

**Irvington Town Council  
Regular and Public Meeting  
December 11, 2008**

The regular and public meeting of the Irvington Town Council was held at the Irvington Town Office on December 11, 2008, at 7:30 P.M.

**Present:**

Mayor	Alexander McD. Fleet
Council	Gene H. Edmonds Kathleen Pollard Robert S. Westbrook
Zoning Administrator	Robert A. Hardesty

**Absent:**

Vice-Mayor	Ralph D. Ransone
Council	Jimmie Lee Crockett William Evans
Legal Counsel	Matson C. Terry, II

**Visitor:**

John Braider	
Alex Alderks	Scout
Sam Friday	Scout

The Mayor called the meeting to order. A quorum was not present. Those present authorized the clerk to make a donation of \$100.00 to the hospice of the Northern Neck, in memory of Mrs. Cornelia S. Terry, who died December 9, 2008. She is the mother of Matson C. Terry, II.

**Minutes and Treasurer's Report:** Could not be approved, because of lack of a quorum.

**Zoning Administrator:**

Slow Down Signs: Mr. Hardesty has received a letter from VDOT stating that Route 200 is a Federal Aid Primary highway and a Virginia Byway, which prohibits the display of "off premise" signs. However, he may still be issued a Land Use Permit from the Northern Neck VDOT Residency if the signs comply with the appropriate rules and regulations. Mr. Hardesty has not been able to reach Mr. Clifton Balderson, the Assistant Resident Engineer for the Northern Neck. Gene Edmonds asked if "slow down" could be painted on the pavement.

Chesapeake Street Light: No official letter has been received from Dominion Power stating the price of installing a street light between Cedar Circle and Holly Circle, however, unofficially Mrs. Susan Haydon has said that it would cost approximately \$4000.00. Although, at the last council meeting,

members had voted to have the light installed, those present at this meeting decided, in view of the cost, to further discuss the light installation and maybe reconsider it under a new budget.

Tennis Courts: Mr. Herb Osborne, with Tennis Courts, Inc. was scheduled to come and see the tennis courts on this date, but there was heavy rain and his visit was rescheduled. The tennis courts, that his company recently resurfaced, have problems in certain areas of the surface. Several players, including Mrs. Jayne Jackson, who plays on the courts regularly, expressed concern about the surface.

**Old Business:**

Town Website: Mr. Edmonds stating that progress was being made on the design, distributed copies of a potential design. The website will be maintained by an outside firm.

Manual for Unsafe Structures: Mr. Edmonds has been unable to contact the Assistance Attorney for the City of Norfolk for information about its procedure manual for unsafe structures.

Architectural Review Board: Dr. Westbrook said that residents of interested versus not interested in the Architectural Review Board could be solicited. He said that he would like to see something protective rather than restrictive passed.

Pilot House: The Mayor announced that the Pilot House would not be moved from the Commons by the end of the year. Phillip Williams will attend the January Town Council meeting to discuss the plans for the Pilot House.

BZA Appointments: Ads to solicit the residents' interest in serving on the BZA have not been published in the Rappahannock Record.

**Public Comment:**

Mr. Braider asked about the implementation of the unsafe structure and unsafe marine structure ordinances and the status of Irvington Marina, but no one had definite answers about the Marina.

**New Business:**

Rewiring of the Town Office: A bid from Hanley Electrical Service, LLC for \$701.00 for electrical work to replace the lights and update wiring was received. A quote was attached from Hometown Lighting for \$1265.80 for lights, which can come later. It was recommended to stay with 8 foot ceiling lights to avoid repair work on the ceiling. It was the consensus of the group to proceed with the work and have the council vote next month if necessary.

Mr. Hardesty has asked Garry Luckham to provide a bid for enclosing the electrical box, painting, and making a council table. Mr. Luckham stated that he had some walnut wood from Epping Forest that he could use to make a table.

Town Checking Account: Mrs. Pollard asked if some of the money in the checking account could be converted to CD's. The Mayor said that he would discuss it with Mr. O'Shaughnessy at Chesapeake Bank.

Mr. and Mrs. Andrew Hornung's House Trailer: Mrs. Pollard asked if the Hornungs could be contacted to ask their intentions regarding their trailer.

**Adjournment:**

The meeting was adjourned.

  
Alexander McD. Fleet, Mayor

**Irvington Town Office  
Regular and Public Meeting  
November 13, 2008**

The regular and public meeting of the Irvington Town Council was held at the Irvington Town Office on November 13, 2008, at 7:30 P.M.

**Present:**

Mayor	Alexander McD. Fleet
Vice-Mayor	Ralph D. Ransone
Council	Jimmie Lee Crockett Gene H. Edmonds 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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**Visitors**

John Braider	Edwina Crockett
Andrew Wylie, Jr.	Mrs. Whitbeck
Julie Wylie	Mike Merrill
John O'Shaughnessy	David Raffetto
Dick Wilson	

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

**Public Comment:**

Steamboat Era Museum Finances: Dick Wilson said that he and John O'Shaughnessy were present to dispel confusion about the financial discipline of the Steamboat Era Museum. Mr. O'Shaughnessy, treasurer of the museum, distributed copies of the P& L Statement for October and reviewed the income and expenses for the month. He said that the finances through the October were tracking favorably against the yearly budget. He said that the financial reports and bookkeeping were done by Sarah Michael's bookkeeping firm. The staff of the museum does not sign the checks for the museum. All of the payables are current. He said that sometimes the item to which an expense or income is allocated can be a judgment call. Dwight Clark's firm does the taxes. A three year (2004-2006) audit was done by a firm in Deltaville. Mr. O'Shaughnessy had with him a 26 page general ledger of all income and expenses. He said that he wanted the council comfortable with its investment. Kathleen Pollard had questioned grants because these are broken down to various categories. She does not think that another audit is needed. Dr. Westbrook asked about building the endowment fund and when SEM could be independent of the town. Mr. Wilson said that there are significant efforts to work on the endowment fund. He explained the procedure for the feasibility study and campaign that will be done by the Monument Group. Mr. O'Shaughnessy encouraged anyone to come to him with questions.

Irvington Marina: Mr. Merrill said that the bus that had been towed into the marina was poised to be towed, but that it had not moved. He said that the situation at the marina detracts from the whole area. Mr. Braider explained that he did not know the status of his becoming the general manager of the marina, because of the involvement of family members. Andy Wylie, Jr. said that he was part owner of the Handwheels, which owns the Marina. He said that he was participating in the clean-up of the marina and has worked with EPA, OSHA, and the Navy.

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

Kathleen Pollard made a motion to approve the minutes of the October 9, 2008 council meeting, public bearing minutes of October 30, 2008, and the treasurer report. Robert Westbrook seconded the motion. Vote – Yea: Crockett, Edmonds, Pollard, Ransone, and Westbrook. Nay: 0.

#### **Zoning Administrator:**

Planning Commission Vacancies: Mr. Hardesty stated that he had resumes for consideration for the vacancies on the planning commission. Appointments for these vacancies were discussed in executive session. Robert Westbrook made a motion that the council advertises any future vacancies on the Board of Zoning Appeals and the Planning Commission so that the residents have an opportunity to express interest in serving on them. Jimmie Lee Crockett seconded the motion. Vote – Yea: Crockett, Edmonds, Pollard, Ransone, and Westbrook. Nay: 0. Mr. Terry stated that the appointment to the Board of Zoning Appeals is by the Court. The Town Council can only recommend a person.

Architectural Review Board: Dr. Westbrook stated that he would like a steering committee of those, who have lived in districts where there was an architectural review board. He wants protection for the historical character of Irvington. He wants to postpone naming persons to serve on the ARB. The Mayor stated that there should be people with viewpoints on both sides of the issue. Letters have been received from John Cole, who lives in Alexandria, where there is an architectural review board. At this meeting a letter was received from Theresa Ransone, who is opposed to an architectural review board. Gene Edmonds suggested using a website to solicit comment from the citizens and the mayor asked that it be included in the newspaper article about the meeting. The attorney stated that it is a “hot button item” when there is talk about restricting what people can do with their home.

Street Light on Chesapeake Drive: Jimmie Lee Crockett has requested that there be a street light installed on Chesapeake Drive between Cedar Circle and Holly Circle. Susan Haydon with Dominion VA Power is researching the cost of the light. Jimmie Lee Crockett made a motion to have a light installed in that location. Ralph D. Ransone seconded the motion. Vote – Yea: Crockett, Edmonds, Pollard, Ransone, and Westbrook. Nay: 0.

Golf Carts: Mr. Terry read the resolution that he has drafted to be sent to Delegate Pollard and Senator Stuart to request there be an amendment to the *CODE OF VIRGINIA, 1950 as amended 46.2-916.2,C* to allow golf carts to be operated on the public streets of Irvington. Other Virginian towns, without a town police force, where golf carts are allowed to operate are Saxis and Claremont. Mr. Terry said that the regulations governing the operation of the golf carts are: they can be driven only in areas where the speed limit is 25mph, by licensed drivers, and with a sign on the back indicating slow moving vehicles. Jimmie Lee Crockett made a motion to adopt the resolution and Robert Westbrook seconded the motion. Vote – Yea: Crockett, Edmonds, Pollard, Ransone, and Westbrook. Nay: 0.

Slow Down Signs: Mrs. Edwina Crockett has designed signs to be posted in town to remind people to slow and enjoy the town. Suggestions where signs could be placed were: church corner, Tides Inn entrance, and where the Sheriff suggested. The Mayor suggested that Mr. Ransone and Mr. Hardesty discussed the locations with VDOT and Jimmie Lee Crockett made that motion. Gene Edmonds seconded the motion. Vote – Yea: Crockett, Edmonds, Pollard, Ransone, and Westbrook. Nay: 0.

Aqua: Mr. Hardesty said that he had a letter from Gordon Slatford, General Manager at the Tides Inn to AQUA stating that the air in the water system had disturbed the sediment in the pipes and created a brownish water situation in the western part of the town during the weekend of November 8<sup>th</sup>.

Response to ACLU: Mr. Terry read his letter to the ACLU in response to their request for the town's immigration policy.

**Planning Commission Report:** No report.

**Committee Reports:**

Commons: Mr. Edmonds reported that they had mulched and tidied the beds around the tennis courts.

Flags: Mr. Ransone put up the flags for Veterans' Day.

Website: Mr. Edmonds presented the costs for the website and volunteered to head a committee. Gene Edmonds made a motion to create a website for the town. Kathleen seconded the motion. Vote – Yea: Crockett, Edmonds, Pollard, Ransone, and Westbrook. Nay: 0. The provider is Northern Neck.com and the web address will be [www.irvingtonva.gov](http://www.irvingtonva.gov) if it is available.

