the Comprehensive Plan. The provision for the ARB is in the Zoning Ordinance and once the Comprehensive Plan is adopted, then the Council must review the Zoning Ordinance and make it in conformity with the Plan.

Robert Westbrook said the Comprehensive Plan sets limits – where future growth will be. Citing an example, he said that Cabell Westbrook would not be allowed to rezone because he is outside the zone. (Lee Capps arrived.)

Noting it is important how the ARB is set up. It is needed to protect the town. Mr. Westbrook moved to adopt the plan as it is. Garry Luckham seconded the motion. Vote – Yea: Luckham, Pollard, Ransone, and Westbrook. Nay: Pittman.

#### **Minutes and Treasurer's Report:**

Kathleen Pollard made a motion to approve the minutes and treasurer's report and Garry seconded the motion. Yea: Luckham, Pittman, Pollard, Ransone, and Westbrook. Nay: 0.

#### **Zoning Administrator:**

The Zoning Administrator announced that there will be no Planning Commission meeting on January 1<sup>st</sup>. He and Mr. Morrison will schedule a meeting time in January and publish the dates in the Record.

**Old Business:**

Contract Addendum: K. W. Poore, Inc., consultants for the Comprehensive Plan, have sent an addendum for their previous contract, and billed the town an additional \$4300.00 for work on the plan. Mr. Terry said that the additional time was not unreasonable. Mr. Morrison, Chairman of the Planning Commission, stated that a person from another firm did some of the work. Dr. Westbrook made a motion to pay the additional amount and Kathleen seconded the motion. Vote – Yea: Luckham, Pittman, Pollard, Ransone, and Westbrook. Nay: 0.

**New Business:**

Ground Rent: The ground rent for the septic system for the Chesapeake Bank has been \$480.00 per year. Garry Luckham made a motion for the rent to remain the same and Richard Pittman seconded the motion. Vote – Yea: Luckham, Pittman, Pollard, Ransone, and Westbrook. Nay: 0. (Review of the amount of the annual rent is done every five years.)

Christmas Decorations: The Mayor announced that Christmas decorations will be judged on December 23, after dark. Kathleen Pollard asked that the Gazebo be included in the judging. It was decided that the gazebo would be judged in the commercial category.

Reappointment of Suzanne Mattingly to the Planning Commission: Garry Luckham made a motion to reappoint Suzanne Mattingly to the Planning Commission. Kathleen Pollard seconded the motion. Vote – Yea: Luckham, Pittman, Pollard, Ransone, and Westbrook. Nay: 0. Robert Westbrook asked what is the mechanism for appointing members and asked if the general public can be asked who would like to serve. Mr. Terry said that persons in the community interested in serving can be solicited. Dr. Westbrook recommended that the mechanism for selecting new members be reviewed.

**Adjournment:**

The meeting was adjourned.

  
Alexander McD. Fleet, Mayor

**Irvington Town Council  
Regular and Public Meeting  
November 8, 2007**

The regular and public meeting of the Irvington Town Council was held at the Irvington Town Office, on November 8, 2007, at 7:30 P.M.

**Present:**

Mayor	Alexander McD. Fleet
Vice-Mayor	Ralph D. Ransone
Council	William H. Evans, III Garry J. Luckham Kathleen F. Pollard Robert S. Westbrook
Zoning Administrator	Robert A. Hardesty

**Absent:**

Council	P. Richard Pittman, Jr.
Legal Counsel	Matson C. Terry, II

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

**Minutes and Treasurer's Report:**

Robert Westbrook moved that the minutes and treasurer's report be approved. Ralph D. Ransone seconded the motion. Vote - Yea: Evans, Luckham, Pollard, Ransone, and Westbrook. Nay: 0.

**Announcements:**

The Mayor made the following announcements:

1. Christmas Tree will be decorated: November 18; Rain date, November 25.
2. Boat Parade: December 8, 2007
3. December Farmer's Market: December 1, 2007, 10 A.M.-2 P.M.

**Zoning Administrator:**

The Zoning Administrator reported the following:

1. The Planning Commission has voted approval of the Comprehensive Plan as written and to forward it to the Town Council. The vote was unanimous by the four Planning Commission members present; two members were absent.
2. The Town Council will hold a public hearing for the Comprehensive Plan on December 13<sup>th</sup> and it will be determined later when the Town Council will vote on the plan.


3. A real estate agent in Irvington has hired someone to cut the grass at 65 The Pony Pasture, which has been reported to be in foreclosure.

**Halloween Party:**

The Mayor announced that the VIA Halloween Party was very successful.

**Adjournment:**

The meeting was adjourned.

  
Alexander McD. Fleet, Mayor

**Irvington Town Council  
Regular and Public Meeting  
October 11, 2007**

The regular and public meeting of the Irvington Town Council was held at the Irvington Town Office, on October 11, 2007, at 7:30 P.M.

**Present:**

Mayor	Alexander McD. Fleet
Vice-Mayor	Ralph D. Ransone
Council	Garry J. Luckham P. Richard Pittman, Jr. Robert S. Westbrook
Zoning Administrator	Robert A. Hardesty

**Absent:**

Council	William H. Evans, III Kathleen F. Pollard
Legal Counsel	Matson C. Terry, II

**Visitors:**

Robert C. Morrison

The Mayor called the meeting to order at 7:35 P.M. and led the group in prayer.

**Minutes and Treasurer's Report:**

Robert Westbrook moved that the minutes and treasurer's report be approved. Ralph D. Ransone seconded the motion. Vote - Yea: Luckham, Pittman, Ransone, and Westbrook. Nay: 0.

**Zoning Administrator:**

The Zoning Administrator reported the following:

1. The Planning Commission will review the public comments about the Comprehensive Plan and vote on it at its regular meeting of the Planning Commission on November 6<sup>th</sup>.
2. The Town Council will hold a public hearing for the Comprehensive Plan on December 13<sup>th</sup>.
3. The Mayor read a letter from Mr. and Mrs. Steven Reid requesting "reasonable notice of all future committee meetings regarding all aspects of the planning commission and comprehensive plan steering committee, zoning and ordinance, and town council pertinent to" the public hearing of October 4, 2007. Mr. Morrison said he was drafting a letter to Mr. and Mrs. Reid. The Mayor suggested that the dates of the public hearings be included in the letter and said that he will draft a letter to inform Mr. Reid of the public hearings.

**Old Business:** None.

**New Business:**

Norris Bridge Resolution: Garry Luckham made a motion to endorse the resolution initiated by The Honorable Robert Wittman and The Honorable Harvey Morgan, Delegates from the Northern Neck and Middle Peninsula respectively, to have the replacement of the Robert O. Norris Bridge Memorial Bridge included on the Virginia Six Year Transportation Plan. Robert Westbrook seconded the motion. Vote – Yea: Luckham, Pittman, Ransone, and Westbrook. Nay: 0.

Christmas Decorations: Ralph D. Ransone made a motion to accept the bid of \$1400.00 from Paul Elbourn to install and remove Christmas decorations for the 2007 holiday season. Richard Pittman seconded the motion. Vote – Yea: Luckham, Pittman, Ransone, and Westbrook. Nay: 0.

Steamboat Era Museum Donation: Richard Pittman made a motion to donate \$7500.00 to the Steamboat Era Museum and Ralph D. Ransone seconded the motion. Vote – Yea: Luckham, Pittman, Ransone, and Westbrook. Nay: 0. Dr. Westbrook said that he did not receive the budget from the Museum for the month of August.

65 The Pony Pasture: Mr. Matson Terry, the Town Attorney, is writing a forceful letter to Countrywide regarding the lack of grass cutting at 65 The Pony Pasture. If no reply is received, further action will be taken.

Abandoned Vehicles: Dr. Westbrook asked about abandoned vehicles. Mr. Hardesty stated that he was working on them.

**Adjournment:**

The meeting was adjourned.

  
Alexander McD. Fleet, Mayor

Alexander McD. Fleet  
Mayor

Robert A. Hardesty  
Zoning Administrator  
Town Manager

Matson C. Terry, II  
Town Attorney

Jacqueline H. Burrell  
Clerk of Council  
Treasurer

# Town of Irvington

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## COUNCIL MEMBERS

Ralph D. Ransone  
Vice-Mayor

William H. Evans, III  
Garry J. Luckham

R. Richard Pittman  
Kathleen F. Pollard  
Robert S. Westbrook, DDS

Whereas, the Robert O Norris, Jr. Memorial Bridge is 50 years old and is the oldest major bridge crossing of tidal rivers in Virginia, and

Whereas, this bridge has the same steel lattice construction design as the bridge that collapsed in Minneapolis, Minnesota, and

Whereas, the most recent bridge inspection resulted in weight limits being placed on the bridge, and

Whereas, the safety and welfare of travelers across the Robert O. Norris, Jr. Memorial Bridge and the continuation of commerce (delete- sustained by the bridge) are of the utmost importance to our region and the Commonwealth, and

Whereas, the Harry Nice Bridge which crosses the Potomac River from Virginia to Maryland, (Strike and is) slated to be replaced by the State of Maryland, is as old as the Robert O Norris Jr. Memorial Bridge, and

Whereas, the U.S Senate approved spending \$1 billion to speed repair of substandard bridges across the nation by increasing appropriations to the Highway Bridge Replacement and Rehabilitation Program, and

Whereas, the bridge is in need of rust removal and painting and the current cost estimate to sand blast and paint the bridge is \$35 million and the estimated cost of replacement in today's dollars is \$150 million;

Therefore, be it resolved that \_\_\_\_\_ County/ the Town of Irvington does hereby respectfully request that the Virginia Commonwealth Transportation Board include the replacement of the Robert O. Norris, Jr. Memorial Bridge in the Virginia Six-Year Transportation Plan and that it consider any and all means to expedite the planning, design and construction of the a new span.

Be it resolved further, that a copy of this resolution be forwarded to the Commonwealth Transportation Board and to the Fredericksburg District Administrator.

*Alexander Fleet, Mayor*

**Irvington Town Council  
Regular and Public Meeting  
September 13, 2007**

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

**Present:**

Mayor	Alexander McD. Fleet
Vice-Mayor	Ralph D. Ransone
Council	Garry J. Luckham Kathleen F. Pollard Robert S. Westbrook
Zoning Administrator	Robert A. Hardesty
Legal Counsel	Matson C. Terry, II

**Absent:**

Council	William H. Evans, III P. Richard Pittman, Jr.
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**Guests:**

Sam Friday and his parents

**Visitors:**

Mrs. Debbie Cook, Headmistress, Chesapeake Academy

The Mayor called the meeting to order and led the group in prayer. He introduced Mrs. Debbie Cook, the new Headmistress at Chesapeake Academy.

The Mayor recognized Sam Friday, who for a Scout project, painted the jungle gym at the Commons' playground. Mr. Terry noted that Sam was a promising wrestler at his school.

A thank you note from Mrs. Fran Westbrook for flowers sent from the Town Council during her illness was read by the Mayor.

**Minutes and Treasurer's Report:**

Garry Luckham moved that the minutes and treasurer's report be approved. Kathleen Pollard seconded the motion. Vote - Yea: Luckham, Pollard, Ransone, and Westbrook. Nay: 0.

**Zoning Administrator:**

The Zoning Administrator reported the following:

1. There will be a public hearing on October 4, 2007, at the Baptist Church, regarding the proposed Comprehensive Plan.

2. The Chairman of the Planning Commission is drafting a letter to be sent to the property owners in Irvington, regarding the important points in the proposed Comprehensive Plan.
3. The Zoning Administrator discussed the proposed Lancaster County Bike Path-Phase I.

**Planning Commission:** No meeting, no report.

**Irvington Boat Parade:**

Dr. Westbrook moved that the Town of Irvington contribute \$750.00 to the Irvington Boat Parade to be held on the Carters Creek in December, and Ralph Ransone seconded the motion. Vote – Yea: Luckham, Pollard, Ransone, and Westbrook. Nay: 0.

**Announcements:**

The Mayor announced that the Chamber of Commerce's "After Hours" will be on October 18<sup>th</sup> at the "Back in Time Bed & Breakfast Inn" in Kilmarnock, and the Northern Neck Insurance Co. will host "After Hours" at the Steamboat Era Museum on November 8<sup>th</sup>, from 5:00 P.M. to 7:00 P.M.

**Comprehensive Plan:**

The Mayor asked Mr. Hardesty and Mr. Terry to discuss the cost overage in the preparation of the Comprehensive Plan with K. W. Poore. To date the town has been billed \$630.00 over the amount of the contract of \$26,500.00.

**Museum Monthly Budget Report to Council:**

Dr. Westbrook asked that the Museum Director be reminded to send the monthly budget report to the council members. The September report has not been received by the Council members.

**Legal Council:**

Mr. Robert Wittman, the Delegate from this district, has replied that he will draft legislation to make the Town of Irvington an exception for golf carts. The Council recognized that there will be a need to address the issue of unlicensed drivers of golf carts.