**Old Business:**

2<sup>nd</sup> Reading of Unsafe Structures and Unsafe Marine Structures Ordinances: Mr. Terry read the corrected version of the Unsafe Structure Ordinance (filed with the minutes) Ralph D. Ransone made a motion to waive the reading of the entire ordinances and read only the titles (which is permitted) and make them effective November 14, 2008. Gene Edmonds seconded the motion. Vote – Yea: Crockett, Edmonds, Pollard, Ransone, and Westbrook. Nay: 0 Robert Westbrook made motion to accept the ordinances as read by titles only. Gene Edmonds seconded the motion. Vote – Yea: Crockett, Edmonds, Pollard, Ransone, and Westbrook. Nay:0. Kathleen Pollard asked that the Hornungs, owners of the trailer, be notified and ask them what their intentions are. Mr. Terry recommended that Gene Edmonds be appointed as committee chair to develop a procedure manual and he, Mr. Terry, will assist him. Dr. Westbrook made a motion that Mr. Edmonds be committee chairman to select the committee members and to develop the procedure manual. Kathleen Pollard seconded the motion. Vote – Yea: Crockett, Edmonds, Pollard, Ransone, and Westbrook. Nay: 0.

**New Business:**

Christmas Lights: Christmas Lights will be put up on Sunday, November 23<sup>rd</sup> and the rain date is November 30<sup>th</sup>. Ralph Ransone said that Paul Elbourn will take down the banners when he puts up the Christmas Lights. It was the consensus that the town would pay him for this job as it was not part of his bid for the Christmas lights this year.

**Executive Session:**

Mr. Terry read the following motion that Kathleen Pollard: "I hereby move that the Town Council of the Town of Irvington go into closed or executive session, to discuss personnel matters, pursuant to the *CODE OF VIRGINIA*, Section 2.1-3711A.(1)" Robert Westbrook seconded the motion. Vote – Yea: Crockett, Edmonds, Pollard, Ransone, and Westbrook. Nay: 0.

Jimmie Lee Crockett made the motion to come out of executive session and Ralph D. Ransone seconded the motion. Vote – Yea: Crockett, Edmonds, Pollard, Ransone, and Westbrook. Nay: 0.

Mr. Terry read the following motion for certification which Kathleen Pollard 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."

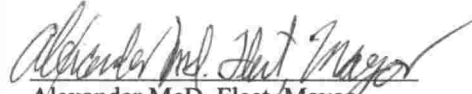
I, Kathleen Pollard, so certify,  
I, Robert Westbrook, so certify.  
I, Jimmie Crockett, so certify.  
I, Ralph, D. Ransone, so certify.  
I, Alexander Fleet, so certify.  
I, Gene Edmonds, so certify.

Ralph D. Ransone made the motion to reappoint Bob Morrison and Susan (Suzanne) Mattingly to the Planning Commission and to appoint David Raffetto to the Planning Commission. Gene Edmonds seconded the motion. Vote – Yea: Crockett, Edmonds, Pollard, Ransone, and Westbrook. Nay: 0. The Planning Commission will select its chairman.

The town will advertise for residents to express an interest in serving on the Board of Zoning Appeals. The terms of Shirley Crockett and Richard Newlon have expired. The Planning Commission needs to appoint one of its members to serve on the Board of Zoning Appeals.

**Adjournment:**

The meeting was adjourned.

  
Alexander McD. Fleet, Mayor

correct 11/13/08

## CHAPTER 11

### UNSAFE STRUCTURES

#### **Sec. 11-1. Title.**

This Chapter shall be known and may be cited as the "Town of Irvington Unsafe Structures Ordinance".

#### **Sec. 11-2. Purpose.**

The purpose of this Chapter shall be to require the removal, repair, etc., of hazardous buildings, walls or any other structures within the Town.

#### **Sec. 11-3. Order to remove, repair, etc.; duty of owner to comply.**

The owners of property herein shall at such time or times as the Town Council may prescribe, remove, repair or secure any building, wall or any other structure that might endanger the public health or safety of other residents of the Town.

#### **Sec. 11-4. Removal, repair, etc., by Town upon failure of owner; notice.**

The Town Council through its own agents or employees may remove, repair or secure any building, wall or any other structure that might endanger the public health or safety of other residents of the Town, if the owner and lienholder of such property, after reasonable notice and reasonable time to do so, has failed to remove, repair or secure the building, wall or other structure. For purposes of this section, repair may include maintenance work to the exterior of a building to prevent deterioration of the building or adjacent buildings. For purposes of this section, reasonable notice includes a written notice (i) mailed by certified or registered mail, return receipt requested, sent to the last known address of the property owner, and (ii) published once a week for two successive weeks in a newspaper having general circulation in the Town. No action shall be taken by the Town to remove, repair or secure any building, wall or other structure for at least 30 days following the later of the return of the receipt, or newspaper publication, except that the Town may take action to prevent unauthorized access to the building within seven days of such notice if the structure is deemed to pose a significant threat to public safety and such fact is stated in the notice.

#### **Sec. 11-5. Costs charged to owners; manner of collection.**

If the Town Council through its own agents or employees removes, repairs or secures any building, wall or any other structure after complying with the notice provisions of this Chapter, the

cost or expenses thereof shall be chargeable to and paid by the owners of such property and to the extent applicable may be collected by the Town as taxes and levies are collected.

**Sec. 11-6. Publication of notice when owner's identity unknown.**

If the identity or whereabouts of the lawful owner is unknown or not able to be ascertained after a reasonable search and after lawful notice has been made to the last known address of any known owner, the Town Council through its own agents or employees may repair such wharf, pier, piling bulkhead or other structure or vessel or remove such property after giving notice by publication once each week for two weeks in a newspaper of general circulation in the area where such property is located.

**Sec. 11-7. Charges constitute lien against the property.**

Every charge authorized by this Chapter with which the owner of any such property shall have been assessed and which remains unpaid, shall constitute a lien against the such property ranking on a parity with liens for unpaid real estate taxes and enforceable in the same manner as such taxes may be collected. The Town may waive such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

**Sec. 11-8. Civil Penalties.**

Any violation of this Chapter shall result in a civil penalty against the owner of the property of \$100 per day for each day a violation continues after 30 days following the later of the return receipt or the newspaper publication, provided, however that such civil penalty shall not exceed \$1,000.

**State law references:** Authority to adopt Town unsafe marine structure ordinance, *Code of Virginia*, §15.2-906.

*Passed on 11/13/08 - Effective 11/14/08*

## CHAPTER 12

### UNSAFE MARINE STRUCTURES

#### **Sec. 12-1. Title.**

This Chapter shall be known and may be cited as the "Town of Irvington Unsafe Marine Structure Ordinance".

#### **Sec. 12-2. Purpose.**

The purpose of this article shall be to require the removal, repair, etc., of hazardous wharves, piers, pilings, bulkheads, vessels, etc., of the waterways within the Town.

#### **Sec. 12-3. Order to remove, repair, etc.; duty of owner to comply.**

The owners of property herein shall at such time or times as the Town Council may prescribe, remove, repair or secure any vessel which has been abandoned or any wharf, pier, piling bulkhead or any other structure or vessel which may endanger the public health or safety of other persons, or which might constitute an obstruction or hazard to the lawful use of the waters within or adjoining the Town. If such property is deemed to be abandoned, the Town Council may designate and empower an official to ascertain the lawful owner of such property and to have the owner repair, remove or secure such property.

#### **Sec. 12-4. Removal, repair, etc., by Town upon failure of owner.**

The Town Council through its own agents or employees may remove, repair or secure any vessel which has been abandoned or any wharf, pier, piling, bulkhead or any other structure or vessel which might endanger the public health or safety of other persons or which might constitute a hazard or obstruction to the lawful use of the waters within or adjoining the Town, if the owner of such property after reasonable notice and reasonable time to do so, has failed to remove, repair or secure such wharf, pier, piling, bulkhead or any other structure or vessel.

#### **Sec. 12-5. Costs charged to owners; manner of collection.**

If the Town Council through its own agents or employees removes, repairs or secures any wharf, pier, piling, bulkhead or other structure or vessel after complying with the notice provisions of this Chapter, the cost or expenses thereof shall be chargeable to and paid by the owners of such property and to the extent applicable may be collected by the Town as taxes and levies are collected.

**Sec. 12-6. Publication of notice when owner's identity unknown.**

If the identity or whereabouts of the lawful owner is unknown or not able to be ascertained after a reasonable search and after lawful notice has been made to the last known address of any known owner, the Town Council through its own agents or employees may repair such wharf, pier, piling bulkhead or any other structure or vessel or remove such property after giving notice by publication once each week for two weeks in a newspaper of general circulation in the area where such property is located.

**Sec. 12-7. Charges constitute lien against the property.**

Every charge authorized by this Chapter with which the owner of any such property shall have been assessed and which remains unpaid, to the extent applicable, shall constitute a lien against the owner's real property, and such lien shall be recorded in the Judgment Lien Docket Book in the Circuit Court of Lancaster County, Virginia. Such lien may also be reduced to a personal judgment against the owner.

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State law references: Authority to adopt county unsafe marine structure ordinance, *Code of Virginia*, §15.2-909.

*Adopted 11/13/08 Effective 11/14/08*

11/13/08

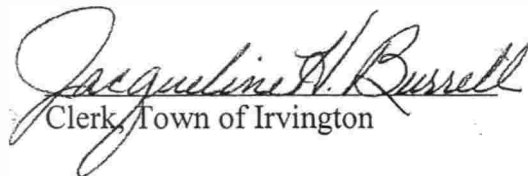
**RESOLUTION OF THE TOWN COUNCIL, TOWN OF IRVINGTON, LANCASTER COUNTY, VIRGINIA, ADOPTED AT A REGULARLY CALLED MEETING ON NOVEMBER 13, 2008**

Upon motion duly made, seconded and unanimously carried, it was

RESOLVED, that the Town of Irvington, Lancaster County, Virginia, seek an amendment to *Code of Virginia, 1950, as amended*, §46.2-916.2, C. to allow the Town of Irvington to authorize the operation of golf carts on public highways within the Town, although the Town of Irvington has not established its own police department as defined in §9.1-165.

The undersigned, Clerk of the Town of Irvington, hereby certifies that the foregoing resolution has not been revoked, rescinded or modified as of the date hereof.

Date: 11/19/2008

  
Clerk, Town of Irvington

**Joint Public Hearing  
Irvington Town Council  
Irvington Planning Commission  
October 30, 2008**

The Irvington Town Council and the Irvington Planning Commission held a joint public hearing on October 30, 2008, at 7:30 P.M., at the Irvington Town Office, for the purpose of receiving public input regarding the following proposed Ordinances:

Unsafe Structures  
Unsafe Marine Structures

Notices of the meeting appeared in the October 16<sup>th</sup> and October 23<sup>rd</sup> editions of the Rappahannock Record.

**Present:**

Vice-Mayor	Ralph D. Ransone
Council	Gene H. Edmonds William H. Evans Kathleen F. Pollard Robert S. Westbrook
Chairman	Robert C. Morrison
Secretary/Vice-Chairman	William Wright
Planning Commission Members	Suzanne Mattingly Mary Ellen Tetrick
Zoning Administrator	Robert A. Hardesty

**Absent:**

Mayor	Alexander McD. Fleet
Council	Jimmie Lee Crockett
Legal Counsel	Matson C. Terry, II

**Visitors:**

John Braider	Mary & David Headley
Hazel Wylie	Fran Westbrook
George Lackert	Mike Merrill
Bill Kerber	

Ralph D. Ransone called the meeting to order.

Kathleen Pollard made a motion to go into a public hearing for the town council. Gene Edmonds seconded the motion. Vote – Yea: Edmonds, Evans, Pollard, and Westbrook. Nay: 0. Ransone did not

vote. Mary Ellen Tetrick made a motion to go into a public hearing for the planning commission and Bill Wright seconded the motion. Vote – Yea: Mattingly, Morrison, Tetrick, and Wright. Nay: 0.

Robert Hardesty read the proposed ordinance “Unsafe Structures.” Afterwards, Mr. Mike Merrill presented pictures of a trailer on the Hornung property and asked if it could be included as an unsafe structure or would it have to be excluded. Mrs. Pollard asked if it were a structure on a pad or on wheels. Mr. Hardesty replied that it had wheels and axles, but no tags. He thinks it is an abandoned vehicle. Mike Merrill asked if could go after it one way or the other.

David Headley said with unsafe structures, he would assume that they were talking about real estate, then why were piers mentioned in unsafe structures rather than in unsafe marine structures. Mr. Morrison said that Chapter 11 concerns unsafe personal structures and Chapter 12 concerns unsafe marine structures which are commercial.

David Headley asked who determines hazards and what are the guidelines. Mr. Ransone said the zoning administrator determines what is unsafe. Gene Edmonds is trying to obtain a procedure manual. Robert Morrison said that they had the assistance of the health department where health is involved and the building inspector where structures are concerned. Mary Headley questioned what happens if they cannot find the owner. Mr. Morrison said that the town can still do it. Mr. Edmonds said it is a different process when the owner is known versus being unknown.

John Braider said that he had to applaud the spirit, but he questioned the letter. He asked if these were the complete ordinances. Gene Edmonds said that they were, but not the complete process for enforcement. He said the ordinance is very broad. Dr. Westbrook said that if a person were in violation of this ordinance, then the remedy process starts, which then it would be the duty of the mayor to enforce. The property owner is responsible for the repair.

Robert Morrison said that this ordinance is the enabling document for the town to look into a situation.

Mr. Braider raised the following questions:

Where would a person go to challenge the unsafe determination?

What happens if a person is out of contact, such as out of town for an extended period of time and he or she has not left a forwarding address?

How does one know that future councils will act honorably?

He said that it could come down to a question of neighbor against neighbor? William Evans said this document provides the framework of saying that something is unsafe. John Braider thought it was open to abuse from a point of unsafe or undesirable. Gene Edmonds said that it could be blight.

Mary Headley said that thirty days is too short because of the difficulty of getting work done here.

Robert Morrison said that this is dealing with the Virginia Code which is an enabling document. He said that it has been found that it is better not to be too specific in an enabling document. Mr. Edmonds said that regulations are very specific. Mike Merrill said that when you want specific answers, sometimes you must go to many sources to find out what can apply.

At the end of the meeting, it was clarified that the \$100.00 fine per day starts after thirty days following the return of the receipt and then the fine cannot exceed \$1000.00

Robert Hardesty read the proposed Ordinance for “Unsafe Marine Structures.”

Robert Morrison said that this is needed in looking to the future.

David Headley said that Chapter 11 goes into great detail about 30 days and in Chapter 12 it just states a reasonable time. Mary Headley asked who would pay if the town does not know the owner such as with an abandoned boat. Robert Morrison said they would need to discuss specific situations with Mr. Terry, the town attorney.

Mr. Merrill said that this ordinance did not address the barrels of unsafe chemicals and materials that are at Irvington Marina. He said that the containment boom that was used when the boat sank is still in the water.

John Braider made the announcement that he had been hired as the general manager of the Irvington Marina and Hazel Wylie would be the office manager. He said the question of "reasonable time" was important. He said that he was going to address each item as quickly as possible. They were planning to do an auction of boats. Steel and aluminum will be salvaged. He will then go to the sheds and bulkheads. He said that this change has been in the works for quite a while, but Mr. Wylie's illness prevented it from taking place earlier. He said that he must get the marina safe and in operating shape. Mr. Morrison said that knowing that it will be taken care of makes the thirty days meaningless. Mr. Braider said that the ordinance needs to be tempered with time, understanding, and the ability of the property owner to protect himself.

Suzanne Mattingly asked Mr. Braider if he would provide a work plan. He said that he would to the employer, but not to public. He said that he would provide updates on his progress.

Robert Westbrook made a motion for the town council to come out of the public hearing and Kathleen Pollard seconded the motion. William Wright made a motion for the planning commission to come out of the public hearing and Suzanne Mattingly seconded the motion. Vote – Town Council – Yea: Crockett, Edmonds, Evans, Pollard, and Westbrook. Nay: 0. Planning Commission – Yea: Mattingly, Morrison, Tetrick, and Wright. Nay: 0.

Dr. Westbrook said that the vessel, with a hole in the hull, at the end of the dock needs attention and not allowed to sink.

**Adjournment:**

Ralph D. Ransone adjourned the meeting.



Ralph D. Ransone, Vice-Mayor

**Irvington Town Council  
Regular and Public Meeting  
October 9, 2008**

The regular and public meeting of the Irvington Town Council was held at the Irvington Town Office on October 9, 2008, at 7:30 P.M.

**Present:**

Mayor	Alexander McD. Fleet
Vice-Mayor	Ralph D. Ransone
Council	Jimmie Lee Crockett Gene H. Edmonds William H. Evans, III Kathleen F. Pollard Robert S. Westbrook
Legal Counsel	Matson C. Terry, II
Robert A. Hardesty	Zoning Administrator

**Guests:**

Luther Ghorley	Aqua Representative
Garry Luckham	

**Visitors:**

Liliane & Mike Merrill  
Diane Cook-Tench  
Robert Morrison

The Mayor called the meeting to order, introduced and welcomed the visitors. He led the group in prayer.

**Resolution:**

The Mayor presented a resolution to Garry Luckham, recognizing him for his work on the council and his contributions to the town while he was on the council.

**Aqua Representative:**

Mr. Luther Ghorley, who is the manager for the eastern area of Aqua Virginia, was present to answer questions about recent leaks in town, and explain how the water system works in Irvington. They test the generator monthly with a mock outage and do an off/on test of the generator weekly. They will try to provide the results to Irvington. The local operator for Irvington is Gary Tolley. A local person checks the line maintenance. Aqua Virginia has an arrangement with Revere Gas to top off the fuel tank. There is an early warning system for problems in the system, but with the recent leak there was not time as the events happened close together. Mr. Ghorley asked to be informed if someone has dirty water or the lines need to be flushed. He said that the mainline needs to be replaced, but it is not a priority. Testing for bacteria in the water is done from three designated home sites.

#### **Public Comment:**

Mr. Mike Merrill showed pictures of a boat that had sunk recently at Irvington Marina and he said that it had sat on the bottom of the water for a week. He said that a junk bus was recently towed into the marina. He has received a letter detailing the number of visits to the marina by the sheriff's officers. He "would like to move the hall down the court."

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

Jimmie Lee Crockett made a motion that the minutes and treasurer's report be accepted and Ralph D. Ransone seconded the motion. Vote – Yea: Crockett, Edmonds, Evans, Pollard, Ransone, and Westbrook. Nay: 0. Mr. Terry said that he wanted to clarify a point in the newspaper article about the September council meeting. He was not on vacation as reported, but visiting his sick mother.

#### **Zoning Administrator:**

Tennis Courts: Mr. Hardesty reported that the resurfacing of the tennis courts had been completed and the bill had been paid. Gene Edmonds made a motion to remove the lock for one month, suspend the fee for one month, and monitor the situation. If there are no problems, then the courts will be left unlocked. Mr. Evans raised the question of liability. VML will be contacted to determine if there is a problem with the liability insurance. Robert Westbrook seconded the motion. Unlocking the gates will become effective on October 10, 2008. Complaints will be monitored. Vote – Yea: Edmonds, Pollard, and Westbrook. Nay: Crockett, Evans, and Ransone. The Mayor broke the tie with a Yea vote. He said it was worth a trial for one month. Mr. Hardesty will give a report.

Planning Commission: There are two vacancies on the Planning Commission. Legally the Commission is required to have five members. The Commission was increased to six members, including the representative from the Town Council. Mr. Morrison would like to continue to have six members. An ad will be run in the Record and a notice will be placed in the Post Office requesting names and resumes to be submitted for consideration. Ralph Ransone made a motion that Jimmie Lee Crockett continue as the Town Council representative to the Planning Commission. Robert Westbrook seconded the motion. Vote – Yea: Crockett, Edmonds, Evans, Pollard, Ransone, and Westbrook. Nay: 0.

Christmas Lights: Paul Elbourn has submitted a bid of \$1400.00 to do Christmas lights this year and a bid of \$2000.00 to do the Christmas lights, banners, and flags for 2009. Mr. Hardesty recommended that Mr. Elbourn's bid be accepted. Jimmie Lee Crockett made a motion to accept Mr. Elbourn's bid and Robert Westbrook seconded the motion. Vote – Yea: Crockett, Edmonds, Evans, Pollard, Ransone, and Westbrook. Nay: 0. The lights will be installed on the tree Sunday, November 23<sup>rd</sup> and the rain date is 30<sup>th</sup>. Mr. Ransone will talk with Mr. Elbourn about storing the flags and banners.

Fourth of July Parade: July 4, 2009 will be on Saturday, the normally scheduled date for the Farmers' Market, which would occur the same time as the Fourth of July Parade if it were to be at 10 A.M. on July 4<sup>th</sup>. Mr. Hardesty recommended that the parade be Friday, July 3<sup>rd</sup>, which will be the legal federal holiday for the parade. Gene Edmonds made a motion that the parade be July 3<sup>rd</sup> and William Evans seconded the motion. Vote – Yea: Edmonds, Evans, Pollard, Ransone, and Westbrook. Nay: 0. Crockett not voting; temporarily out of the room.

#### **Legal Counsel:**

Ordinances: Mr. Terry stated that the ordinances for unsafe structures and unsafe marine structures track the state ordinances and he thinks they are "bullet proof." Objective standards will need to be established. Robert Westbrook made a motion that a joint public hearing of the Town Council and the Planning Commission be held on October 30<sup>th</sup> with the notices being published in the Record on October 16<sup>th</sup> and 23<sup>rd</sup>. The second reading will be on November 13<sup>th</sup> at the regular Town Council meeting. Gene Edmonds seconded the motion. Mrs. Pollard asked if the trailer could be included in ordinance. Mr. Terry asked if it is registered with DMV or fixed on a foundation. He said that if it is real estate, then it would

apply. The suggestion was that the Hornungs, owners of the trailer, be notified. Vote – Yea: Crockett, Edmonds, Evans, Pollard, Ransone, and Westbrook. Nay: 0. Mr. Edmonds and Mr. Terry will work on obtaining a procedure manual for investigating unsafe structures and unsafe marine structures.