**Old Business:**

Mr. Hardesty said that the blinking lights on east side of Irvington were installed as a result of the meeting with Sean Trapani. He said after the light is installed on Harris Road in January or February, it will be mandatory for truckers to use Harris Road to reach Rt. 3 from Jones Road. He said that the overload permits on the Norris Bridge have been voided. He said that he had been told by VDOT that the road from Irvington to Kilmarnock will be paved in 2008.

He said that the Mayor had authorized magnetic signs saying "Zoning Administrator" being placed on his vehicle when he is checking property.

A "circa sign" will be placed in front of the Town Office. If residents want to do it for their homes, they can do it, but they will be financially responsible for the cost of the signs.

**Adjournment:**

The meeting was adjourned.

  
Alexander McD. Fleet, Mayor

**Irvington Town Council  
Regular and Public Meeting  
August 9, 2007**

The regular and public meeting of the Irvington Town Council was held at the Irvington Town Office on August 9, 2007, at 7:30 P.M..

**Present:**

Mayor	Alexander McD. Fleet
Vice-Mayor	Ralph D. Ransone
Council	Garry Luckham Kathleen Pollard Robert Westbrook
Zoning Administrator	Robert A. Hardesty
Legal Counsel	Matson C. Terry

**Absent:**

Council	William H. Evans, III P. Richard Pittman, Jr.
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**Guests:**

John Dorsey

The Mayor called the meeting to order and led the group in prayer. He announced that the Walmart manager, Mr. Jim Fryear, would not be present at this meeting. He said that he would try to have Sam Friday attend the September meeting in order to recognize him for his Scout project of painting the jungle gym at the Commons.

**Authorization for Soil Testing:**

Kathleen Pollard made a motion to have the soil tested on the Chesapeake Drive property in which the Town has an interest. Garry Luckham seconded the motion. Vote: Yea: Luckham, Pollard, Ransone, and Westbrook. Nay: 0. Mr. Terry explained that the perkability of the soil affects the value of the property.

**Minutes and Treasurer's Report:**

Dr. Westbrook noted that the minutes should reflect that Mr. Hardesty is the zoning administrator or land use administrator and not the Town Manager and moved that the minutes and the treasurer's report be accepted with the correction to the minutes. Ralph Ransone seconded that motion. Vote – Yea: Luckham, Pollard, Ransone, and Westbrook. Nay: 0.

**Mt. Hope:**

Mr. Hardesty explained that Mr. Dorsey, owner of the Irvington Center, would like to sell one of the buildings (4507 Irvington Road) to its tenant, Michael Lynch. Originally this was a separate building and parcel from the parcel/building in which Select Properties is located. When he purchased the properties, the two parcels were merged and in 2001, he applied for zoning permit to connect the two

buildings with a connecting building. Although the buildings have separate smoke and fire walls, they are made to look as one building with an exterior vinyl covering. At the time he applied for the zoning permit, the side setback in the B-1 zone was "0" setback. In December, 2002, it was changed to 10 feet in the B-1 zone. Mr. Terry said that the statute allows it to go back to the original configuration because the new setback was adopted after the zoning permit was issued. The Town Council considered the Planning Commission memorandum and asked that Mr. Dorsey confer with Mr. Hardesty, the land use administrator, within thirty days from July 13, 2007, the date the land use administrator originally responded to Mr. Dorsey's inquiry. No action was taken by the Town Council

**Legal Counsel:**

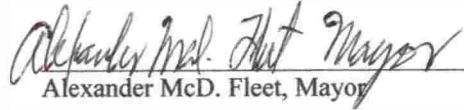
Mr. Terry said that he had written to Mr. Rob Wittman, the Delegate for this district, asking that Irvington be included with the Town of Saxis in allowing golf carts to be driven on the Town.

**Zoning Administrator:**

Mr. Hardesty stated that he was expecting to receive the CD containing the revised Comprehensive Plan from K.W. Poore. The date for a public hearing or public hearings if more than one is needed, will be determined.

**Adjournment:**

The meeting was adjourned. As the meeting was being adjourned, Mrs. Pollard asked about the trailer on the property of the Hornungs. Mr. Terry said that it did not come under the auto graveyard zoning ordinance.

  
Alexander McD. Fleet, Mayor

**Irvington Town Council  
Regular and Public Meeting  
July 12, 2007**

The regular and public meeting of the Irvington Town Council was held at the Irvington Town Office on July 12, 2007, at 7:30 P.M.

**Present:**

Mayor	Alexander McD. Fleet
Vice-Mayor	Ralph D. Ransone
Council	Evans Luckham Pittman Westbrook
Zoning Administrator	Robert A. Hardesty

**Absent:**

Council	Kathleen F. Pollard
Legal Counsel	Matson C. Terry, II

The Mayor called the meeting to order and led the group in prayer.

**Guests:**

Mr. Paul Ferguson, Resident  
Mr. Gilbert Unangst

**Presentation of Resolution:**

The Mayor presented a resolution and a photograph to Mr. Gilbert Unangst, who served as Zoning Administrator from November, 2005, to September, 2006.

**Public Comment:**

Mr. Skip Ferguson, who lives at 26 Bussells Lane, expressed concern about the appearance of the unoccupied trailer that is visible from his rear deck and where he does his socializing. The Mayor said that Mr. Hardesty would discuss the matter with the Town Attorney.

**Minutes and Treasurer's Report:**

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

**Golf Carts:**

Garry Luckham made a motion that the Town Attorney draft a resolution to ask Delegate Wittman to pursue legislation to have Irvington included with the Town of Saxis, where golf carts can be driven on the town's streets without there being a full time town policeman. Ralph Ransone seconded the motion. Council members expressed concern about the underage drivers. It was agreed that the Sheriff would have

to address the issue of underage drivers. Vote – Yea: Evans, Luckham, Pittman, Ransone, Westbrook. Nay: 0. Mr. Hardesty was instructed to discuss this with the Town Attorney.

**Zoning Administrator:**

Comprehensive Plan: The Committee has met, updated, and corrected the draft of a new Comprehensive Plan. It will be taken to Richmond for additional work with the consultant. Mr. Hardesty stated that a mailer, summarizing the salient points of the new Comprehensive Plan, will be sent to property owners. He projects that the final meetings will be in September or October.

Auto Graveyard/Abandoned Cars: There have been complaints about inoperable cars parked on properties in town. Richard Pittman made a motion that the <sup>town manager</sup> ~~town manager~~ investigate the number of inoperable cars in town and look into enforcing the existing ordinance on inoperable/unlicensed cars on properties. Garry Luckham seconded the motion. It was agreed that enforcing the ordinance should be equally enforced. Vote – Yea: Evans, Luckham, Pittman, Ransone, and Westbrook. Nay: 0. There was discussion about including inoperable boats on trailers. The Mayor suggested that Mr. Hardesty discuss those boats with the Town Attorney.

Blinking Light: Mr. Hardesty reported that VDOT has approved a blinking light being installed on the 25mph speed limit sign that is on the road from White Stone coming into Irvington. The installation date is to be determined.

Trolley Sign: Bob Westbrook made a motion to install a seasonal trolley stop sign between the teak bench and the Odd Fellows Building. Richard Pittman seconded the motion. Mr. Hardesty will install the sign. Vote – Yea: Evans, Luckham, Pittman, Ransone, and Westbrook. Nay: 0.

**Old Business:**

Capital Improvement Project: Dr. Westbrook wants a workshop to decide the capital improvement project and would like it held after the Comprehensive Plan is completed.

Museum Appropriation: The Mayor stated that the Museum director has asked if the Town could donate \$15,000.00 of the annual donation now and 7,500.00 the first of October and 7,500.00 the first of January instead of three equal donations of \$10,000.00. Dr. Westbrook wants a copy of the year to date budgets. Ralph Ransone stated that the town should have a copy of the monthly financial reports, which Dr. Westbrook seconded. Vote – Yea: Evans, Luckham, Pittman, Ransone, and Westbrook. Nay: 0. Richard Pittman made a motion to give the Museum \$15,000.00 now and 7,500.00 in each of next two payments (October and January). Garry Luckham seconded this motion. Vote – Yea: Evans, Luckham, Pittman, Ransone, and Westbrook. Nay: 0.

**Adjournment:**

The meeting was adjourned.

  
Alexander McD. Fleet, Mayor

**DISBURSEMENTS**

**2007-2008**

Gross Wages	\$33,000.00
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	\$2,582.00
 Utilities - Town: Elect.Fuel, Phone,Water	\$11,000.00
Elect. - Ches. Acad.	\$30,000.00
office Equip,Sup, Furn, Clean, & Garbage	\$6,000.00
Ground Maintenance - Grass/Rec	\$2,500.00
Auto Tags, (Rapp Rec., Ins., & dues)	\$5,300.00
Legal/Acct/Survey	\$1,000.00
Xmas Light. & Wiring/Flags/7/4th Parade	\$2,500.00
Elections	\$600.00
Miscellaneous	\$11,898.00
Disaster/Emergency	\$5,000.00
Police	\$3,500.00
Fire Dept. - Contribution	\$250.00
Rescue Squad - Contribution	\$250.00
Air Force Band Concert Dinner - Cont.	\$1,000.00
Boat Parade - Contribution	\$750.00
Museum	\$30,000.00
VIA/ICC	\$2,500.00
Fire Grant/State	\$8,000.00
Bike/Hike Paths	\$2,500.00
Capital Imp.	\$15,000.00
 <b>TOTAL</b>	 <b>\$175,130.00</b>

**RECEIPTS****2007-2008**

Sales Tax	\$40,000.00
Auto Tags	\$9,500.00
Zoning Permits	\$1,000.00
ABC	\$800.00
VA Power- Ches. Acad.	\$30,000.00
Ground Rent	\$480.00
Bank Franchise	\$8,000.00
Cable TV/Communication Taxes	\$2,200.00
Misc. (books,tennis,int.,cont. copying)	\$150.00
Income from Occupancy Tax	\$75,000.00
Fire Grant/State	\$8,000.00

**TOTAL****\$175,130.00**

**Irvington Town Council  
Special Meeting  
June 28, 2007**

A special meeting of the Irvington Town Council was held at the Irvington Town Office at 7:30 P.M., on June 28, 2007, for the purpose of a second reading and vote on the proposed 2007-2008 budget.

**Present:**

Mayor	Alexander McD. Fleet
Vice-Mayor	Ralph D. Ransone
Council	Garry Luckham Richard Pittman Kathleen Pollard Robert Westbrook
Zoning Administrator	Robert A. Hardesty

**Absent:**

Council	William H. Evans, III
Legal Counsel	Matson C. Terry, II

The Mayor called the meeting to order at 7:35 P.M. In discussion, it was decided that \$15,000.00 be approved for a capital improvement project which would be determined at a later date after more discussion. Mr. Westbrook stated that the contributions category with the White Stone Fire Department, Kilmarnock/Lancaster Rescue Squad, Air Force Dinner contributions shown with specific amounts and the Boat Parade contribution not as specifically shown was confusing. This year some of the items were consolidated to simply the budget. The Mayor said that showing recipients of contributions with specific amounts would be taken into consideration.

Richard Pittman made a motion to approve the proposed 2007-2008 budget and Garry Luckham seconded the motion. Vote— Yea: Luckham, Pittman, Pollard, Ransone, and Westbrook. Nay: 0.

The meeting was adjourned.

  
Alexander McD. Fleet, Mayor

**Irvington Town Council  
Regular and Public Meeting  
June 14, 2007**

The regular and public meeting of the Irvington Town Council was held at the Irvington Town Office, on June 14, 2007, at 7:30 P.M.

**Present:**

Vice-Mayor	Ralph D. Ransone
Council	William H. Evans (arrived late) Garry J. Luckham Kathleen Pollard Robert S. Westbrook
Zoning Administrator	Robert A. Hardesty
Legal Counsel	Matson C. Terry, II

**Absent:**

Mayor	Alexander McD. Fleet
Council	P. Richard Pittman

**Guests:**

Dick Wilson  
Terri Thaxton  
C. Jeffers Schmidt

Ralph Ransone called the meeting to order and had a moment of silence.

**Public Hearing:**

Animal Leash Ordinance: Mr. Terry said that the County determines if the County Warden can come into Irvington and the County Administrator has said he would not come into the town unless the town adopts an ordinance similar to that of the county. He said that the town can remove the restriction that an animal has to be under the control of its owner from May until September.

Kathleen Pollard made a motion that the council go into a public hearing and Garry Luckham seconded the motion. Vote – Yea: Luckham, Pollard, Ransone, and Westbrook. Nay: 0. Mr. Schmidt stated that he and Mrs. Tamara Stephens had spoken against the ordinance. He thinks the town can adopt a dangerous dog ordinance and look for another way of having the county come into the town for vicious dogs. Kathleen Pollard made a motion to come out of public hearing and Robert Westbrook seconded the motion. Vote– Yea: Luckham, Pollard, Ransone, and Westbrook. Nay: 0.

In discussion, Dr. Westbrook said that this ordinance will give some people rights, who otherwise do not have rights. Kathleen Pollard and Garry Luckham agreed with Dr. Westbrook if the “lease” (confinement) part of the ordinance is removed. Jeff Schmidt said that Tamara Stephens was concerned about animals at large on the highways as her horses, on occasion, have been loose.

Mr. Terry said that the animal control officer has to have authority for all animals and not just dogs. Dr. Westbrook made a motion to adopt the ordinance as written, except to strike the part about the animals' being under control of the owners from May to September. Garry Luckham seconded the motion. Vote – Yea: Luckham, Pollard, Ransone, and Westbrook. Nay: 0.

#### **Golf Carts:**

Mr. Terry stated that Jeff Spencer, the Assistant Attorney General has said the town's mutual aid agreement with the Sheriff does not suffice for the town's having a police force in order to allow golf carts to be driven on the Irvington streets. The town must hire a full time policeman, or as an alternative, request Delegate Wittman to ask the General Assembly to include Irvington with Saxs to allow golf carts to be driven in Irvington. He said that this should be on the July agenda.

#### **Thomas Property:**

Mr. Terry said that permission was needed to have the soil tested on the Thomas Property.

#### **Kilmarnock Trolley:**

Mr. Lee Capps, Town Manager of Kilmarnock, passed out the trolley schedule as the trolley will run an extended loop that will include Irvington, with a stop at the Irvington Lodge. The trolley will be in the Irvington Parade.

(Mr. Evans arrived at 8:07 P.M.)

#### **Public Hearing:**

2007-2008 Proposed Budget: Robert Westbrook made a motion to go into a public bearing and William Evans seconded the motion.

Dick Wilson and Terri Thaxton from the Steamboat Era Museum highlighted the Museum's accomplishments, grants that they have received, current and future plans to become financially independent, and stated that they appreciated the help that the Museum has received from the Town. Dr. Westbrook said that the two questions that he is asked concern the future of the Pilot House and why does the Town keep giving to the Museum. In response to his statement that the Museum needs a PR person, he was told that Ron Mihills serves in that capacity and Mrs. Thaxton said that the Rappahannock Record does not always print the articles she sends it. The Council was told that Randall Kipp had designed a plan to include the Pilot House as part of the Museum and that a development person was going to visit the Museum. Kathleen Pollard made a motion to come out of public hearing and Robert Westbrook seconded the motion. Vote – Yea: Evans, Luckham, Pollard, Ransone, and Westbrook. Nay: 0. The Council will vote on the proposed budget on that date.

In discussion of the proposed budget, Mr. Ransone said that some of the line items had been consolidated. He stated that the Town should do one capital improvement project at a time. Dr. Westbrook stated that doing the tennis courts was premature, that the Council should have the bid for the Commons before making a decision. Kathleen asked if the Town should look at additional revenues such as an increase in the occupancy tax, business tax, and a meals and beverage tax. Dr. Westbrook proposed that a brainstorming workshop be held, priorities to projects be assigned, and decide how to finance the projects. Mrs. Pollard said that the VIA would need the \$2500.00 because of the work that was planned for the Commons. It was decided that the second reading of the proposed budget would be June 28<sup>th</sup> at 7:30 P.M.

#### **Minutes and Treasurer's Report:**

Garry Luckham made a motion to approve the minutes and treasurer's reports. William Evans seconded the motion. Vote – Yea: Evans, Luckham, Pollard, Ransone, and Westbrook. Nay: 0.

**Zoning Administrator:**

Mr. Hardesty reported that the Comprehensive Plan consultants were doing the Zoning Ordinance revisions and hope to have them completed by July 18<sup>th</sup>.

**Planning Commission:**

Mr. Hardesty reported that the Planning Commission had disapproved the proposed Animal/Dog Ordinance.

**Old Business/New Business:**

William Evans made a motion to approve the Guidelines for Use of the Commons as discussed in a previous meeting and Kathleen Pollard seconded the motion. After discussion Mr. Evans amended his motion that in addition to scheduling an event on the Commons, it must have the approval of the Town Council. Vote – Yea: Evans, Luckham, Pollard, Ransone, and Westbrook. Nay: 0.

2006-2007: Dr. Westbrook made a motion to approve the following appropriations for 2006-2007:

1. Kilmarnock/Lancaster Co. Volunteer Rescue Squad - \$250.00
2. White Stone Volunteer Fire Department - \$250.00
3. Contribution to Air Force Band Dinner - \$1000.00

Williams Evans seconded the motion. Vote - Yea: Evans, Luckham, Pollard, Ransone, and Westbrook. Nay:0.

**Announcements:**

Mr. Ransone read announcements of upcoming events in the Town.


**VIA Proposal:**

The VIA had proposed that they take over the supervision of public works projects. Mr. Hardesty reported that after discussion between Mr. Worth and the Mayor, it determined that the VIA would do beautification projects and the Town would handle public works projects. The VIA will need to have the Council's approval for beautification projects at the Commons.

Dr. Westbrook again stated that he wanted to plan a workshop to determine which capital improvement project that the town would undertake. It was decided that the proposed allocations for VIA and Bike Path would remain as proposed in the proposed budget.

**Adjournment:**

The Town Council meeting was adjourned.



Ralph D. Ransone, Vice-Mayor

**PROPOSED AMENDMENTS TO ANIMAL CONTROL ORDINANCES FOR  
THE TOWN OF IRVINGTON, LANCASTER COUNTY, VIRGINIA**

**ARTICLE I. IN GENERAL**

**Rabies inoculation required.**

(1) No dog or cat over four months of age shall be permitted within the town unless such dog or cat has been inoculated or vaccinated within a period of three years by a currently licensed veterinarian or certified animal technician against rabies with a vaccination or inoculation approved by the state department of health. The owner of a dog or cat so vaccinated shall be presented a tag or certificate furnished by such veterinarian on which shall appear the date on which the dog or cat was last vaccinated, a description of the dog or cat, the name and address of the owner, the type of vaccination used and the signature of the veterinarian who vaccinated the dog or cat.

(2) It shall be unlawful for any person to own or have custody of any dog or cat over the age of four months within the town unless such dog or cat shall have a current rabies vaccination administered by a currently licensed veterinarian or certified animal technician. "Own" or "owner" includes any person having a right of property in a dog or cat, and any person who keeps or harbors a dog or cat or has it in his care, or who acts as its custodian, and any person who permits a dog or cat to remain on or about any premises occupied by him.

(3) All provisions of the ordinances of the town, insofar as they relate to rabies and the control thereof, shall apply also, and equally, to cats and other animals susceptible to rabies.

(4) Any person violating any of the provisions of this section shall be punished by a fine of not more than \$100.00.

State law reference(s) - Similar provisions, Code of Virginia, Sec. 3.1-796.97:1.

**Unclaimed companion animals.**

Any unclaimed or unadopted animal held for the statutory period shall be humanely euthanized and shall not be delivered by sale or gift to a federal agency, state supported institution, agency of the Commonwealth, agency of another state or licensed federal dealer.

**Animals running at large on highways.**

It shall be a violation of law for the owner or keeper of any domestic or domesticated: bovine animals and any sub-family of bovine animals (cattle, bison); equine animals (horses, mules, donkeys); ovine animals (sheep); porcine animals (swine); caprae animals (goats); animals of the genus Lama (llamas, alpacas), except companion animals as defined by §3.1-796.66 of the Code of Virginia, to allow or fail to prevent such animal to run at large upon the public highways located in the Town

whether such highways are enclosed by a fence or not. (§ 15.2-1218 Code of Virginia)  
Violation of this section shall be punished as a Class 3 misdemeanor.

## **ARTICLE II. DOGS**

### **Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal warden means any animal warden (and any deputy animal wardens, if provided) appointed under this article and in accordance with Code of Virginia, Sec. 3.1-796.104 by the town or by Lancaster County.

Kennel means an enclosure wherein dogs are kept and from which they cannot escape.

Livestock includes cattle, sheep, goats, swine and enclosed domesticated rabbits or hares.

Poultry means all domestic fowl and game birds raised in captivity.

Other officer includes all other persons employed or elected by the people of the state or by any municipality, county or incorporated town thereof whose duty it is to preserve the peace, to make arrests or to enforce the law.

Own or owner includes any person having a right of property in a dog; any person who keeps or harbors a dog or has it in his care, or who acts as its custodian; and any person who permits a dog to remain on or about any premises occupied by him.

Treasurer means the treasurer of Lancaster County or other officer designated by law to collect taxes in Lancaster County..

### **Position of animal warden created.**

In accordance with Code of Virginia, Sec. 3.1-796.104 there is hereby created the position of animal warden (and deputy animal wardens, if desired) and provisions made for the licensing and regulation of dogs in this town. The duties of the animal warden shall be those provided for in Code of Virginia, Sec. 3.1-796.105 and such other duties as may be provided for by the town council. In the event that the town does not appoint an animal warden, then the duly appointed animal warden for Lancaster County is hereby designated as such for the Town of Irvington.

### **License required; fee.**

(1) It shall be unlawful for any person to own a dog four months old or over in the town unless such dog is licensed as required by the provisions of this article. Dog licenses shall run by the calendar, from January 1 to December 31, inclusive, and the license tax shall be payable at the office of the treasurer of Lancaster County and shall be as follows:

- (a) Neutered single dog . . . . \$ 4.00
- (b) Spayed single dog . . . . 4.00
- (c) Single dog . . . . 8.00
- (d) Kennel of 20 dogs . . . . 50.00

(e) All applications for neutered or spayed dog licenses must be accompanied by a written statement from a licensed veterinarian to the effect that the dog for which application is made has been neutered or spayed.

State law reference(s) - Duty to impose dog license tax, limit on the amount thereof, Code of Virginia, Sec. 3.1-796.87.

**When license tax payable.**

The license tax on dogs shall be due and payable as follows:

(1) On or before January 1 and not later than January 31 of each year, the owner of any dog four months old or older shall pay a license tax as prescribed hereinafter.

(2) If a dog shall become four months of age or if a dog over four months of age unlicensed by the county shall come into the possession of any person in the town between January 1 and October 31 of any year, a license tax for the current calendar year shall be paid forthwith by the owner.

(3) If a dog shall become four months of age or if a dog over four months of age unlicensed by the county shall come into the possession of any person in the town between November 1 and December 31 of any year, the license tax for the succeeding calendar year shall be paid forthwith by the owner and such license shall protect the dog from the date of payment of the license tax.

State law reference(s) - Similar provisions, Code of Virginia, Sec. 3.1-796.88.

**Payment of license tax subsequent to summons.**

Payment of the dog license tax subsequent to a summons to appear before the judge of the county court or other court for failure to do so within the time required shall not operate to relieve such owner from the penalties provided.

**Effect of dog not wearing collar as evidence.**

Any dog not wearing a collar bearing a license tag of the proper calendar year shall prima facie be deemed to be unlicensed, and in any proceedings under this article the burden of proof of the fact that the dog has been licensed, or is otherwise not required to bear a tag at the time, shall be on the owner of the dog.

State law reference(s) - Similar provisions, Code of Virginia, Sec. 3.1-796.89.

**How to obtain license.**

Any resident of the town may obtain a dog license by making oral or written application to the treasurer of Lancaster County, accompanied by the amount of the license tax and certificate of vaccination. The treasurer shall have authority to license only dogs of resident owners or custodians who reside within the boundary limits of the town and may require information to this effect of any application. Upon receipt of proper application and certificate of vaccination the treasurer shall issue a license receipt for the amount on which he shall record the name and address of the owner or custodian, the date of payment, the year for which issued, the serial number of the tax, whether

male, unsexed female, female or kennel and deliver the metal license tags or plates herein provided for.

**Issuance of license receipt, metal tag.**

A dog license shall consist of a license receipt and a metal tag in the style and design adopted by the state commission of game and inland fisheries. The tag shall be stamped or otherwise permanently marked to show the sex of the dog, the calendar year for which issued and bear a serial number. The license tag for a kennel shall show the number of dogs authorized to be kept under such license and have attached thereto a metal identification plate for each of such dogs, numbered to correspond with the serial number of the license tag.

State law reference(s) - Similar provisions, Code of Virginia, Sec. 3.1-796.90.

**Duplicate license tags.**

If the dog license shall become lost, destroyed or stolen the owner or custodian shall at once apply to the treasurer who issued the same for a duplicate license tag, presenting the original license receipt. Upon affidavit of the owner or custodian before the treasurer that the original license tag has been lost, destroyed or stolen, he shall issue a duplicate license tag which the owner or custodian shall immediately affix to the collar of the dog. The treasurer shall endorse the number of the duplicate and the date issued on the face of the original license receipt. The fee for a duplicate tag shall be \$1.00.

State law reference(s) - Similar provisions, Code of Virginia, Sec. 3.1-796.91.