#### **Legal Counsel:**

Appointment of Committees: Mr. Terry said that the question had arisen, who appoints committees. He read from Section 15.2-1411 that the Council appoints members of committees that are advisory committees to the governing body. Section 15.2-1541 says that the Mayor appoints the officers, employees of the localities, and committees, such as the budget committee, that come under him.

Irvington Marina: Mr. Terry said that Mr. Wylie's attorney and Mr. Wylie's daughter have the power of attorney for Mr. Wylie, who is hospitalized, and they will not consent to anyone's going on the property to do an environmental assessment. Mr. Bruce Sanders has the first refusal should the property be sold.

Mr. Terry said if toxic substances are suspected, then an inspecting agent would probably have probable cause to go on the property.

Agenda Process: Mr. Terry said that there was nothing magical about the ten day rule for agenda items to be submitted in advance of the meeting. After discussion Gene Edmonds made a motion to adopt an agenda process. Jimmie Lee Crockett seconded the motion. The process is: the agenda should be distributed the Thursday before the Council meeting on the second Thursday night of the month. Old business should be carried forward to the next meeting. Emergency items will trump everything. Vote – Yea: Crockett, Edmonds, Evans, Pollard, Ransone, and Westbrook. Nay: 0.

Malcolm Pirnie: The proposal of this consulting firm to write a brownfield grant was not discussed because of their not being able to go on the property to do an environmental assessment.

#### **Old Business:**

Website: No discussion, Mr. Edmonds still researching.

Ordinances: Mr. Hardesty reported that the Planning Commission has reviewed some of the ordinances. No revisions were presented at this town council meeting.

(Mr. Terry left the meeting.)

#### **Committees and Committee Reports:**

Discussion: Mr. Hardesty listed the standing committees in response to Mr. Evans' question: Architectural Review Board, Budget, Building and Grounds, Public Safety, and Zoning Ordinances. Dr. Westbrook said the Council should appoint the members of the Ordinance Review Committee, Architectural Review Board, and the boathouse ordinance committee (ordinance needs to be reviewed) and he thinks that two council members should be on each council appointed committee. He wants the structure of the Architectural Review Board, as it is stated in the Zoning Ordinance, to be reviewed. The Mayor suggested that the council members think about it and discuss committees and committee members more next month.

Mr. Evans said he did not know the responsibilities of the committees. Mr. Hardesty said that in White Stone, all members of committee are council members.

Dr. Westbrook wants to form a committee for public access to the water.

Building and Grounds: Mrs. Pollard reported that she was disposing of the books in the library.

#### **New Business:**

Appropriation to the Steamboat Era Museum: The Mayor said the Pilot House would be off the town property by Christmas. Mrs. Pollard said she had found discrepancies in the SEM's financial report given to the Council members by the SEM, but she did not have the reports for July and August. She would like to see an independent audit of their finances to resolve discrepancies that she found. She said that she would go and talk to them. Jimmie Lee Crockett made a motion to appropriate the second donation of the town's 2008-2009 allocation to the museum. Bill Evans seconded the motion. Robert Westbrook said that the report should be more professional. Dr. Westbrook said that he would like to know about the growth of endowment and what they are doing to become more independent. Jimmie Lee Crockett wants a change in direction as he wants the council to help the museum in any way it can, instead of being condemning, to become more independent. Jimmie Lee Crockett amended his motion to pay the appropriation now and then the museum provide the Council with the following:

- A more professional report.
- Information on the growth of the endowment.
- An independent audit.

Bill Evans seconded the amended motion. Vote – Yea: Crockett, Evans, and Ransone. Nay: Edmonds, Pollard, and Westbrook. The Mayor voted Yea to break the tie.

#### **Office Hours:**

The Mayor announced that Mr. Hardesty would now work Tuesday, Wednesday, and Thursday from 9:00 A.M. to 4:00 P.M., and be off on Monday and Friday. Gene Edmonds made a motion to approve the new hours. And Ralph D. Ransone seconded the motion. Vote – Yea: Crockett, Edmonds, Evans, Pollard, Ransone, and Westbrook. Nay: 0.

#### **Adjournment:**

Ralph Ransone made a motion to adjourn the meeting and Gene Edmonds seconded the motion. Vote – Yea: Crockett, Edmonds, Evans, Pollard, Ransone, and Westbrook. Nay: 0.

  
Alexander McD. Fleet, Mayor

ORIGINAL

**Attendees At Town Meeting – September 9, 2008**

Ronnie Crockett	Dudley Patterson
Jimmie Lee Crockett	Chris Ehring
Edwina Crockett	Kinnett Ehring
Dick Sisson	Kathy Jenkins
Mary Beth Sisson	Dean Dort
Kathleen Pollard	Debbie Cook
RonMihills	Rannie Ransone
Julien Patterson	Garry Luckham
Tom Gosse	Lee Capps
Gordon Slatford	Jackie Burrell
Harry Wells	Susan Munro & Husband
Ruth Sauer	Ann Meekins
Gene Edmonds	Terri Thaxton
Robert Westbrook	Catherine Crabill
Robert Hardesty	Marshall Orr
Robert Morrison	
Martha Morrison	
Doug Monroe	
Katherine Monroe	
Norm Mosher	
Mary Ellen Tetrick	
Roberta Peek	
Mosby West & Friend	
Mary Jane Allen	
JimMcQuoid	
Ed Sulick	
Pauline Sulick	
Betty Ebeling	
Steven Reiss	
Nancy Anderson	
Harry Anderson	
John Friday	
Kristin Cheyne	
David Raffetto	
Mike Merrill	
Liliane Merrill	
Wayne Nunnally	
David Headley	
Grayson Mattingly	
Suzanne Mattingly	
Carol Ehrsam & daughter, Carol Biscontini	
Fran Westbrook	
Alexander McD. Fleet	

Robert Hardesty called the meeting to order. The Council members introduced themselves. Robert Morrison, Chairman of the Planning Commission and Alexander Fleet, the Mayor were introduced. Mr. Hardesty listed the projects on which the residents were to provide input. The four projects were: public access to water, bike path within Irvington, acquisition of land to build a town office with civic center and adequate parking, and police protection.

Robert Morrison, Chairman of the Planning Commission, gave the background for tying these potential projects to the Comprehensive Plan, which he explained was an enabling document. It told the Town Council to consider these projects. It did explain how to accomplish the goals. It was the intent of this meeting to obtain the thinking of the citizens. He did not discuss the cost aspect of accomplishing the goals, as that was the responsibility of the Council.

#### Police Protection:

Resident	Vote	Reason
1. Mary Jane Allen	yes	- speeding in town
2. Harry Wells	no	- wants response from Sheriff as resident/Sheriff
3. Ronnie Crockett	yes	- Sheriff, would love one in Irvington
	no	- Resident, not sure cost effective, speeding everywhere. Cost would be between \$60,000-\$70,000 a yr, required to be grad of Police Academy 500 radar tickets a yr may pay for one full time Policeman. Very little crime in Irvington. Do not think a full-time deputy would help speeding. Of 124 calls in Irv., 24 alarm, 27 medical-fire, 73 break, enter larceny etc. (10 from one location), 63 of those domestic, noise
4. Mosby West		Do speed signs help? Mr. Crockett said it helps to remind people. He can bring back the speed sign. Speed sign costs \$8500.
5. Alexander Fleet		He asked about Irv.'s paying a deputy. Mr. Crockett said they were working other jobs and it was hard to get deputies to work extra in Irv.
6. Wayne Nunnally	no	- Install speed bumps. Put in a three way stop at Church Corner
7. David Headley		Asked about Town's having a policeman as did in former years. Mr. Crockett said they now must be grad. of Police Academy. Must have 19 weeks of training
8. Dean Dort	no	to speed bumps, sign, want to make town as attractive as possible to welcome people.
9. Susan Munro	no	- Rumble strips can be effective
10. Kathy Jenkins	no	- Biggest problems: Construction traffic, UPS, trash trucks and lumber trucks speeding. Wants grid in road from Tides Inn to Carters Creek Road.
11. Wayne Nunnally		Wants drivers to slow down to see what's in Irvington
12. Catherine Crabill	no	- Construction traffic speeding-problem, divert elsewhere

Robert Morrison reminded residents to remember those, who wanted a 3-way stop and other things, as their support will be needed with VDOT.

#### Public Water Access:

1. Kristin Cheyne	yes-	Enhancement to Irvington
2. Harry Wells	yes-	If like Urbanna. Thought question was unfair as it was not defined as to what was included. Gene Edmonds said that it was painted with a broad brush. Has not defined what it is.
3. John Friday	yes-	He considers it in terms of Gaskins dock, which many people consider public. Would be great if Irvington could purchase that-good benefit to town.
4. Wayne Nunnally	no	- would love to see Irvington have public water
5. David Raffetto	yes-	Embarrassing that there are so few public accesses in the County
6. Catherine Crabill	yes-	
7. Mosby West	yes-	Like what Urbanna has done. Would need to be controlled.
8. Mike Merrill	yes-	Embarrassing not to have a place to be picked up for a boat ride.

9. Norm Mosher

Irvington Marina unsightly. Not a good place to view the sunset  
yes-Would encourage. Now broader project than the boat ramp of five  
Years ago.

10. Dick Sisson

no - Not downstream of his home.

The Mayor said that with a public designation, it would have to be defined: for only Irvington residents or for everyone. Robert Westbrook said it would depend on how you structure it. It could be leased to someone, who would be responsible for security. Mike Merrill said there was a boat ramp across the bridge that does have a problem.

### Town Office

Mr. Jim McQuoid said to add a boat ramp to the purchase of land for a town office.

1. Gordon Slatford

yes - Business thrives on beauty. The Town Office is not beautiful.  
either build or combine.

2. Norm Mosher

no - Take the museum off life support, then would have an office.

3. Dick Sisson

no - But yes to the Norm Mosher's museum idea

4. Catherine Crabill

Likes office, but thinks yes to Museum idea.

5. John Friday

no - Is a small building, Second. Crabill's museum idea. Doesn't see that  
Irvington has that many activities

6. Harry Wells

no- Thinks office is great

7. Nancy Anderson

no- Like little town office

8. Mosby West

no- Fine, with what have

9. David Headley

no - Love little building. Ask people, who work there.

Mr. Hardesty said the Council will make some changes.

10. David Raffetto

no - For official business. If the town received additional property, then can  
expand activities.

11. Mary Ellen Tetrick

no - Encourages Council to do refurbishing. Spaces available at other  
Locations for activities.

12. Gordon Slatford

Irvington has much available space. Thinks Town Office should be  
beautiful for tourism and visitors.