**Display of receipts; dogs to wear tags.**

Dog license receipts shall be carefully preserved by the licensees and exhibited promptly on request for inspection by any dog warden or other officer. Dog license tags shall be securely fastened to a substantial collar by the owner or custodian and worn by such dog, and it shall be unlawful for the owner to permit any licensed dog four months old or over to run or roam at large at any time without a license tag. The owner may remove the collar and license tag required by this section when:

- (1) The dog is engaged in lawful hunting;
- (2) The dog is competing in a dog show;
- (3) The dog has a skin condition which would be exacerbated by the wearing of a collar;
- (4) The dog is confined; or
- (5) The dog is under the immediate control of its owner.

State law reference(s) - Similar provisions, Code of Virginia, Sec. 3.1-796.92.

### **Regulation of kennel dogs.**

The owner of a kennel shall securely fasten the license tag to the kennel enclosure in full view and keep one of the identification plates provided herewith attached to the collar of each dog authorized to be kept enclosed in the kennel. Any identification plates not so in use must be kept by the owner or custodian and promptly shown to any dog warden or other officer upon request. A kennel dog shall not be permitted to stray beyond the limits of the enclosure but this shall not prohibit removing dogs therefrom temporarily while under the control of the owner or custodian for the purpose of exercising, hunting, breeding, trial or show. A kennel shall be operated in such manner as to defraud the county of the license tax applying to the dog which cannot be legally covered thereunder or to in any manner violate other provisions of this article.

### **Licensed dogs deemed personal property.**

All dogs in the town which are licensed, and all dogs under four months of age, whether licensed or not, shall be deemed personal property and may be the subject of larceny and malicious or unlawful trespass and the owners thereof may maintain any action for the killing of any such dogs, or injury thereto, or unlawful detention or use thereof as in the case of other personal property. It shall be unlawful for any person except the owner or his authorized agent to administer poison to any such dog or to expose poison where it may be taken by any such dog, or to injure, disfigure, disable or kill any dog except as otherwise provided in this article. The owner of any dog which is injured or killed contrary to the provisions of this section by any person shall be entitled to recover the value thereof or the damage done thereto in an appropriate action at law from such person. An animal warden or other officer finding a stolen dog, or a dog held or detained contrary to law, shall have authority to seize and hold such dog pending action before the county or other court. If no such action is instituted within five days the animal warden or other officer shall deliver the dog to its owner. The presence of a dog on the premises of a person other than its legal owner shall raise no presumption of theft against the owner of such premises, but it shall be his duty to notify the animal warden and the animal warden shall take such dog in charge and notify its legal owner to remove him. The legal owner of the dog shall pay a reasonable charge for the keep of such dog while in the possession of the animal warden.

### **Dogs killing or injuring sheep, other livestock, poultry.**

It shall be the duty of any animal warden who may find a dog in the act of killing, injuring, worrying or chasing sheep, or killing or injuring other livestock, to kill such dog forthwith whether the dog bears a tag or not; and any person finding a dog committing any of the depredations mentioned in this section shall have the right to kill such dog on sight. The town council, the county court or any other court shall have the power to order the animal warden or other officer to kill any dog known to be a confirmed poultry killer, and any dog killing fowls for the third time shall be considered a confirmed poultry killer. Any animal warden or other person who has reason to believe that any dog is killing livestock or committing any of the depredations mentioned in this section shall apply to a justice of the peace of the county, who shall issue a warrant requiring the owner or custodian, if known, to appear before the judge of the county court at the time

and place named therein, at which time evidence shall be heard, and if it shall appear that such a dog is a livestock killer, or has committed any of the depredations mentioned in this section, the dog shall be ordered killed immediately, which the animal warden, or other officer designated by the judge of the county court to act, shall do.

State law reference(s) - Similar provisions, Code of Virginia, Sec. 13.1-796.116.

**Killing, otherwise disposing of unlicensed dogs.**

It shall be the duty of the animal warden to kill any dog of unknown ownership found running at large on which license has not been paid; provided, that the animal warden may deliver such dog to any person in the town who will pay the required license fee on such dog, with the understanding that should the legal owner thereafter claim the dog and prove his ownership, he may recover such dog by paying to the person to whom it was delivered by the animal warden the amount of the license fee paid by him and a reasonable charge for the keep of the dog while in his possession. Any person, animal warden or other officer killing a dog under this article shall burn or bury the same.

Cross reference(s) - Disposal of dead animals, Sec. 54-64.

**Disposal of dead dogs.**

The owner of any dog which has died from disease or other cause shall forthwith cremate or bury the same. If, after notice, any owner fails to do so, the animal warden or other officer shall bury or cremate the dog, and he may recover on behalf of the town from the owner his cost for his service.

State law reference(s) - Similar provisions, Code of Virginia, Sec. 3.1-796.121.

**Violations, unlawful acts enumerated; deposit of collected fines.**

(1) The following shall be deemed unlawful acts and constitute class 4 misdemeanors and shall be enforced by proceedings before a judge of the county court:

(a) Diseased dog. For the owner of any dog with a contagious or infectious disease to permit such dog to stray from his premises, if such disease is known to the owner.

(b) Female dog in season. For the owner of any female dog to permit such dog to stray from his premises while such dog is known to such owner to be in season.

(c) Concealing a dog. For any person to conceal or harbor any dog on which the license tax has not been paid, or to conceal a mad dog to keep the same from being killed.

(d) False license application. For any person to make a false statement in order to secure a dog license to which he is not entitled.

(e) License tax. For any dog owner to fail to pay the license tax required by this article before February 1 for the year in which it is due. In addition, the court may order confiscation and the proper disposition of the dog.

(f) Removing collar and tag. For any person, except the owner or custodian, to remove a legally acquired license tag from a dog without the permission of the owner or custodian.

(g) Other violations. Any other violation of this article for which a specific penalty is not provided.

(h) All fines collected from any person for violating any provision of this article, upon conviction thereof, shall be credited to the general fund of the county and deposited by the county treasurer in the same manner as that prescribed for other county monies.

State law reference(s) - Similar provisions, Code of Virginia, Sec. 3.1-796.128.

**~~Running at large generally.~~**

~~All dogs are prohibited from permitting their dogs to run at large within the town from May 1 to September 1 of each year. For the purpose of this section, a dog shall be deemed to be running at large while running, roaming, or floundering off the property of its owner or custodian and not under its owner's or custodian's immediate control. Any person who permits his dog to run at large, as herein provided, is restricted and not permitted to be deemed to have violated the provisions of this section.~~

Excluded from amendment when adopted.

State law reference(s) - Similar provisions, Code of Virginia, Sec. 3.1-796.93, 3.1-796.128.

**ARTICLE III. Dangerous or Vicious Dogs**

**Definitions:**

Dangerous Dog: As used in this ordinance, "dangerous dog" means a canine or canine crossbreed that has bitten, attacked, or inflicted injury on a person or companion animal; or killed a companion animal; and however, when a dog attacks or bites another dog, the attacking or biting dog shall not be deemed dangerous (i) if no serious physical injury as determined by a licensed veterinarian has occurred to the other dog as a result of the attack or bite or (ii) both dogs are owned by the same person. No dog shall be found to be a dangerous dog as a result of biting, attacking or inflicting injury on another dog while engaged with an owner or custodian as part of lawful hunting or participating in an organized, lawful dog handling event.

Vicious Dog: As used in this ordinance, "vicious dog" means a canine or canine crossbreed that has (i) killed a person; (ii) inflicted serious injury to a person, including multiple bites, serious disfigurement, serious impairment of health, or serious impairment of a bodily function; or (iii) continued to exhibit the behavior which resulted in a previous finding by a court that it is a dangerous dog, provided that its owner has been given notice of that finding.

**Provisions:**

The Lancaster County Animal Control Officer may determine, after investigation, whether a dog is a dangerous dog. If the animal control officer determines that a dog is a dangerous dog, he may order the animal's owner to comply with the provisions of the ordinance. If the animal's owner disagrees with the animal control officer's determination, he may appeal the determination to the general district court for a trial on the merits. The animal control officer shall confine the animal until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian or harbinger of the animal to produce the animal. If,

after hearing the evidence, the court finds that the animal is a dangerous dog, the court shall order the animal's owner to comply with the provisions of this ordinance. If, after hearing the evidence, the court finds that the animal is a vicious dog, the court shall order the animal euthanized in accordance with the provisions of § 3.1-796.119, Code of Virginia, 1950, as amended.

**Exceptions:**

No canine or canine crossbreed shall be found to be a dangerous dog or vicious dog solely because it is a particular breed, nor shall the Town of Irvington prohibit the ownership of a particular breed of canine or canine crossbreed. No animal shall be found to be a dangerous dog or vicious dog if the threat, injury or damage was sustained by a person who was (i) committing, at the time, a crime upon the premises occupied by the animal's owner or custodian, (ii) committing, at the time, a willful trespass or other tort upon the premises occupied by the animal's owner or custodian, or (iii) provoking, tormenting, or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times. No police dog that was engaged in the performance of its duties as such at the time of the acts complained of shall be found to be a dangerous dog or a vicious dog. No animal which, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, or its owner or owner's property, shall be found to be a dangerous dog or a vicious dog.

**Registration and Control of Dangerous Dogs:**

(1) The owner of any animal found to be a dangerous dog shall, within 10 days of such finding, obtain a dangerous dog registration certificate from the Lancaster County Animal Control Officer for a fee of \$50 in addition to other fees that may be authorized by law. The Lancaster County Animal Control Officer shall also provide the owner with a uniformly designed tag that identifies the animal as a dangerous dog. The owner shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times. All certificates obtained pursuant to this subdivision shall be renewed annually for the same fee and in the same manner as the initial certificate was obtained.

(2) All certificates or renewals thereof required to be obtained under this section shall only be issued to persons 18 years of age or older who present satisfactory evidence (i) of the animal's current rabies vaccination, if applicable, and (ii) that the animal is and will be confined in a proper enclosure or is and will be confined inside the owner's residence or is and will be muzzled and confined in the owner's fenced-in yard until the proper enclosure is constructed. In addition, owners who apply for certificates or renewals thereof under this section shall not be issued a certificate or renewal thereof unless they present satisfactory evidence that (i) their residence is and will continue to be posted with clearly visible signs warning both minors and adults of the presence of a dangerous dog on the property and (ii) the animal has been permanently identified by means of a tattoo on the inside thigh or by electronic implantation.

(3) While on the property of its owner, an animal found to be a dangerous dog shall be confined indoors or in a securely enclosed and locked structure of sufficient

height and design to prevent its escape or direct contact with or entry by minors, adults, or other animals. The structure shall be designed to provide the animal with shelter from the elements of nature. When off its owner's property, an animal found to be a dangerous dog shall be kept on a leash and muzzled in such a manner as not to cause injury to the animal or interfere with the animal's vision or respiration, but so as to prevent it from biting a person or another animal.

(4) If the owner of an animal found to be a dangerous dog is a minor, the custodial parent or legal guardian shall be responsible for complying with all requirements of this section.

(5) After an animal has been found to be a dangerous dog, the animal's owner shall immediately, upon learning of same, notify the local animal control authority if the animal (i) is loose or unconfined; (ii) bites a person or attacks another animal; (iii) is sold, given away, or dies; or (iv) has been moved to a different address.

**Penalties:**

The owner of any animal that has been found to be a dangerous dog who willfully fails to comply with the requirements of this ordinance shall be guilty of a Class 1 misdemeanor.

**Fees:**

All fees collected pursuant to the ordinance, less the costs incurred by the animal control authority in producing and distributing the certificates and tags required by the ordinance, shall be paid into a special dedicated fund in the treasury of Lancaster County for the purpose of paying the expenses of any training course required under § 3.1-796.104:1.

**Certificates or Renewals:**

(1) All certificates or renewals thereof required to be obtained under this section shall only be issued to persons 18 years of age or older who present satisfactory evidence that the animal has been neutered or spayed.

(2) All certificates or renewals thereof required to be obtained under this section shall only be issued to persons who present satisfactory evidence that the owner has liability insurance coverage, to the value of at least \$50,000, that covers animal bites.

**Dog Injuring or Killing Other Companion Animals:**

The owner of any companion animal that is injured or killed by a dog shall be entitled to recover damages consistent with the provisions of §3.1-796.127, of the Code of Virginia, from the owner of such dog in an appropriate action at law if (i) the injury occurred on the premises of the companion animal's owner, and (ii) the owner of the offending dog did not have the permission of the companion animal's owner for the dog to be on the premises at the time of the attack. *Adopted: 6/14/07 by Irvington Town Council.*

**Effective Date:**

This amendment shall become effective on \_\_\_\_\_ 2007

**Irvington Town Council  
Regular and Public Meeting  
May 10, 2007**

The regular and public meeting of the Irvington Town Council was held at the Irvington Town Office, on May 10, 2007, at 7:30 P.M.

**Present:**

Mayor	Alexander McD. Fleet
Vice-Mayor	Ralph D. Ransone (arrived late)
Council	William H. Evans Garry J. Luckham Richard Pittman Kathleen Pollard Robert S. Westbrook
Zoning Administrator	Robert A. Hardesty
Legal Counsel	Matson C. Terry, II

**Visitors:**

Jim McQuoid	Lee Stephens
Mary Jane Allen	Larry Worth

The Mayor called the meeting to order and led in prayer. He thanked Audrey Thomasson, for her article about Irvington, in the Cooperative Magazine.

**Minutes and Treasurer's Report:**

Garry Luckham moved to approve the minutes and Robert Westbrook seconded the motion. Vote - Yea: Evans, Luckham, Pittman, Pollard, Ransone, and Westbrook. Nay: 0.

William Evans made a motion to approve the treasurer's report and Robert Westbrook seconded the motion. Vote - Yea: Evans, Luckham, Pittman, Pollard, Ransone, and Westbrook. Nay: 0. (Ransone arrived.)

**Zoning Administrator:**

Mr. Hardesty reported that he, Sean Trapani, and the Mayor had discussed traffic issues in Irvington. A 3-way stop at the church corner is feasible, but would have to be approved by Travis Bidwell with VDOT. The roundabout is not feasible at this time. Mr. Hardesty has been moving around town, the Sheriff's speed cart, which alerts the driver of his or her speed. VDOT's speed cart has also been used in town.

**Legal Counsel:**

Golf Carts: Mr. Terry said that he had sent a letter to Delegate Wittman, requesting on behalf of the Town, if the Attorney General could give an opinion as to whether or whether not the Town's mutual aid agreement with the Sheriff would suffice for having a police in town in regards to the State Statue.

Resolution: Robert Westbrook made a motion that the resolution for Gilbert Unangst be adopted. Kathleen Pollard seconded the motion. Vote – Yea: Evans, Luckham, Pittman, Pollard, Ransone, and Westbrook.

Animal Control Ordinance: Mr. Terry distributed copies of the revised animal control ordinance for which there will be public hearings at the Irvington Town Council and Planning Commission meetings in June.

Thomas Property: Mr. Terry stated that he was continuing to discuss the Thomas Property with Mr. Nunnally.

Cable Franchise Agreement Changes: Mr. Terry stated that he will write an ordinance for the Communication Tax distribution by the State which has altered the town's Cable Franchise Agreement.

**New Business:**

Proposed 2007-2008 Budget: Copies of the proposed budget were distributed to the Council members. There will be public hearing at the June meeting. Council members discussed the needs of the playground, tennis courts, and the Commons. It was decided to have Bay Design submit a price for developing a plan for the grading of the Commons. Mr. Ransone and Mr. Hardesty will meet with Mr. Dawson of Bay Design.

Commons: The Tides Inn sent its workers to aerate and plant seed on the Commons to have greener grass. Mr. Hardesty is to write the Tides Inn a letter to thank them.

The Air Force Band Director has discussed with Mr. Pittman their electrical needs at the Commons in order that they not have to rent a generator for Air Force Band Concert. The VIA will hire and pay for the electrician to do this work.

VIA Calendar: Mr. Larry Worth, Chairman of the VIA, presented the 2007 VIA Calendar of activities. Several dates need to be corrected. He also distributed copies of the VIA progress report and a proposal for the Council to consider.

**Adjournment:**

The meeting was adjourned.

  
Alexander McD. Fleet, Mayor

**RESOLUTION  
OF  
THE TOWN COUNCIL  
OF  
THE TOWN OF IRVINGTON, VIRGINIA  
ADOPTED MAY 10, 2007**

**WHEREAS**, Gilbert Unangst, has served as Land Use Administrator and *de facto* Town Manager for the Town of Irvington, Virginia, from October, 1992, to August, 1996, and again from November, 2005, to September, 2006;; and

**WHEREAS**, Gilbert Unangst, has now retired again as the Land Use Administrator; and

**WHEREAS**, during his tenure as the Land Use Administrator, Gilbert Unangst has performed his duties with the utmost integrity and honor, bringing consistency and even handedness to the land use process and always giving answers and opinions based on the law and not public opinion; and

**WHEREAS**, in addition to his duties as Land Use Administrator, Gilbert Unangst undertook many other tasks, such as the obtaining and installation of a generator to insure water service in the event of a power outage;

**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 contributions of Gilbert Unangst, to the Town during his tenure as Land Use Administrator; his genuine concern for the development of the Town and adherence to the rule of law embodied in the Town's land use ordinances; and his willingness to undertake every task he was requested to do for the benefit of the Town and its citizens;

**FURTHER RESOLVED**, that a copy of this resolution be presented to Gilbert Unangst, and that a copy be spread upon the minutes of the Town Council.

Witness the following signatures:

LAW OFFICES  
**HUBBARD, TERRY & KOPCSAK**

A PROFESSIONAL CORPORATION

ATTORNEYS AND COUNSELORS AT LAW  
293 STEAMBOAT ROAD POST OFFICE BOX 340  
IRVINGTON, VIRGINIA 22480  
TELEPHONE (804) 438-5522  
TELECOPIER (804) 438-5003

DIRECT DIAL (804) 438-5064  
E-MAIL: [mct@irvingtonlaw.com](mailto:mct@irvingtonlaw.com)

OF COUNSEL:  
RAYMOND L. BRITT, JR., PLLC

MATSON C. TERRY, II  
B. H. B. HUBBARD, III  
WILLIAM J. KOPCSAK

May 8, 2007

The Honorable Robert Wittman  
P. O. Box 995  
Montross, VA 22520

**RE: Town of Irvington**

Dear Delegate Wittman:

Alexander Fleet, Mayor, Town of Irvington, has asked me, Town Attorney, to write to you to request an Attorney General's opinion as to whether or not the Town of Irvington can permit golf carts to be operated upon the streets in the Town.

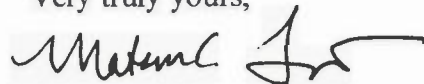
The Town of Irvington does not have its own Sheriff's Department, however, we have entered a mutual aid agreement with the County of Lancaster and with the Towns of White Stone and Kilmarnock to provide for police coverage in the Town. It is my reading of the *Virginia Code* §46.2-916.2 that in order to permit golf carts we have to have a Police Department which is defined in §9.1-165 as a full time officer.

On behalf of the Town Council, I ask that you request the Attorney General to provide us with an opinion as to whether or not the mutual aid agreement that I just described would satisfy the requirement for a full time police department such that we can adopt an ordinance to permit golf carts on the streets and roads in the Town.

If the Attorney General's opinion is to the contrary then we will be coming back to you to request that the exception in *Virginia Code* §46.2-916.2 which is carved out for the Town of Saxs, be amended to include an exemption for the Town of Irvington.

Thank you for your consideration of this letter.

Very truly yours,



Matson C. Terry, II

## Village Improvement Association

C/O P O Box 562  
Irvington, VA 22480  
(804) 438-9371

Date: April 28, 2007

TO: Mayor and members of the Town Council

RE: Village Improvement Association Activities

### **1. Progress Report**

We are pleased to report that several major projects have been completed at the Irvington Town Commons. Most notable is the installation of a new underground water supply system including over 700 feet of water pipe and a water hydrant and four in the ground hose bibs: the hydrant is near the entry to the tennis courts, two hose bibs are located at the gazebo and two are located near the benches on King Carter Drive. This installation will make it much easier to water the plantings and flower tubs at the Town Commons.

In addition underground electrical lines have been installed permitting the flag pole to be illuminated to properly display the flag around the clock. A GFI receptacle has been located near the benches on King Carter Drive to provide power for the 4<sup>th</sup> of July parade reviewing stand, the Turkey Trot start finish line, the Halloween Pumpkin and the other activities that previously depended upon a precariously placed extension cord from the Chesapeake Bank building. The existing receptacle near the tennis courts was replaced with a GFI receptacle.

The Tides Inn has volunteered to aerate and over seed the Town Commons to complete the back fill of the trenches and to greatly improve the overall quality of the turf. As of this writing the work has not been completed because of weather delays.

Three new picnic benches have been purchased. Two have been placed at the traditional location near the gazebo and one near the museum. The older picnic tables have placed near to the playground equipment. The planters including the new ones purchased last year and placed on Irvington Road will be replanted by mid-May.

All of these improvements were coordinated and supervised by the VIA volunteers and paid for by the VIA from the proceeds of the Farmers Market and other membership contributions.

## **2. Schedule of 2007 Planned Activities**

Attached is a schedule of the planned 2007 VIA activities together with other similar town wide events presented in the traditional flyer or poster format for ease of distribution.

## **3. An observation and a proposal**

It is becoming increasingly more difficult to recruit volunteers to perform what VIA members refer to as the "public works" type of maintenance activities such as leaf removal, heavy spring and fall clean ups, the removal of grass growing through the public area sidewalks, the cleaning of street curbs and gutters and general debris removal. As you will understand the volunteers prefer to focus their energies and resources on what the volunteers refer to as the "value added" activities such as the plantings and activities such as the recently completed improvements to the Town Commons. Among the VIA membership there exists the competence and experience to plan, organize and supervise the "public works" type of activities that for the most part, if not in total, would be considered to be among the everyday responsibilities of the Town. These projects do not get completed because the Town does not have employees to perform or to supervise these "public works" or maintenance activities. And, we are not advocating that employees be hired as such.

Therefore at the April meeting of the VIA it was determined to recommend to the Town Council that the annual budget appropriation to the VIA be reinstated. The VIA would use this money exclusively to carry out the "public works" or maintenance activities on behalf of the Town using such contractors, supplies and or rented equipment as required. The VIA would be pleased to account for such expenditure separately from normal VIA expenditures which have traditionally been reported to the Town in any case. There would be no charges for the supervision and coordination of these activities and, of course, the Town Council and the Mayor may establish the priority of the various possible activities to be performed.

Respectfully submitted,

Larry D. Worth, President

**The Town of Irvington and  
The Village Improvement Association  
2007 SCHEDULE OF EVENTS**

**Irvington Farmers' Market**

First Saturday of every month from May to November - 9am to 1pm **\*\*rain or shine\*\***. Held on the Irvington Commons behind Chesapeake Bank on King Carter Drive

*Old-fashioned open-air market featuring local produce, fruit, herbs, seafood, cheese, flowers, plants, baked goods, art and handcrafted items.*

May 5  
June 2  
July 7  
August 4

September 1  
October 6  
November 3

**Tuesday, June 19**

**Concert Featuring: U.S. Air Force Band Jazz Ensemble**

6:30 P.M. Irvington Commons

*FREE Concert. Bring a picnic dinner to share with family and friends on the Commons.*

**Sunday, July 1**

**Concert: U.S. Air Force Heritage of America Band**

7 PM Irvington Commons

*The ever-popular Air Force Band, back in Irvington for its 17<sup>th</sup> annual FREE concert. Celebrate the 4<sup>th</sup> of July with a picnic dinner shared with family and friends on the Commons.*

**Wednesday, July 4**

**Fourth of July Hometown Parade**

*11:00 AM. Celebrate the beauty of small town life in a great country. Enjoy the sights and sounds of the Fourth.*

*10:00 AM*

**Wednesday, October 31**

**Halloween Costume Contest**

5 PM Irvington Commons

*A pre-Trick or Treat event where children can gather with their friends and show off their costumes. Prizes awarded to winners in age categories. Treats given to all who attend.*

**TBA**

**Fall Fix-Up & Clean Up**

Irvington Commons

*Weed, plant winter pansies and bulbs; mulch barrels, gazebo and triangle area; clean up roadside trash. General spruce up at the Irvington Commons and around town.*

**Thursday, November 22**

**7<sup>th</sup> Annual Irvington Turkey Trot**

9 AM Irvington Commons

*Exercise before you feast! Walk or run the 2 and 5 mile courses that loop through historic Irvington and the surrounding areas. 100 yard Tot Trot for the kids!*

**Saturday, December 8\***

**7<sup>th</sup> Annual "Lights on the Creek" Boat Parade**

6 PM. *Beginning at the Tides Inn the lighted boats wind their way up the eastern branch of Carters Creek, turn around at Jack's Cove and head back to the starting point.*

**Sunday, December 23\***

**Christmas Caroling under the Tree**

6 PM Irvington Commons

*Gather together with friends and neighbors to share holiday spirit. Complete with holiday songs, a visit from Santa and goodies for the children.*

\* This event is included for community planning but is not sponsored by the Irvington Village Improvement Association

For more information about the Irvington Chamber of Commerce and Village Improvement Association or any of these call

**438-9371**

All events are subject to change so please call to confirm.

**Irvington Town Council  
Regular and Public Meeting  
April 12, 2007**

The regular and public meeting of the Irvington Town Council was held at the Irvington Town Office, on April 12, 2007, at 7:30 P.M.

**Present:**

Mayor	Alexander McD. Fleet
Vice-Mayor	Ralph D. Ransone
Council	William H. Evans Garry J. Luckham Richard Pittman Kathleen Pollard Robert S. Westbrook
Zoning Administrator	Robert A. Hardesty
Legal Counsel	Matson C. Terry, II

**Visitor:**

Robert Morrison

The Mayor called the meeting to order and led in prayer.