13. Dean Dort

no- Hope the hope and glory of the Irv. residents does not depend of the  
bureaucratic edifice of the largess of the

14. Wayne Nunnally

no

### Bike Path Within Irvington

1. Tom Gosse

yes - Tides Inn guests ride down middle of road. Would also like a sidewalk  
That goes from one end of town to the other.

2. Mosby West

yes

3. Catherine Crabill

no - Leaving Irvington is more a problem, such as Christ Church,  
WS, Kil.

4. Dave Raffetto

yes-

5. Norm Mosher

yes - Would qualify that it should be part of a regional plan. Then can get  
funding.

6. Fran Westbrook

yes - Also need bike racks

7. Dudley Patterson

yes - Money available for a partial bike path. Committee has shifted  
route - now from middle school to "y". Grant of \$200,000 has to be  
used by March, 2009.

8. Gordon Slatford

Difficult to get from Irvington to Kilmarnock by bike

9. Mike Merrill

yes

10. John Friday

yes

11. Harry Wells

yes

12. Wayne Nunnally

yes

13. Mary Jane Allen

yes

14. Kinnett Ehrling

yes

John Friday said that he had heard that there was a right of way for the electrical lines near Old Mill Cove that could be used for the bike path. He said that the Boy Scouts could use that as a project. Ed Sulick said that in Europe small towns do little projects that can be joined together for a bigger project for an area.

15. Catherine Crabill

yes — Asked what it entailed in Irvington. Reply was that it had to be determined.

16. Barbara Whitbeck

Asked that it be on the other side of the road from the pink house at The Tides Inn Gate as the visibility was poor because of the trees at corner.

17. Dean Dort

yes — Bikers are part of making Irvington a destination place. All Irvington will profit.

18. Steven Reiss

yes — Must be careful how bike paths are constructed and signage. There are strict guidelines.

19. Ann Arnold

?

The meeting was adjourned.

**Irvington Town Council  
Regular and Public Meeting  
September 11, 2008**

The regular and public meeting of the Irvington Town Council was held at the Irvington Town Office on September 11, 2008, at 7:30 P.M.

**Present:**

Mayor	Alexander McD. Fleet
Vice-Mayor	Ralph D. Ransone
Council	Gene Edmonds Jimmie Lee Crockett Kathleen F. Pollard Robert Westbrook
Zoning Administrator	Robert A. Hardesty

**Absent:**

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

**Visitors:**

Mike & Liliane Merrill Edwina Crockett Barbara Whitbeck Cathy Jenkins	David Raffetto David & Mary Headley
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The Mayor called the meeting to order and asked for a moment of silence in observance of the anniversary of September 11, 2001. Jimmie Lee Crockett complimented the Town Council. He said he thought the town residents were satisfied about the state of things in the town.

**Public Comment:**

Mike Merrill presented a letter and photos showing his concerns and the hazards at the Irvington Marina. He said that the waterfront is crucial to Irvington.

Kathy Jenkins said that when she was walking dogs that she dog sits, two large dogs from Irvington Marina came toward the dogs. She called to "Hawk," who was on a scooter to call the dogs away from her dogs and he just replied that she was on drugs. She said that something needs to be done before there is a problem. The Mayor asked Mr. Hardesty to check on the situation.

Liliane Merrill stated that she had a problem with two other dogs, one of which, jumped up on her when she and her husband were walking. She would like everyone with a dog to have them either on a leash or in electric fence when they are outside.

### **Regular Meeting:**

The Mayor announced that they would abide by the agenda for the meeting. He reminded the members to call ten days in advance of the meeting to ask to have items for discussion included on the agenda.

### **Election of Vice-Mayor:**

Jimmie Lee Crockett made a motion that Ralph D. Ransone continue as vice-mayor. Robert Westbrook seconded the motion. Vote – Yea: Crockett, Edmonds, Evans, Pollard, Ransone, and Westbrook. Nay: 0.

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

Robert Westbrook said that the projected cost Dudley Patterson gave for the water access study was not \$6000.00 as stated in the August minutes. Jimmie Lee Crockett made a motion that the corrected minutes and the treasurer's report be accepted and Kathleen Pollard seconded the motion. Vote – Yea: Edmonds, Evans, Pollard, Ransone, and Westbrook. Nay: 0.

### **Zoning Administrator:**

Draft Ordinances: Council members have been given two draft ordinances regarding unsafe structures and unsafe marine structures. Public hearings with the required publications are necessary. The council did not take any action at this meeting, but will discuss them with the town attorney at the October meeting.

Zoning Ordinances: Mr. Hardesty stated that Mr. David Whitlow had made comments about forty-five of the zoning ordinances. He and Mr. Morrison will select the ones that they think should be changed.

Railway Road: Mr. Hardesty stated that a legal notice had appeared in the Record stating VDOT would like to close the last 100 feet of Railway Road and the County will hold a public hearing on September 25, 2008 regarding the closure. Mr. Hardesty was told that they had a prescriptive easement for this road and it is not owned by the State. The town has a census of less than 3000; therefore, the County handles abandonment of roads and right of ways. According to VDOT, there was a request for this road to be abandoned.

Architectural Review Board: A provision for an architectural review board is in the Zoning Ordinance and Mr. Hardesty thinks that it should be either implemented or removed from the Ordinance. Robert Westbrook thinks the Council should check with people, who have lived in districts where there are architectural review boards.

Public Meeting: The residents attending the town meeting did not want town police or a new town office. They would like public access to the water and a bike path within the town.

### **Committee Reports:**

Office: Mrs. Pollard stated that she is getting rid of the library books and she is going to put a notice in the post office for people to come and get books. She wants the office completed by the end of the year.

Public Safety: Mr. Hardesty stated that Emergency Preparedness Committee had divided the town into three zones: Old Mill Cove to Edgewood including the Vineyard, northwest side of King Carter, and west Irvington. The emergency command center will be at the Tides Inn where there is a generator, food, and ice.

The generator on the water pump is an auto start system. IT does not require periodic testing, although Mr. Hardesty said he is going to request a key, so that he can check on it. There are two dead trees near the generator at the west Irvington water pump. The Emergency Preparedness Committee is addressing the method of alerting residents.

**Old Business:**

Tennis Courts: Westbrook asked about a guarantee for the work on the tennis courts.

Town Website: Mr. Edmonds has been talking with persons about a town website. He estimates that the total cost will be about \$1000 to have one developed and \$500 to maintain annually. He needs to find someone to build it. The Town can buy "X" number of hours to maintain it. Robert Westbrook wants the information on it to be current information. Mr. Edmonds said that a man in Salem, Virginia had volunteered to hold Irvington's hand while the site is being built. Mr. Edmonds has more research to do.

**New Business:**

Prebuy Fuel: Jimmie Lee Crockett made a motion to pre-buy the fuel from Quarles (formerly TCH) at a cost of 4.0999 for 300 gallons. Kathleen Pollard seconded the motion. Vote – Yea: Crockett, Edmonds, Pollard, Ransone, and Westbrook. Nay: 0.

Fourth of July Parade: Both the Farmers' Market and the Fourth of July Parade are tentatively scheduled for the A.M. on Saturday, July 4, 2009. Mrs. Merrill, who heads up the Farmers' Market wants the Market to be at that time. She proposed that the parking be at the Vineyard. There was a suggestion of that the parade be routed from the Farmers' Market to Chesapeake Academy and the Rt. 200 be closed off at Old Salem Rd. during the parade. Mr. Hardesty is to talk with the State Police. No decision was made.

Town Tags: There are citizens, who, do not purchase their tags in a timely manner. In the past, they have been sent reminder letter. The third reminder letter is copied to the sheriff. Mr. Hardesty will discuss with the Attorney if they can be taken to the court. Mr. Ransone suggested that the town ask for a road check.

**Adjournment:**

The meeting was adjourned.

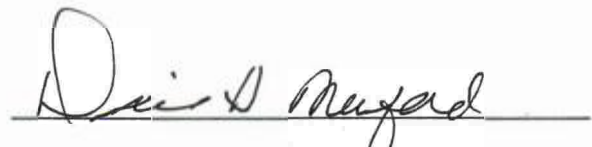
  
Alexander McD. Fleet, Mayor

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

I, **Jacqueline H. Burrell** do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the Commonwealth of Virginia, and that I will faithfully and impartially discharge all the duties incumbent upon me as **Clerk/Treasurer the Town of Irvington, Virginia for a two year term beginning September 1, 2008 and ending August 31, 2010** according to the best of my ability, (So help me God.)

A handwritten signature in cursive script, reading "Jacqueline H. Burrell", written over a horizontal line.

I, Diane H. Mumford, Clerk of the Circuit Court in and for the County of Lancaster, in the Commonwealth of Virginia, do certify that **Jacqueline H. Burrell** this **11th** day of **September, 2008** personally appeared before me in my County aforesaid and took and subscribed the above oath.

A handwritten signature in cursive script, reading "Diane H. Mumford", written over a horizontal line.  
Clerk

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

I, Gene Edmonds do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the Commonwealth of Virginia, and that I will faithfully and impartially discharge all the duties incumbent upon me as Town Councilman for the Town of Irvington, Virginia for a four year term beginning September 1, 2008 and ending August 31, 2012 according to the best of my ability, (So help me God.)

Gene H. Edmonds

I, Diane H. Mumford, Clerk of the Circuit Court in and for the County of Lancaster, in the Commonwealth of Virginia, do certify that Gene Edmonds this 11th day of September, 2008 personally appeared before me in my County aforesaid and took and subscribed the above oath.

Diane H. Mumford  
Clerk

A TRUE COPY

TESTE:

DIA NE H. MUMFORD, CLERK

BY Sinda J. Miller D.C.

LANCASTER COUNTY CIRCUIT COURT

**Irvington Town Council  
Regular and Public Meeting  
August 14, 2008**

The regular and public meeting of the Irvington Town Council was held at the Irvington Town Office at 7:30 P.M., on August 14, 2008.

**Present:**

Mayor	Alexander McD. Fleet
Vice-Mayor	Ralph D. Ransone
Council	Gene Edmonds William H. Evans Garry Luckham Kathleen Pollard Ralph D. Ransone Robert S. Westbrook
Legal Counsel	Matson C. Terry, II

**Absent:**

Zoning Administrator	Robert A. Hardesty
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**Guests:**

Ann Meekins  
Dudley Patterson  
Liliane & Mike Merrill

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

**Public Comment:**

Irvington Business Association: Dudley Patterson and Ann Meekins, who are President and Vice-President of the Village Improvement Association respectively, addressed the Town Council on the issues of streetscapes, tourism, and water access, and said that they were asking for funding for studies for these three projects. He said that signs are not good: the Miss Ann has been sold, Trick Dog has been closed, and they need more people to come to Irvington. The Irvington Business Association is asking the Town Council to work with them and to seek professional help to provide choices.