**Minutes and Treasurer's Report:**

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

Richard Pittman made a motion to approve the treasurer's report and Robert Westbrook seconded the motion. Vote – Yea: Evans, Luckham, Pittman, Pollard, Ransone, and Westbrook. Nay: 0.

**Zoning Administrator:**

Mr. Hardesty reported that Mr. Poore is working on the Comprehensive Plan. Robert Morrison said that he would ask him to work on the Zoning Ordinances at the same time so as not to lose so much time. He said that the changes would be mailed to the residents.

**Legal Counsel:** No report.

**Old Business:**

Grass Cutting: The Mayor announced that Kilmarnock Enterprises was the only company contacted that had bid and they would cut the grass on a three year contract for \$1500.00 per year.

SEM Opening: The Mayor stated that the Museum would put up a tent (will extend over the property line between the Museum and the Commons) for the Opening.

Home Break Ins: The Mayor stated that two homes in Irvington, had been entered while the owners were absent. He said that the persons responsible for the break-ins had been caught.

Indemnification Agreement for Use of the Commons: The agreement is not ready.

Law Enforcement Mutual Aid Agreement: After brief discussion, William Evans made a motion to adopt the Law Enforcement Mutual Aid Agreement between the Sheriff of the Lancaster County and the Town of White Stone, Town of Irvington, and the Town of Kilmarnock that will allow law enforcement officers in one jurisdiction to enter another jurisdiction to provide law enforcement assistance. Kathleen Pollard seconded the motion. Vote - Yea: Evans, Luckham, Pittman, Pollard, Ransone, and Westbrook. Nay: 0.

#### **New Business:**

Disaster Preparedness: Mr. Evans said that it is predicted that the East Coast could be hit by storms this year and stated that in case of a natural disaster, Irvington could have a problem with sewage and gas storage at TCH Oil Company. He said that for the first 72 hours, Irvington residents would be responsible for themselves and not be able to rely on outside help. He said that the government's function would be that a leader would need to be appointed. The Mayor would have to shutdown the town and declare an emergency. He thinks that a community meeting is needed in May, to assess resources (saws, generators, etc.) that are available in town. He stated that preplanning is important! The Mayor, Mr. Evans, and Mr. Hardesty will meet to discuss the matter.

Speed in Town: In response to the concern about driving speed in town, the Mayor and Mr. Hardesty are trying to schedule a meeting with Sean Trapani, the VDOT Administrator in Warsaw.

#### **Zoning Administrator:**

Irvington Farms: Mr. Lundvall has mailed the bond for his development, Irvington Farms.

Ice Cream Cart: Mr. Doug Reed of "The Local" wants to have an ice cream cart to sell ice cream on the streets.

Irvington Welcome Sign: The Welcome sign that was next to the Carter's Creek Bridge was thrown into the creek by unknown persons. Another sign, perhaps a little larger, will replace the sign.

4303 Irvington Road: Mr. Hardesty reported that there was a contract on 4303 Irvington Road (Anna Mitchell's former home), which is in the Business B-2 District. It is expected that a business will go into this home.

#### **Announcements:**

Town Office Hours: Mr. Hardesty will work from 1 P.M. to 5 P.M.

Plantings around the Museum: The Museum wants to plant flowers, etc. around the Pilot House.

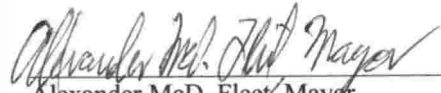
Lights and water faucets on Commons: The VIA had water faucets installed at the planting locations on the Commons. They had the flag pole lighted, installed a light behind one of the benches, and would like to light the gazebo.

Upcoming Events: The Mayor read the dates of upcoming events:

1. Farmers' Market—May 5, 2007
2. Fourth of July Concert—July 1, 2007
3. Fourth of July Parade — July 4, 2007

**Adjournment:**

The meeting was adjourned.

  
Alexander McD. Fleet, Mayor

## LAW ENFORCEMENT MUTUAL AID AGREEMENT

**THIS AGREEMENT**, made this 29<sup>th</sup> day of March, 2007, by and between the **SHERIFF OF THE COUNTY OF LANCASTER** ("Sheriff"); **THE COUNTY OF LANCASTER, VIRGINIA** ("Lancaster") a political subdivision of the Commonwealth of Virginia; and, the **TOWN OF WHITE STONE, VIRGINIA** ("White Stone"), a political subdivision of the Commonwealth of Virginia; the **TOWN OF IRVINGTON, VIRGINIA** ("Irvington"), a political subdivision of the Commonwealth of Virginia; and the **TOWN OF KILMARNOCK** ("Kilmarnock") a political subdivision of the Commonwealth of Virginia (White Stone, Irvington and Kilmarnock are collectively the "Towns");

**WHEREAS**, Virginia law authorizes reciprocal agreements for law enforcement services and inter-jurisdiction of law enforcement assistance for all law enforcement purposes; and

**WHEREAS**, the parties hereto have determined that the provision of law enforcement aid across jurisdictional lines will increase their ability to preserve the safety and welfare of the entire area; and

**WHEREAS**, it is deemed to be mutually of benefit to the Sheriff and the Towns to enter into an agreement concerning mutual aid with regard to law enforcement and Lancaster is agreeable to provide support thereto; and

**WHEREAS**, the parties desire that the terms and conditions of this Law Enforcement Mutual Aid Agreement ("Agreement") be established; and

**NOW THEREFORE**, for and in consideration of the mutual benefits to be derived by the parties hereto the Sheriff, Lancaster and the Towns hereby covenant and agree, each with the other, as follows:

1. In conformity with § 15.21730.1 of the Code of Virginia, as amended, and in conformity with other provisions of the Code of Virginia including §15.2-1724 and §15.2-1726, as amended, the Sheriff will endeavor to provide law enforcement support to the Towns and the Towns will endeavor to provide law enforcement support to each other and to the Sheriff all within the capabilities available at the time such support is necessary and within the terms of this Agreement.
2. Nothing contained in this Agreement should in any manner be construed to compel any of the parties hereto to respond to a need for law enforcement support when the law enforcement personnel of the jurisdiction to whom the request is made is in the opinion of the requested jurisdiction, needed or are being used within the boundaries of that jurisdiction.
3. No parties to this Agreement or any employee of any party to this agreement shall be liable to any other party hereto for any loss, damage, personal injury or death to law enforcement personnel or equipment resulting from the performance of this Agreement, whether such occur within or without the jurisdictional boundaries of the respective parties hereto. It is specifically agreed that the Sheriff and his deputies, providing or receiving such assistance, shall have all the authority, benefits, immunity from liability, and exemptions from laws, ordinances and regulations as officers acting within the Towns.
4. There shall be no liability to any of the parties hereto for reimbursement for injuries to law enforcement, personnel, or equivalent occasioned by a response or law enforcement action, or for injuries to such equipment or personnel incurred when going to or returning from another jurisdiction. Neither shall the parties be

liable to each other for any other costs associated with or arising out of the rendering of assistance pursuant to this Agreement.

5. The Sheriff presently dispatches the law enforcement personnel of White Stone and Kilmarnock. Irvington presently has no full time law enforcement officers. The Sheriff will continue to dispatch for White Stone and Kilmarnock and should Irvington request such service the Sheriff shall dispatch for them. At the time of dispatch of law enforcement personnel or at any time the Sheriff or his deputies obtain information that law enforcement assistance is needed in the Towns, the Sheriff and his deputies and the law enforcement personnel of each Town are hereby authorized to furnish in such jurisdictions as needed law enforcement assistance for all law enforcement purposes including enforcement of all applicable ordinances of the Towns, Lancaster, and all provisions of State Law, as the same are appropriate.
6. The Sheriff and the Towns shall have and maintain a radio communication system for use by the parties hereto and create and maintain a mutual aid implementation plan as part of their communications standard operation procedure manual.
7. All services performed and expenditures made under this Agreement shall be deemed for public and governmental purposes and all immunities from liability enjoyed by the Local Government within its boundaries shall extend to its participation in rendering assistance outside its boundaries. It is understood for the purpose of this Agreement that the responding party is rendering aid once it has entered the jurisdiction boundaries of the party receiving the assistance.
8. The Towns shall ensure that their ordinances are kept current and are valid and conform to the laws of the Commonwealth of Virginia and Federal Law. The

Sheriff shall be entitled to call upon the Town Attorney of the applicable Town for advice and interpretation of Town ordinances. Upon request of the Sheriff any Town will consider adoption of ordinances as suggested to resolve incidents occurring within such Town. The parties hereto shall consult with their respective insurance carriers to ensure that coverage for the law enforcement officials and deputies who are to provide services hereunder is in effect and shall provide the protection afforded under Article 2 and Article 3 of Chapter 15, of Title 15.2 of the Code of Virginia, as permitted by law.

9. All pension, relief, disability, worker's compensation, life and health insurance, and other benefits enjoyed by said employees shall extend to the services they perform under this Agreement outside their respective jurisdictions.
10. All deputies, police officers, law enforcement agents, and other employees of the parties to this agreement shall have the same powers, rights, benefits, privileges, and immunities in every jurisdiction subscribing to this Agreement, including the authority to make arrests in every such jurisdiction subscribing to this Agreement under any all applicable laws or ordinance.
11. The parties of this Agreement recognize that they are each fully capable of independently providing services to adequately serve their respective political subdivisions. The governing bodies of the parties to this Agreement each agree that this Agreement shall neither be used against the Lancaster County or any Town in any future annexation proceedings, this cooperative Agreement having been entered into in furtherance of the policies set forth in Section 15.2-3209 of the Code of Virginia, 1950, as amended, and shall be without prejudice to the County of Lancaster.

12. Law enforcement support provided by the Sheriff pursuant to this Agreement shall include, but not be limited to the following resources:

**Staffing Support** – to include uniformed deputies, canine officer with narcotic detecting canine, and plainclothes officers;

**Forensic Support** – to include one Crime Scene Unit with equipment;

**Communications Support** – mobile and other radio equipment;

And any other related law enforcement equipment currently available.

Law enforcement support provided by White Stone and Kilmarnock pursuant to this Agreement shall include, but not be limited to, the following resources:

**Staffing Support** – to include uniformed police officers and plainclothes officers.

**Communications Support** – mobile radio equipment;

And any other related law enforcement equipment currently available.

13. Subject to the terms of this Agreement, the Sheriff, White Stone, and Kilmarnock agree to provide assistance to the requesting jurisdiction in situations requiring the mass processing of arrestees, and transportation of arrestees.
14. Officers responding to this Agreement shall be granted authority to enforce the laws and ordinances of the towns effective in the towns, the ordinances of the County of Lancaster and the laws with the Commonwealth of Virginia and to perform the other duties of a law enforcement officer; such authority shall be in conformance with State Code Sections 15.2-1724; 15.2-1726; and, 15.2-1730.
15. It is specifically agreed that the Sheriff and his deputies and the officers of White Stone and Kilmarnock shall have full arrest powers in the County of Lancaster, the Town of White Stone, the Town of Irvington and the Town of Kilmarnock, pursuant to the terms of this Agreement.

16. This Agreement repeals and supersedes all previous written agreements or oral understandings relating to the provision of mutual aid of law enforcement services. With the exception of those portions of other agreements and documents referred to herein, this Agreement represents the sole document regulating the provision of mutual law enforcement services.
17. This Agreement may be terminated at any time by any party giving thirty (30) days written notice to that effect to the other parties hereto.

This Agreement has been authorized and approved by the Sheriff of Lancaster County, Virginia, the Board of Supervisors of Lancaster County, Virginia, the Town Council of the Town of White Stone, Virginia, the Town Council of the Town of Irvington, Virginia and the Town Council of the Town of Kilmarnock, Virginia.

(Remainder of page intentionally left blank)

SHERIFF OF LANCASTER COUNTY, VIRGINIA

Ronald D. Coakley  
Sheriff, County of Lancaster

COUNTY OF LANCASTER, VIRGINIA

[Signature]  
Administrator of the County of Lancaster

Approved As To Form:

[Signature]  
Attorney for the County of Lancaster, Virginia

TOWN OF WHITE STONE, VIRGINIA

Approved As To Form

Matthew C. Lee  
Attorney for White Stone, Virginia

[Signature]  
Town Manager

TOWN OF IRVINGTON, VIRGINIA

Approved As To Form

Matthew C. Lee  
Attorney for Irvington, Virginia

Alexander Fleet  
~~Town Manager~~  
MAYOR

TOWN OF KILMARNOCK, VIRGINIA

Approved As To Form

[Signature]  
Attorney for Kilmarnock, Virginia

[Signature]  
Town Manager

COMMONWEALTH OF VIRGINIA  
COUNTY OF LANCASTER, to-wit:

I, SHARI J. Brown a Notary Public in and for the Commonwealth of Virginia, do hereby certify that Ronald D. Crockett, Sheriff of Lancaster County, and, William H. Pennell, Jr., County Administrator for the County of Lancaster, whose names are signed as such to the foregoing Agreement bearing the date of March 29, 2007, have this day personally appeared before me in my State and County aforesaid and acknowledged the same.

Given under my hand this the 5 day of Apr., 2007.

Shari J. Brown  
Notary Public

My Commission Expires: 11/30/07

COMMONWEALTH OF VIRGINIA  
COUNTY OF LANCASTER, to-wit:

I, Audrey Harper, a Notary Public in and for the Commonwealth of Virginia, do hereby certify that Garey L. Conrad, Town Manager for the Town of White Stone, Virginia, whose name is signed as such to the foregoing Agreement bearing the date of March 29, 2007, has this day personally appeared before me in my State and County aforesaid and acknowledged the same.

Given under my hand this the 30 day of April, 2007.

Audrey Harper  
Notary Public

My Commission Expires: 2-28-2009

COMMONWEALTH OF VIRGINIA  
COUNTY OF LANCASTER, to-wit:

I, Janet C. Byner, a Notary Public in and for the Commonwealth of Virginia, do hereby certify that Alexander McD. Fleet, Mayor for the Town of Irvington, Virginia whose name is signed as such to the foregoing Agreement bearing the date of March 29, 2007, has this day personally appeared before me in my State and County aforesaid and acknowledged the same.

Given under my hand this the 1<sup>st</sup> day of May, 2007.

Janet C. Byner  
Notary Public

My Commission Expires: 1-31-2011

COMMONWEALTH OF VIRGINIA  
COUNTY OF LANCASTER, to-wit:

I, Jacqueline L. Blencowe, a Notary Public in and for the Commonwealth of Virginia, do hereby certify that Lee Hood Capps, Town Manager for the Town of Kilmarnock, Virginia whose name is signed as such to the foregoing Agreement bearing the date of March 29, 2007, has this day personally appeared before me in my State and County aforesaid and acknowledged the same.

Given under my hand this the 13<sup>th</sup> day of APRIL, 2007.

Jacqueline L. Blencowe  
Notary Public

My Commission Expires: MAY 31, 2009

**Irvington Town Council  
Regular and Public Meeting  
March 8, 2007**

The regular and public meeting of the Irvington Town Council was held at the Irvington Town Office on March 8, 2007.

**Present:**

Mayor	Alexander McD. Fleet
Vice-Mayor	Ralph D. Ransone
Council	William H. Evans Garry J. Luckham Robert S. Westbrook
Zoning Administrator	Robert A. Hardesty
Legal Counsel	Matson C. Terry, II

**Absent:**

Council	Richard Pittman Kathleen Pollard
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**Guests:**

Paul Carlson

The Mayor called the meeting to order, welcomed everyone, and led the group in prayer.

**Public Comment:**

Mr. Paul Carlson, representing the Irvington Business Association, stated that his group would like to plan a walking tour of Irvington and post signs at selected sites that would give the history of that site/building. The Mayor asked that he keep Mr. Hardesty informed about their efforts.

Mr. Carlson stated that Mr. Lee Stephens was very concerned about the speed of vehicular traffic in the town. An accident occurred on the date of this meeting at the intersection of King Carter and Irvington Road.

Mrs. Me Lei Beane and Mrs. Barbara Barnes were present to state that they would like to see Irvington be proactive in safeguarding the town from allowing sexually oriented businesses to operate in the town and enact an ordinance like the King George Ordinance. She said that the current codes are not strong enough to regulate these types of businesses.

**Minutes and Treasurer's Report:**

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

Ralph Ransone made a motion to approve the treasurer's report and William Evans seconded the motion. Vote – Yea: Evans, Luckham, Ransone, and Westbrook. Nay: 0.

**Zoning Administrator:**

Mr. Hardesty stated that the Comprehensive Plan revision was in progress. The timeline approved in February, will need to be revised because of delays.

He announced that the Water Control Board is meeting March 9<sup>th</sup> and March 10<sup>th</sup>, to consider the application of Rappahannock Westminster Canterbury to discharge 80,000 gallons of treated waste water into an unnamed tributary of Old Mill Cove.

**Old Business:**

Town Welcome Signs: Mr. Hardesty stated that the Town Welcome sign would be relocated from near the bridge to closer to Northern Neck Insurance on the VDOT right of way. The location for the sign for the north side of town will be marked, checked by VDOT, and then Miss Utility will be contacted.

Guidelines for Use of Commons: The Town Attorney noted changes that needed to be made to the draft of the guidelines for use of the Commons. He will prepare an indemnification agreement to protect the town and to insure that the users adhere to the rules particularly if alcohol is used. They will be finalized in April.

**Legal Counsel:**

Mutual Aid Agreement: Mr. Terry distributed copies of the Mutual Aid Agreement between the Town and the County. He said the Council would act on it at the April meeting. This agreement is in addition to the existing agreement between the Town and County regarding the payment of a deputy, who might work overtime hours in the Town.

Animal/Dog Control Ordinance: Mr. Terry said that this was not a leash law. This Ordinance is needed to track the County Ordinance in order for the animal control officer to come into the town if necessary. A public hearing will be held to receive public input before this ordinance is enacted. The first reading will be advertised.

VAProcurement Act: Mr. Terry said that the town can adopt a written procedure for hiring persons for small jobs in order to be in compliance with the Procurement Act. Mr. Westbrook made a motion for Mr. Terry to do this and William Evans seconded the motion. Vote – Yea: Evans, Luckham, Pollard, Ransone, and Westbrook. Nay: 0.

Partition Suit: Mr. Terry said that the partition suit is moving slowly.

**New Business:**

Hurricane Conference: After discussion, Mr. Ransone made a motion to approve an expenditure up to \$800.00 for Mr. Evans to attend a conference on hurricane/storm preparedness. Mr. Westbrook seconded the motion. Vote– Yea: Evans, Luckham, Pollard, Ransone, and Westbrook. Nay: 0.

**Adjournment:**

The meeting was adjourned.

  
Alexander McD. Fleet, Mayor

**Irvington Town Council  
Regular and Public Meeting  
February 8, 2007**

The regular and public meeting of the Irvington Town Council was held at the Irvington Town Office on February 8, 2007.

**Present:**

Mayor	Alexander McD. Fleet
Vice-Mayor	Ralph D. Ransone
Council	Garry J. Luckham Richard Pittman Kathleen Pollard Robert S. Westbrook
Zoning Administrator	Robert A. Hardesty
Legal Counsel	Matson C. Terry, II

**Absent:**

Council	William H. Evans, III
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**Guests:**

William B. Graham, Jr.  
Randy Graham  
Scott Graham  
John Martin, Attorney for Grahams and Lundvall  
Robert Lundvall  
Chuck Dawson, Bay Design, rep. Lundvall and Grahams  
Jan Mosher  
Ron & Brent Mihills  
Clark Winner & Carolyn Winner

**Visitors:**

Robert & Kathy Powell  
Ann Lee Arnold  
Richard Newlon  
Jimmy Robertson  
Betty Ebeling  
John C. Bellows

The Mayor called the meeting to order, welcomed everyone, and led the group in prayer.

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

## Public Hearing:

Graham Subdivision: 171 and 173 Virginia Road: Mr. Hardesty explained that the Graham brothers wished to subdivide the 8.77 acre property that had belonged to their parents. Fees were paid, notices were published, and notices were given to the adjacent neighbors. The Planning Commission recommended that the Town Council approve the application.

Mr. William Graham, Jr. stated that they would keep the original home, sell the newer home on its lot, sell three additional lots, and keep the current look of the property. Two the three new lots will be waterfront. He said the current open space on the property will remain open for gardens, drainfields and will be restricted to allow no buildings. The Grahams want the road into the subdivision to stay the same. He said that they were discussing having covenants.

Mr. Clark Winner and Mrs. Jan Mosher expressed concern about their properties at the corner of Virginia Road and Lancaster Road being damaged, when trucks bringing building supplies have to make the 90 degree turn where the intersecting roads are narrow with very little shoulders. Mrs. Mosher asked if the developer could post a bond to protect the Winner and Mosher properties. Mr. Terry said it is up to the Grahams to tell the person delivering supplies to be careful, but the town could not require the developer to post a bond.

Mr. Jimmy Robertson said he was in favor of the subdivision.

Robert Westbrook made a motion to come out of the public hearing and Richard Pittman seconded the motion. Vote – Yea: Luckham, Pittman, Pollard, Ransone, and Westbrook. Nay: 0.

In discussion, Mr. Hardesty said that the septic permit approval has been received. The Grahams hope that the road into the property will remain basically the same as it is now.

Robert Westbrook made a motion to approve their application to subdivide. Kathleen seconded the motion. Vote – Yea: Luckham, Pittman, Pollard, Ransone, and Westbrook. Nay: 0.

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

Subdivision: “Irvington Farms” – Mr. and Robert Lundvall – 3985 Irvington Road: Mr. Hardesty stated that Arris, LLC is applying to subdivide the Mitchell/Southworth property into a subdivision which will have 17 lots. He said that the fees had been paid, and notices given to the neighbors and published in the paper. The Planning Commission recommended approval of the subdivision application. Acceleration and deceleration lanes on Irvington Road at the entrance to the subdivision have been approved by VDOT. The subdivision will be served by Aqua. Richard Newlon was concerned about additional hookups affecting the water pressure in town. Mr. Chuck Dawson of Bay Design said that they had run a model and their indications were that there was adequate water pressure and Aqua had said that there is proper volume of water. Concern was expressed by Robert Westbrook about Leyland Cypress trees being used as a screening when they are very vulnerable to wind. Mr. Lundvall said that he would consider substituting other trees.

Kathleen made a motion to come out of public hearing and Richard Pittman seconded the motion. Vote – Yea: Luckham, Pittman, Pollard, Ransone, and Westbrook. Nay: 0.

A stormwater management pond will be constructed to collect runoff during construction and in storms. There will be an overflow pipe. After construction the base will be filled up to a permanent dry pond level. The Mayor was concerned that a fence should be around the pond for safety purposes. Mr. Terry said that a fence was not required by the Subdivision Ordinance, but the Council could express its concern for the need for a fence.

Mr. Lundvall plans to sell lots, not build the houses and plans to begin selling the lots as soon as possible. Current wooded lots will be sold as wooded lots with the exception that the lot where the pond will be placed will be cleared for the pond. Covenants will establish minimal home sizes to be in excess of 2000 square feet. An association will maintain the community aspects of the subdivision. Decorative shrubbery will be planted along Irvington Road.

During discussion, Mr. Dawson, from Bay Design said that all the lots have been approved for septic. Two of the lots will have engineered systems which will be filter clear streams with no mounds. In response to the questions about buffering, Mr. Lundvall said that they were willing to substitute other plants than those that were indicated on the plat.

Ralph D. Ransone made a motion to approve the subdivision and Robert Westbrook seconded the motion. Vote - Yea: Luckham, Pittman, Pollard, Ransone, and Westbrook. Nay: 0.

#### **Minutes and Treasurer's Report:**

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

Richard Pittman made a motion to approve the treasurer's report and Robert Westbrook seconded the motion. Vote - Yea: Luckham, Pittman, Pollard, Ransone, and Westbrook. Nay: 0.

#### **Zoning Administrator:**

Mr. Hardesty provided a tentative timeline for completing the comprehensive plan review process. The steering committee will meet again on February 21, 2007, and it was decided that the Planning Commission public hearing will be March 22, 2007. Garry Luckham made a motion to approve the dates for meetings and Richard Pittman seconded the motion. Vote - Yea: Luckham, Pittman, Pollard, Ransone, and Westbrook. Nay: 0.

Dominion Power has said the cost for the two street lights on Chesapeake Drive, one at the intersection of Holly Circle and Chesapeake Drive and one near the cul de sac at the end of Chesapeake Drive, will cost \$3067.72. Lines will run 150 feet underground and under the asphalt drive of Greg Kirkbride for the one near Holly Circle. There is a transformer near Mrs. Ebeling. Kathleen Pollard made a motion to approve having Dominion Power install these two lights on Chesapeake Drive. Ralph Ransone seconded the motion. Vote - Yea: Luckham, Pittman, Pollard, Ransone, and Westbrook. Nay: 0.

Verizon removed the wires from the pole in front of Ralph D. Ransone's house. The damaged pole still needs to be removed.

Mr. Hardesty summarized the meetings that had taken place as a result of the request of Rappahannock Westminster-Canterbury's request to discharge 80,000 gallons of treated wastewater into one of the unnamed tributaries of Old Mill Cove. On March 8<sup>th</sup> and 9<sup>th</sup>, DEQ will hold meetings to consider the request and make a decision. There was discussion about the ramifications, if in the revision of the Lancaster County's Comprehensive Plan hooking up to Kilmarnock's sewage treatment system is allowed, and thus, allowing a higher density of the population in the Primary Growth Area (PGA- the designated triangle in the area formed by Kilmarnock, Irvington, and White Stone). Ann Lee Arnold asked if the the Town could endorse RWC's request and ask the County to amend its Comprehensive Plan to allow the hook-up of RWC.