Irvington Marina: Mike Merrill, a resident on the corner of King Carter Drive and Carters Creek Road up the hill from Irvington Marina, said he wanted to focus on the Irvington Marina. He said the other marinas in the area had improved their properties and said it was the responsibility of Irvington not to have blight in the town. He listed concerns that he thought were hazardous: hazardous material not stowed in the open, a stored tugboat with a see-through hull, hazardous docks, buckets and barrels-what's in them, tornado damage from 2004, and old rotten old boats. No cleanup was done after the shutdown of selling fuel. He presented pictures that he had taken in October, 2005 of the smelting operation materials for making handwheels. The Mayor said that he would look into it from a legal standpoint and what authority the town has.

The Mayor apologized to Mr. Patterson for not getting back to the IBA's requests for funding for studies for tourism, water access, and streetscapes. He said that water access was addressed in the

Comprehensive Plan. Mr. Patterson reminded the Council that certain grants have application deadlines. Dr. Westbrook said that he does not know the dollar amount for the cost of water access. He said that deciding as much as possible (locally) was to be applauded. Mr. Patterson said there is no precise amount to be funded for grants. Dr. Westbrook said that the nearby communities could provide guidelines for determining costs for streetscapes. Garry Luckham asked him what did they want in streetscapes. Mr. Patterson replied: Commons, and prettier streets. Mr. Evans said that he understood the Miss Ann was sold for financial reasons. He thought there were safety issues in town and a lot of things were more important than these.

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

Garry Luckham made a motion that the minutes be accepted with the clarifications. Dr. Westbrook said that he had not asked for action after his comment that he would like to see the last part of the annual contribution to the Steamboat Era Museum reserved until the Council sees how things are going with the Pilot House. He also does not think it is a committee function to enforce the Comprehensive Goals and Objectives. Ralph D. Ransone seconded the motion. Vote – Yea: Edmonds, Evans, Luckham, Pollard, Ransone, and Westbrook. Nay: 0.

**Zoning Administrator:** Absent, no report.

**Legal Counsel:** No report.

#### **Old Business:**

Tennis Courts: No update on when starting.

Gazebo: Mrs. Pollard reported that the gazebo had been painted. There is an additional charge for a second coat, which Mr. Luckham, who was responsible for the inspection, recommended, and he made a motion to pay the cost of \$1962.00 to Mr. Steve Hall for painting the gazebo. Gene Edmonds seconded the motion. Vote – Yea: Edmonds, Evans, Luckham, Pollard, Ransone, and Westbrook. Nay: 0. There is an additional charge at Eubanks for two gallons of paint because the contractor initially picked the wrong color (orange) of paint that could not be returned.

#### **New Business:**

Boat Parade Contribution: Robert Westbrook made a motion to contribute \$750.00 to the boat parade and Kathleen Pollard seconded the contribution. Vote – Yea: Edmonds, Evans, Luckham, Pollard, Ransone, and Westbrook. Nay: 0.

VML Conference: Mr. Edmonds reported that the VML conference for newly elected officers had been highly worthwhile. He said that the governing body of a town has the ability to act when there are safety conditions in town. Mr. Terry stated that the Town must adopt an enabling ordinance regarding situations that might cause safety hazards based on The State Code, Section 15.2 909 and 906. He said the Council must first instruct him to draft the ordinance, then there must be two publications for a public hearing and two readings of the proposed ordinance. He said two ordinances are needed: one for the waterfront and one for the building. Gene Edmonds made the motion to instruct Mr. Terry to draft the appropriate ordinances for hazards that might cause health and safety problems. William Evans seconded the motion. Vote – Yea: Edmonds, Evans, Luckham, Pollard, Ransone, and Westbrook. Nay: 0.

Website: Ralph Ransone instructed Gene Edmonds to bring back three prices for developing and maintaining a town's website. Mr. Terry suggested that he check with Mac Davis of the White Stone Town Council. Mr. Ransone said that this would help tourism. He also said that a committee made up of two from the Council, two from the IBA, and two from the VIA should work together on tourism.

Hurricanes: The Mayor appointed Bob Hardesty and Bill Evans to develop a list of responsibilities in case of hurricanes. The radios are ready in case of emergencies.

## **Committee Reports:**

Safety: Mr. Evans reported that he had attended an open meeting at the Irvington Methodist Church on August 20<sup>th</sup>. He said that ordinances are not worth anything if you cannot enforce them.

Police in Irvington: Dr. Westbrook reported that Mac Davis of the White Stone Town Council said that no way were they going to share police with Irvington. Mr. Terry said that the police were stretched thin in White Stone.

Mrs. Pollard suggested that someone from the Sheriff's department come to a Town Council meeting once a quarter to report on what's going on in the area. She said that the police had been going to Irvington Marina.

Ordinance Committee: Mr. Luckham said that the Council should think about not adopting the Architectural Review Board, but rather impose requirements through zoning ordinances.

## **Resolution:**

A resolution to Garry Luckham, who is retiring, was read by the Mayor. Ralph Ransone made a motion to accept this resolution and William Evans seconded the motion. Vote -- Edmonds, Evans, Luckham, Pollard, Ransone, and Westbrook. Nay: 0. The Mayor expressed appreciation for Mr. Luckham's service to the Town.

## **Town Meeting:**

The Town Council will hold a public meeting on September 9, 2008, to receive public input regarding the following potential projects: bike path within Irvington, purchasing property to build a town office with a civic center with adequate parking, and public access to water. Dr. Westbrook mentioned pumping septic systems for those who could not afford to have theirs pumped. As a potential project. Dr. Westbrook said that to finance a project, consideration could be given to raising the occupancy tax to 6%. Mr. Evans said that crime is coming this way and there is the need to bring to the citizens whether or not there is a need for police protection. Mr. Terry stated that citizens are going to ask if this is going to raise the taxes. Mr. Ransone said if the Council members were going to raise the occupancy tax, then the Council must seriously look at protecting the citizens. The Council must show what is going to be done with the money if they increase the occupancy tax. Mr. Luckham said that he did not know if the Town is responsible for providing water access. He said that most people know someone on the water. The Mayor said that some people in town liked the town office small. They have concerns about building a new office. They like the town as it is. On streetscapes, they did not want the kind that White Stone has built. On raising the occupancy tax, the Council must show a need-not just to accumulate money. Dr. Westbrook said that if the council chooses to adopt these goals, then it must find a way to fund them. Gene Edmonds said that if the Comprehensive Plan does not prioritize the goals, he thinks it can be a deadend. Mr. Evans stated that the size of the town office does restrict people from coming to the town meetings. William Evans made a motion to have a public meeting at the Irvington Baptist Church at 7:30 P.M. on September 9, 2008, to receive public input on the four potential goals: police protection, water access, bike path within Irvington, and acquisition of property to build a town office with a civic center and adequate parking and that everyone would have five minutes to speak. Gene Edmonds, seconded the motion. Vote -- Edmonds, Evans, Luckham, Pollard, Ransone, and Westbrook. Nay: 0.

## **Executive Session:**

Mat Terry read the following motion for Kathleen Pollard to make: "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 acquisition of real estate, and regarding specific legal matters requiring the provision of legal advice, pursuant to *THE CODE OF VIRGINIA*, Section 2.1-3711A.(7)."

Robert Westbrook seconded the motion. Vote – Yea: Edmonds, Evans, Luckham, Pollard, Ransone, and Westbrook. Nay: 0.

Mat read the following motion for certification which Kathleen Pollard 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."

I, Kathleen Pollard, so certify.

I, William H. Evans, so certify.

I, Alexander McD. Fleet, so certify.

I, Ralph D. Ransone, so certify.

I, Gene Edmonds, so certify.

I, Robert Westbrook, so certify.

No action was taken after the executive session.

**Adjournment:**

The meeting was adjourned.

  
Alexander McD. Fleet, Mayor

**RESOLUTION  
OF  
THE TOWN COUNCIL  
OF  
THE TOWN OF IRVINGTON, VIRGINIA  
ADOPTED AUGUST 14, 2008**

**WHEREAS**, Garry Luckham, has been a member of the Town Council of the Town of Irvington, Virginia, since January 24, 2001; and

**WHEREAS**, Garry Luckham, has chosen to retire from the Town Council; and

**WHEREAS**, during his tenure on the Town Council, Garry Luckham, has performed his duties as a member of the Town Council with common sense, courtesy and good humor; and

**WHEREAS**, Garry Luckham, has done so much more for the Town of Irvington beyond his obligations as a member of the Town Council, including his participation in decorating the Town with Christmas lights, flags or banners as the occasion called for;

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

**RESOLVED**, that the Town Council of the Town of Irvington hereby acknowledges, with great gratitude, the many contributions of Garry Luckham, to the Town of Irvington during his tenure as a member of the Town Council; his genuine love and concern for the Town and its citizens; his unselfish willingness to do more than was asked for the Town, and his humor, courtesy and impartiality in all his efforts for the Town, and his adherence to the principal that "he governs best who governs least", and

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

Witness the following signatures:

**Irvington Town Council  
Regular and Public Meeting  
July 10, 2008**

The regular and public meeting of the Irvington Town Council was held at the Irvington Town Office on July 10, 2008, at 7:30 P.M.

**Present:**

Mayor	Alexander McD. Fleet
Vice-Mayor	Ralph D. Ransone
Council	Gene Edmonds William Evans Garry Luckham Kathleen Pollard Robert Westbrook
Zoning Administrator	Robert Hardesty

**Absent:**

Legal Counsel	Matson C. Terry, II
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**Guests:**

C. Jeffers Schmidt  
Alex F. Dillard—Attorney for Patterson/Wesselman  
Jason Miles—Bay Design  
Brian Fletcher – Contractor  
Mr. and Mrs. Julien Patterson (Terri Wesselman)

**Visitors:**

Jimmie Lee Crockett  
Doug Power  
Robert Morrison

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

William Evans made a motion to go into a public hearing and Robert Westbrook seconded the motion. Vote— Yea: Evans, Edmonds, Luckham, Pollard, and Westbrook. Nay: 0.

**Public Hearing:**

CUP Application for a 150' x 6' Pier with a 20' x 12' "L" extension on side of pier: Mr. and Mrs. Julien Patterson – 1172 King Carter Drive. Mr. Hardesty explained the details of the application, submitted on April 17<sup>th</sup>, 2008. The fees have been paid, notices have been published, and notices have been given to the neighbors: C. Jeffers Schmidt, Candy Howard, Rawleigh Simmons, William Rowe, and Jeff Bishop. The only objection received was from Mr. Schmidt.

Alex Dillard, representing Mr. and Mrs. Patterson, named, Brian Fletcher, the contractor and Jason Miles with Bay Design, who were with him.

Jeff Schmidt, who lives at 1084 King Carter Drive, has a pier in the same cove as the Pattersons. He said there are 60 feet between his pier and the proposed pier of the Pattersons and he needs more than 60 feet to maneuver his 40 foot sailboat in and out of his slip. He said backing out was more of a problem than going forward. He does not think that a pier of this length is necessary for the Patterson's boat and it makes a heavy impact on the cove. He says that there is adequate depth of water at the end of the pier. He said that all other piers in the area, except one, which was probably built before all the requirements, do not extend beyond the g.p. line. The oyster stakes to denote the leased oyster ground are contributing to boxing him in when maneuvering his boat. He said that the county would approve a "T" or "L" at the end of the pier, but not a finger pier.