Mr. Hardesty reported that Mr. Haydon was going to get to the grading of the Commons when he has the time. The land will be banked toward the Pilot House and ditch. Mr. Ransone reminded the Council that the area will need to be roped off while the grass gets a good growth.

Mr. Hardesty said that the shutters that he would like to buy for the town office would cost \$224.00 each.

The clerk announced that the five replacement banners for the town would cost \$565.00 plus the cost of hardware and replacement arms.

The Mayor announced that the Town will pay the third installment (\$10,000.00) of its donation for 2006-2007 to the Steamboat Era Museum.

Garry Luckham made a motion to approve the expenditures of shutters, banners, and donation to the Museum and Kathleen Pollard seconded the motion . Vote – Yea: Luckham, Pittman, Pollard, Ransone, and Westbrook. Nay: 0.

**Legal Counsel:**

Mr. Terry said that he had advised Mr. Nunnally that the Town would not accept his client's offer and would proceed with litigation.

He said that he is redoing the agreement with the County regarding the deputy sheriff's working overtime hours in Irvington. He said the County is concerned about increased coverage with Walmart's opening a store in Kilmarnock, and the agreement will clearly define lines of communication.

Mr. Terry said that the Town of White Stone is beginning to discuss boundary line adjustment.

**Old Business:** None.

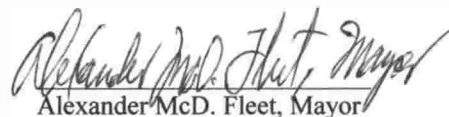
**New Business:**

Animal Control Ordinance: Robert Westbrook made a motion to have an Irvington animal/dog ordinance to track the state and county's ordinances to allow the County animal control officer come into Irvington. Kathleen Pollard seconded the motion. Vote – Yea: Luckham, Pittman, Pollard, Ransone, and Westbrook. Nay: 0.

Bike Path: Mr. Hardesty reported that the current plan for the hike path route is through private property from Irvington to Kilmarnock rather than along Route 200 as previously discussed.

**Adjournment:**

The meeting was adjourned.

  
Alexander McD. Fleet, Mayor

**Irvington Town Council Meeting  
Regular and Public Meeting  
January 11, 2007**

The regular and public meeting of the Irvington Town Council was held at the Irvington Town Office on January 11, 2007, at 7:30 P.M.

**Present:**

Mayor	Alexander McD. Fleet
Vice-Mayor	Ralph D. Ransone
Council	William H. Evans, II. Garry J. Luckham Richard Pittman, Jr. Kathleen Pollard Robert S. Westbrook
Zoning Administrator	Robert A. Hardesty
Legal Counsel (arrived during Mr. Bunting's remarks)	Matson C. Terry, II

**Guests:**

Laura Brush  
Robert Morrison, Chairman of the Planning Commission  
Gene Edmunds, property owner on Old Mill Cove  
Stuart Bunting, CEO of RWC  
Frances Simmons, Irvington resident  
William Rowe, Irvington resident

The Mayor called the meeting to order and led in prayer.

**Westminster-Rappahannock Canterbury's Discharge of Wastewater:**

Rappahannock-Westminster Canterbury has applied for a permit to discharge 80,000 gallons of treated wastewater into the unnamed tributary of Old Mill Cove and has scheduled informational meetings with an engineer present regarding this application. Frances Simmons read a statement and Gene Edmunds read his letter to DEQ. (Copies of these are included with the minutes.) Questions such as would the treated wastewater be as good or better than the water now in Carters Creek or how is the Bay going to be improved if they kept adding to it, were asked. Stuart Bunting summarized RWC's present system and explained the purposes of the various meetings scheduled. RWC's permit needs to be renewed and they want to add 52 residential units. Currently they are discharging 25,000 gallons onto their land and treating it. In reply to the question about whether or not they could connect to Kilmarnock's System, Mr. Bunting said that the County would not allow them to connect to the Pump Station at Hill's Quarter.

**Use of the Commons:**

Mrs. Laura Brush requested the possible use of the Commons in late April or early May, for a fundraiser by the Lancaster County Democratic Party. They plan to call the fundraiser "Hands Across the Aisle," have possibly 350 people in attendance, and invite Jim Webb, Jo Ann Davis, and maybe Charles Rangel. They plan to have a 4200 square foot tent and will need approximately 40 tables. There will be no band. It will be scheduled 5 P.M. to 10 P.M. on a Friday and Saturday when Willoughby's can

accommodate them. They will need guidelines for clean-up for which they will be responsible. A reply to their request will be needed by January 29<sup>th</sup>. Beer and wine will be served and they will be responsible for obtaining the ABC license. Mr. Ransone told Mrs. Brush that alcohol consumption should be confined to an enclosed area. Mrs. Brush knows that she will have to provide the Town with a certificate of insurance. There was concern about the number of people on the newly graded Commons.

Guidelines will be developed for the use of the Commons by persons or groups.

#### **Lancaster County Chamber of Commerce Membership Renewal:**

The Mayor announced that the Town was renewing its membership in the Lancaster County Chamber of Commerce.

#### **Minutes and Treasurer's Report:**

Ralph D. Ransone made a motion to approve the minutes and Garry Luckham seconded the motion. Vote— Yea: Evans, Luckham, Pittman, Pollard, Ransone, and Westbrook. Nay: 0.

Richard Pittman made a motion to approve the treasurer's report and Kathleen Pollard seconded the motion. Vote— Yea: Evans, Luckham, Pittman, Pollard, Ransone, and Westbrook. Nay: 0.

#### **Zoning Administrator:**

Comprehensive Plan: Mr. Hardesty announced that the draft of the revised Comprehensive Plan was due back from K.W. Poore on January 17<sup>th</sup>. It will be reviewed by the Steering Committee, which will meet on January 24<sup>th</sup>, and the public hearings will be scheduled after that.

Chesapeake Drive Street Lights: Dominion Power will provide the cost for the two requested street lights on Chesapeake Drive on January 19<sup>th</sup>.

#### **Announcements:**

Public Hearings: The public hearings for the Graham Subdivision and "Irvington Farms" will be held on February 6, 2007, at the Planning Commission meeting and on February 8<sup>th</sup>, at the Town Council meeting.

Christmas Lights: Ralph D. Ransone stated that Paul Elbourn had removed all of the Christmas lights on January 6, 2007, and be requested that a thank you letter be sent to him.

#### **Legal Counsel:**

First Cablevision: Mr. Terry stated that BB&T (the bank with whom First Cablevision has a loan) is requesting that the Town consent to the assignment of the franchise agreement with First Cablevision as collateral for the cable company's loan with the BB&T. This is a loan requirement by the bank. Mr. Terry explained the risk should the cable company default on its loan. William Evans made a motion to agree to this assignment and Richard Pittman seconded the motion. Vote – Yea: Evans, Luckham, Pittman, Pollard, Ransone, and Westbrook. Nay: 0.

#### **Executive Session:**

Mr. Terry read the following motion that Kathleen Pollard made: "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 pending litigation concerning the partition suit for real estate on Chesapeake Drive, and regarding specific legal matters requiring the provisions of legal advice, pursuant to *CODE OF VIRGINIA*, Section 2.1-371 1A.(7) and to discuss appointments to the Planning Commission, pursuant to Section 2.1-

3711A.(1). Robert Westbrook seconded the motion. Vote – Yea: Evans, Luckham, Pittman, Pollard, Ransone, and Westbrook. Nay: 0.

After the session, Mr. Terry read the following motion for certification which Dr. Westbrook made “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. Kathleen Pollard seconded the motion. Vote – Evans, Luckham, Pittman, Pollard, Ransone, and Westbrook. Nay: 0.

I, Kathleen Pollard, so certify.  
I, William H. Evans, so certify.  
I, Robert Westbrook, so certify.  
I, Garry Luckham, so certify.  
I, Ralph D. Ransone, so certify.  
I, Richard Pittman, so certify.  
I, Alexander Fleet, so certify.

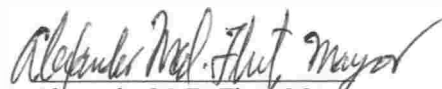
William Evans made a motion to instruct the Town Attorney to decline the offer of Mr. and Mrs. Thomas and proceed with litigation. Richard Pittman seconded the motion. Vote– Yea: Evans, Luckham, Pittman, Pollard, Ransone, and Westbrook. Nay: 0.

Robert Westbrook made a motion to increase the number on the planning commission to six members from four members. Ralph Ransone seconded the motion. Vote – Yea: Evans, Luckham, Pittman, Pollard, Ransone, and Westbrook. Nay: 0.

Garry Luckham made a motion to appoint Jimmie Lee Crockett and Mary Ellen Tetrick to the Planning Commission. Richard Pittman seconded the motion. Vote - Yea: Evans, Luckham, Pittman, Pollard, Ransone, and Westbrook. Nay: 0. Jimmie Lee Crockett will complete Dr. Molineaux's term extension which ends May, 2007, and serve until May, 2010, which was when Dr. Molineaux's term would have ended. Mrs. Tetrick's term will run from February, 2007, to February 2011.

#### **Adjournment:**

The meeting was adjourned.

  
Alexander McD. Fleet, Mayor

1-11-07  
meet.

Laura R. Brush  
161 Clark Point Drive  
White Stone, Virginia 22578

Phone: 804.435.3223

January 2, 2007

Town Council  
Irvington, Virginia

Ladies and Gentlemen,

This is a request to be added to the agenda for your next town meeting.

As Chairperson for the Lancaster County Democrats 2007 fund raiser, I am inquiring about the use of the Irvington Village Green for that purpose. This would take place in late May. I need relative information for use of the Green. I need five minutes.

You may reach me at the above-mentioned telephone number.

Thank you.

Yours very truly,



Laura R. Brush

Cc: Donna Thompson  
Chairperson, Lancovadems.

**Robert S. Westbrook, DDS**

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**From:** <VAedmonds@aol.com>  
**To:** <cjlinderman@deq.virginia.gov>  
**Sent:** Tuesday, January 09, 2007 12:22 PM  
**Subject:** Comment - Rappahannock Westminster Canterbury

Dear Mr. Linderman:

I am offering comment on RWC's proposed Discharge Elimination System Permit during this public comment period of January 4 - February 23. I am a property owner and resident of Irvington; my home is on the shores of Old Mill Cove.

At this time, my comment is brief and rather specific. My comment is driven from a portion of the project description as outlined in your letter to me of December 20, 2006. It states that "... The permit will limit the following pollutants to amounts that protect water quality: nutrients, metals, oxygen demanding substances, solids, pH and bacteria." Sir, my comment/question is this. To what standard will the proposed system be held? The Chesapeake Bay Foundation has been quite clear that the primary driver to the low scoring in the Bay's overall health is sewage treatment plant effluent held to very low standards. The CBF has published standards for treatment plants and has, in fact, grabbed Governor Kaine's attention to the point where he has proposed funding for 2007 earmarked to bring selected treatment facilities up to CBF standards. It is my position that Rappahannock Westminster Canterbury be held to these same standards, certainly no lower, for their proposed system. I'm not sure where I stand in support or against this permit, but the system's standards are my starting point.

Sincerely,

Gene H. Edmonds  
204 Old Mill Cove Road  
Irvington, VA 22480  
804-438-6282

1/10/2007

Some 20 years ago some local citizens, who were concerned about the need of a place for local elderly citizens to live, set up a tax exempt charitable trust called Rappahannock Westminster Canterbury. Through national advertising it has become a national retreat for the wealthy. A very few of the residents are natives or people who have recently retired here.

When this DEQ permit was coming up for renewal, RWC bought more land and planned to build 52 more units and increased the permit to 80,000 gallons of treated sewerage to be discharged into Old Mill Cove....part of Carter's Creek. Most of this water will come from our aquifer that supplies water to the Northern Neck. The aquifer runs from Maryland (now over populated) to West Point Paper Mill which consumes a great deal of water.

Carter's Creek flows into the Rappahannock River and hence into the Chesapeake Bay. It is the breeding ground for many of our fish, especially the menhaden. Female menhaden spawn in the Spring. In the summer the creek is filled with baby menhaden. The menhaden plant is a big industry in the Northern Neck. It furnishes food for chickens, livestock and omega pure for human consumption.

At present there are two large sewerage treatment systems discharging treated sewerage into the creek The Tides Inn and the Tartan Golf Course area. The Va. Health Dept.-Division of Shellfish Sanatation takes a sample once a month at the mouth of the creek to test for coliform bacteria but they are only interested in shellfish(oysters and crabs).

The Sanatation Officer told me that there were no faulty septic systems on the creek to his knowledge. In the creek there are many residents conducting oyster farming trying to help improve the purity of the creek.

With the addition of 80,000 gallons of cholrinated sewerage in the creek every day our creek will be destroyed and will open more pollutation opportunites for other grooups to follow.