Doug Power said that he sails in this cove. He does not have a problem with the pier, but he wants to make the council aware that Glen Cockrell, (acting as an agent for a property owner, who has subdivided the former McGinnes property), wants piers 60 or 70 feet in length and a pier of this length would be setting a precedent. He thinks the Council should think long and hard before granting this pier.

Jason Miles from Bay Design said that the six foot wide pier was necessary because of the length of this pier. He said that this was not a commercial pier. The length across the cove at this point is 1000 feet. Therefore the 150' pier is considerably less than the 1/4 distance across the water, which is the rule when considering piers. Mr. Morrison said the basin depth is roughly 9 feet. VMRC and the Corp of Engineers, which handles navigation, have approved this pier.

Other information given by Mr. Dillard is the "L" section off the side of the pier is for ingress/egress to the boat's stern and does not meet the criteria of a finger pier. Water depth is needed at the "L" section where the owners will be getting on/off the stern. Mrs. Patterson has suffered a bad ankle break in the last year, and a golf cart will be turning around at the location of this extension.

Mr. Patterson says that Mr. Schmidt knows that VMRC placed the PVC pipes to mark oyster ground rights. He said that Mr. Schmidt's dock plus his mooring piles equal about 160 feet. Mr. Patterson thinks there is some more history here. He stated that VMRC, the Corp of Engineers, and the Planning Commission have approved the pier.

Mr. Morrison, Chairman of the Planning Commission, said that those comments have no bearing on this. The rules apply to any dock that extends beyond the general permit line. He explained the general permit line. And he said that no precedent from this, applies to Mr. Cockrell's plans for piers which have been marked. Mr. Morrison said that the navigational channel in Carters Creek is off center. He said if the Corp clears it for navigation, then it's okay. Jimmie Lee asked when the Corp has said it is okay, does the town have to go along, or can it object and request that the pier be shorter. Mr. Morrison said that it was on dangerous ground to go against the Corp without a good reason.

Kathleen Pollard made a motion to come out of a public hearing and Ralph D. Ransone seconded the motion. Vote-- Yea: Edmonds, Evans, Luckham, Pollard, Ransone, and Westbrook. Nay: 0.

Kathleen Pollard said that there is so much water in this area, she does not see the problem. Mr. Patterson said that his lots are 80 feet wide and the proposed pier is 35 feet off the property line.

Gene Edmonds said that different boats dock differently and 150 feet is not intrusive in navigable waters.

Kathleen Pollard made a motion to approve the pier and Gene Edmonds seconded the motion. Vote--Yea: Edmonds, Luckham, Pollard, Ransone, and Westbrook. Nay: 0. Abstain: Evans.

#### Minutes and Treasurer's Report:

Garry Luckham made a motion to approve the minutes of June 12, June 19, and June 26, and the treasurer's report of June 12 (for May, 2008) and Kathleen Pollard seconded the motion. Vote -- Yea: Evans, Edmonds, Luckham, Pollard, Ransone, and Westbrook. Nay: 0.

### **Tennis Courts' Update:**

Mr. Osborne of Tennis Courts, Inc. plans to resurface the town's tennis courts in August. The delay has been caused by bad weather.

### **Old Business:**

Gazebo Painting: Mr. Luckham said that he would recommend that Mr. Hall's bid be accepted. William Evans made a motion to accept Steve Hall's bid of \$1482.00 bid to paint the gazebo with his furnishing the materials and payment when he completed the job. Ralph Ransone stipulated that Bob Hardesty or Garry Luckham inspect the job before Mr. Hall is paid. Mr. Hall must provide a certificate of insurance.

### **New Business:**

Appropriation to SEM: William Evans made a motion to appropriate \$10,000.00, the first part of 2008-2009 donation, to the Steamboat Era Museum. Ralph D. Ransone seconded the motion. Dr. Westbrook said that he would like to reserve the last part of the annual contribution to see how things are going with respect to the Pilot House. No action was taken on Dr. Westbrook preference. Vote – Yea: Edmonds, Evans, Luckham, Pollard, Ransone, and Westbrook. Nay: 0.

### **Town Meeting and Goals & Objectives:**

At the August meeting, Robert Westbrook wants the Council to discuss projects to bring before the Town and to decide a time for a town meeting to determine future projects for the town. He said that projects need to be identified, prioritized, and then schedule two public meetings to determine the concerns of the public. He wants to do this sooner, rather than later. He said that if the Town is going to decide on an expensive and worthy project, then it should consider raising the occupancy tax. Ralph Ransone suggested several meetings to receive citizen input.

Robert Westbrook does not think that the Council needs a committee to determine the comprehensive plan's goals and objectives as it is stacked with people with SEM connections. He thinks that the IBA should decide what their tourism needs are and then come to the Council. The Mayor thinks highly of the work of the committees, but does not think that the IBA/VIA should run the town. William Evans thinks that Council members should be on every committee.

### **Committee Reports:**

ARB: No report.

Building: Report probably in September.

Zoning: No report.


Volunteerism: Gene Edmonds reported that the playground was complete. Chairs have been donated.

Flag Committee/Banners: Up/Down: Robert Westbrook volunteered. Gene Edmonds said he would find someone to work on the committee.

### **Adjournment:**

The Mayor adjourned the meeting. After the adjournment, Mr. Ransone heard Bill Evans' report on public safety. Mr. Evans said the deputies/state police are giving warnings to people driving golf carts on the town streets. He thinks that Irvington will eventually need its own police presence or on a share

basis with White Stone. Mr. Ransone said that this would need the town attorney's involvement. Mr. Evans said that he was going to try out SEM's whistle. This could be used as a means to alert residents of a disaster or an emergency in town. He announced that the town radios are not working well and he is going to have someone from Eubanks work on them.

  
Alexander McD. Fleet, Mayor

## IRVINGTON TOWN BUDGET - 2008-2009

			<b>BUDGET</b>		
<b>DISBURSEMENTS</b>					
<b>Gross Wages</b>			<b>\$34,650.00</b>		
Employees' Federal Withholding					
Employees' FICA					
Employees' Med. B.					
Employees' State Withholding					
Total Employees' Withholding					
<b>NetWages</b>					
Employer's FICA					
Employer's Med. B.					
Employer's State Withholding					
Total Payroll Taxes			<b>\$2,700.00</b>		
<b>UTILITIES -TOWN</b>			<b>\$12,000.00</b>		
Electricity					
Fuel					
Phone-Long/Local					
Water					
Internet					
<b>OFFICE</b>			<b>\$7,000.00</b>		
Equipment					
Supplies					
Postage					
Printing					
Garbage					
Furnace					
Furniture/Fixture					
Cleaning					
<b>GROUNDS</b>			<b>\$3,000.00</b>		
Grass					
Recreation - Ransone's stone					
Street Cleaning/Weeding					
<b>AUTO STICKERS/TAGS</b>			<b>\$1,600.00</b>		
Tags/Freight					
Stickers					
Triplicates					
<b>PROFESSIONAL SERVICES</b>			<b>\$2,000.00</b>		
Accounting					
Legal					
Other					
<b>COMMUNITY EVENTS &amp; PROVISIONS</b>			<b>\$6,000.00</b>		
Air Force Band Concert Dinner					
4th of July Parade					
Rappahannock Rental					
Sound System					
Water/Ice					
Porta Potti					
Magnetic Signs					
Hot Dogs/Chips/Drinks-Pd. to "Y"					
<b>Christmas</b>					
Christmas Misc./Supplies					
Christmas Lights & Decorations - Up & Down					
Christmas Home & Bus. Dec Prizes					
Flags, Banners, Etc.					

IRVINGTON TOWN BUDGET - 2008-2009

			BUDGET		
<b>DISBURSEMENTS</b>					
<b>RAPPAHANNOCK RECORD</b>			\$1,000.00		
Advertisements 4th of July					
Public Notices					
<b>DISASTER PREPAREDNESS</b>			\$500.00		
<b>CONTRACT PROVIDERS</b>					
Sheriff's Deputies					
Other -Cleaning Streets					
<b>CONTRIBUTIONS</b>			\$33,850.00		
Fire Department			\$300.00		
Rescue Squad			\$300.00		
Boat Parade			\$750.00		
Museum			\$30,000.00		
VIA/ICC			\$2,500.00		
<b>CAPITOL IMPROVEMENT</b>			\$15,000.00		
Tennis Courts					
Street Lights					
Other					
<b>OTHER EXPENSES</b>			\$1,500.00		
Christmas Gift for Attorney			\$1,000.00		
Dues			\$100.00		
Rental:					
Safety Deposit Box			\$30.00		
Post Office Box			\$36.00		
Miscellaneous Gifts			\$150.00		
Travel Expenses - VML Meeting			\$100.00		
<b>INSURANCE &amp;VML DUES</b>			\$5,000.00		
Insurance					
VML Dues					
<b>MISCELLANEOUS EXPENSES</b>			\$15,950.00		
A.					
B.					
C.					
D.					
Less State WH withheld but not pd until end of qt.					
<b>Sub-Total</b>			\$141,750.00		
<b>IN&amp;OUT</b>			\$38,000.00		
Chesapeake Academy Electricity			\$30,000.00		
Fire Grant/State			\$8,000.00		
<b>Total</b>			\$179,750.00		



**Irvington Town Council  
Special Meeting  
June 26, 2008**

The Irvington Town Council held a special meeting on June 26<sup>th</sup> at 7:30 P.M., at the Irvington Town Office, to vote on the 2008-2009 proposed budget.

**Present:**

Mayor

Alexander McD. Fleet

Vice-Mayor

Ralph D. Ransone

Council

Gene Edmonds  
William H. Evans, III  
Garry Luckham  
Kathleen Pollard  
Robert S. Westbrook

Zoning Administrator

Robert A. Hardesty

**Absent:**

Legal Counsel

Matson C. Terry, II

**Guests and Visitors:**

Jimmie Lee Crockett  
Dr. and Mrs. Williams  
Dudley Patteson

Dean Dort  
Mary Ellen Tetrick

The Mayor called the meeting to order and announced that the vote on the proposed budget would take place at this meeting and said that the public would listen at this meeting. He explained that there had been a budget committee and that the budget presented had been the unanimous decision of the committee. He listed some of the existing planned projects: tennis courts resurfacing, acquiring Thomas property when it is available, office renovating, and he said water access has been discussed.

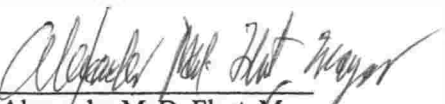
William Evans made a motion to accept the budget as presented. Kathleen Pollard seconded the motion. Gene Edmonds read a statement regarding the museum and IBA that is included with the minutes.

Robert Westbrook, who served on the budget committee, said that he has no problem passing the budget because it is a dynamic, working document that is subject to change during the year.

Vote on the proposed 2008-2009 budget: Yea: Evans, Luckham, Pollard, Ransone, and Westbrook. Nay: Edmonds.

**Adjournment:**

The meeting was adjourned.

  
Alexander McD. Fleet, Mayor

**Irvington Town Council**  
**Special Meeting – Second Reading of Proposed Budget and Public Hearing**  
**June 19, 2008**

A special meeting of the Irvington Town Council was held on June 19<sup>th</sup>, 2008, for the purpose of having a second reading of the 2008-2009 proposed budget and to receive public input regarding the proposed budget.

**Present:**

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

**Absent:**

Legal Counsel	Matson C. Terry, II
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**Guests:**

Terri Thaxton	Nancy Newlin
Dr. & Mrs. Lee Williams	Anne McClintock
Dudley Patteson	Robert Lee & Suzy Stephens
Jimmie Lee Crockett	

The Mayor called the meeting to order and explained that the purpose of the special meeting was to have a second reading of the budget and to receive public comment about the 2008-2009 proposed budget.

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

**Public Hearing:**

Irvington Business Association: Mr. Patteson, representing the IBA, presented additional information that he had obtained from Jerry Davis of the Northern Neck Planning District regarding the three goals that the IBA would like the Town to begin the process of addressing. Grants available for planning purposes are available from Virginia Department of Housing and Community Development for streetscapes, water access from the Northern Neck and Chesapeake Bay Public Access Authority, and Virginia Tourism Corporation for a tourism plan. According to Mr. Patteson: the town's contribution for a planning grant in the 10% to 20% range would be as follows: streetscapes - \$2000.00, water access - \$5000.00, and the tourism planning grant cost has not been provided. He thinks that if \$10,000.00 were in the budget to cover the town's share for planning grants. He said that Montross had received a planning grant for \$10,000.00 and they did not have to share any of the cost.

Steamboat Era Museum: Mr. Robert Lee Stephens said that it was shortsighted to withhold money from the Steamboat Era Museum this year with the State's not contributing any money to museums. Dr. Williams said that the museum was the most important tourist attraction and that the Potomac Steamboat was the most important steamboat to this area. Mrs. Stephens said she thought for the town to spend \$10,000.00 to store the Pilot House would be a waste of money. Mrs. McClintock said that the museum could not operate without the town's help and added that the SEM Board has plans to renovate the Pilot House - just give them time. She also said most museums are funded partially by the towns in which they exist because they are attractions for the town.

Mrs. Thaxton said that they had created a quality museum and they wanted to be more of a part of the community. She said that it takes time and space, but they need more volunteers. She said that it was phenomenal to start an endowment fund in three years as SEM has done. Most start in the seventh year. They would like space for classrooms.

Suzy Stephens reminded people that the museum committee met in this town office when the museum was just a dream.

Jimmie Lee Crockett said that steamboats made Irvington what it was, they made things happen, Irvington was very viable, there was nothing better to build a monument to than the steamboat, and he was proud of the support that the Town Council has given the museum.

Nancy Newlin said that when she started working with the museum there were four volunteers. Now there are 40. She said history means so much. Terri Thaxton spoke of the fact that they had a group coming from Virginia Beach, to see the museum and then have lunch at the Tides Inn. Lee Williams said that there would be more and more bus travel.

The Mayor thanked everyone and said that the Council would meet on June 26<sup>th</sup> to vote on the proposed budget.

Garry Luckham made a motion to come out of public hearing and Ralph Ransone seconded the motion. Vote - Yea: Edmonds, Evans, Luckham, Pollard, Ransone, and Westbrook. Nay: 0.

**Adjournment:**

The meeting was adjourned.

  
Alexander McD. Fleet, Mayor

**Irvington Town Council  
Regular and Public Meeting  
June 12, 2008**

The regular and public meeting of the Irvington Town Council was held at the Irvington Town Office on June 12, 2008, at 7:30 P.M.

**Present:**

Vice-Mayor

Ralph D. Ransone

Council

Gene Edmonds  
William H. Evans  
Garry Luckham  
Kathleen Pollard  
Robert S. Westbrook

**Absent:**

Mayor

Alexander McD. Fleet

**Guests:**

Terri Thaxton  
Dick Wilson  
Nancy Newlin  
Dudley Patteson

**Visitors:**

Jimmie Lee Crockett  
David & Mary Headley  
Fran Westbrook

Mr. Ransone called the meeting to order and asked for a moment of silence.

**Public Hearing: Budget**

Kathleen Pollard made a motion to go into a public hearing. Robert Westbrook seconded the motion. Vote— Yea: Edmonds, Evans, Luckham, Pollard, and Westbrook. Nay: 0. Ransone did not vote.

Dick Wilson, President of the Steamboat Era Museum, introduced Terri Thaxton and Nancy Newlin, who were with the Steamboat Era Museum. He requested that the Town of Irvington continue its financial support, in the amount of \$30,000.00, for budget year 2008-2009, to be used in the operating of the Museum. He cited achievements of the Museum, in its recognition by the National Parkway Service for the Chesapeake Bay Network and the Institute of Museums and Libraries in which Irvington was in the initial 850 selected to receive informational materials on the proper restoration of archival materials. It has community support in the form of 38% of its 410 dues paying members live in Irvington, 60% of the volunteers live in Irvington, and 50% of the Board members live in Irvington. Its website receives approximately 1000 hits per week. With the new website, SEM hopes to have links to members of the Irvington Business Association. With 10 more volunteers, SEM can become a Visitors' Center for Irvington. The National Association of Museum reports that 50% of regional museums receive money from the communities where they are located. Mr. Wilson stated that SEM will engage the Monument Group to begin a feasibility study to raise funds for the renovation of the Pilot

House. He explained the new approach that the Museum is considering in renovating the Pilot House. Dr. Westbrook said that SEM should postpone renovating the Pilot House until the museum is independent of the town, find a secure place to store the Pilot House, and work on building the endowment fund, which has increased to more than \$26,000.00 in the past year.

In response to the comment that the occupancy tax was established for tourism, Garry Luckham said that it was established for the Town.

Mr. Wilson said that two of the Board members were paying the Monument Group to do a feasibility study and part of the feasibility study would be consideration of reducing the debt. Mary Headley asked if it would be easier to use part of the Pilot House that you want to restore and store the rest.

Dudley Patteson, representing the IBA read a resolution recommending that the Town of Irvington in the 2008-2009 budget include funds to begin the process of evaluating how to achieve the following three goals which the businesses believe best serve the needs of Irvington:

1. A quality plan to address public access to the water
2. A tourism plan to generate increased tourism
3. A streetscape plan to further enhance the Town charm

He said that the resolution had been passed unanimously by those present at its meeting.

A copy of the Resolution is filed with the minutes. Kathleen Pollard said the IBA needs to develop a tourism plan and then come to the Council. Dudley Patteson said that the development of the tourism plan should be a joint effort between the Town and the IBA and the Town can be a source of the funding. Mrs. Pollard said that Mr. Patteson was going to spearhead a Streetscape Plan several years ago. Mr. Patteson said the IBA will work with the Northern Neck Planning District if the Town will bless the project with maybe dollars. Dudley wants the Town Council to address the items in the Resolution and fund a feasibility study. Dr. Westbrook said that the resolution was not passed unanimously because he was present at the meeting and he abstained from voting on the resolution. He recommended to Mr. Patteson that he find out specifics on how much was needed and then come back to the Town. Ralph Ransone said that the Town will try to work with the IBA. Mr. Patteson also wants the town to use software that other municipalities use for financial reports.

Mary Headley asked if activities at the Commons increase business for the businesses. Robert Westbrook made a motion to come out of a public hearing and Gene Edmonds seconded the motion. Vote: Edmonds, Evans, Luckham, Pollard, Ransone, and Westbrook. Nay: 0. Ransone did not vote.

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

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

#### **Zoning Administrator:**

Mr. Hardesty reported that he and Mr. Edmonds had met with Mr. Osborne of Tennis Courts, INC. on May 13<sup>th</sup> and they agreed upon price to repair the courts is \$23,640.00. Mr. Osborne will include the nets and straps in the price. The work will be done in July.

He said that Kathleen Pollard, Dr. Westbrook, and he had attended the VML regional meeting in Tappahannock, where an overview of VML was presented.

In a brief discussion of golf cars in town, Mr. Terry said that he would write Richard Stuart and Albert Pollard, members of the Virginia General Assembly, to ask that they introduce legislation that Irvington be exempt from being required to have a police department before golf carts can be legally operated by licensed

drivers in Irvington. Delegate Wittman had agreed to do this, but he was elected to Congress before the General Assembly convened in January and Irvington's request was not passed to Richard Stuart.

**Planning Commission:** No report.

**Committee Reports:**

Building & Office: Mrs. Pollard presented tentative plans for new office furniture and carpet. Final prices have not been received. Mr. Hardesty presented the cost for being wired for broadband by Metrocast.

Safety: William Evans commented that the Safety Budget had gone from \$5000.00 to \$500.00, which concerned him. He mentioned a number of safety problems in town that included the average speed being 7-12 miles over the speed limit, lighting, playground, tennis courts, docks on private property, golf carts, and the Sheriff is down two people in the department. He said the Town could submit an application for a Federal/State grant for cert training, then they would have to ask for cert training. He said there are gaps in the VIPIR system.

Code Enforcement Officer: Mr. Hardesty said that he had recently found that there were four new fences in Town and an accessory building. He has put notices in the newspaper reminding residents that zoning permits are needed for these structures. Mr. Terry stated that the Town can stop construction when structures are illegal.

Mr. Hardesty said that he had spoken to two children driving a golf cart on King Carter Drive. It was noted that the Sheriff's Department could be called in these incidences.

Commons: There is intermittent leaking of water at the water spigot behind the bench next to King Carter Drive. The Clerk was instructed to contact Richard Pittman to have him fix the leak.

Following Mr. Edmonds' report on the water fountain base, Dr. Westbrook made a motion to allocate \$800.00 to fix the base. Gene Edmonds seconded the motion. Vote – Yea: Edmonds, Evans, Luckham, Pollard, and Westbrook. Nay: 0. Ransone did not vote.

Zoning Ordinance: Dr. Westbrook asked what had been done about the Zoning Ordinance Review, Boathouse issue, "Conservation by Design," and ARB. Mr. Hardesty stated that he had not had time to work on these. It was suggested to advertise for persons who have lived in areas where there had been an architectural review board and who could make suggestions. Mr. Terry said that it is necessary for the committee to know what its charge will be. ARB will be a separate issue and the churches should be reserved for the residents to be able to attend meetings on the issue.

Gazebo Painting: There are two pending estimates to be submitted.

**New Business:**

Contributions: William Evans made a motion to make the following allocations for fiscal year 2007-2008:

Air Force Band Concert Dinner - \$1000.00  
Kilmarnock-Lancaster Rescue Squad - \$250.00  
White Stone Volunteer Fire Department- \$250.00  
VIA - \$2500.00

Garry Luckham seconded the motion. Vote – Yea: Edmonds, Evans, Luckham, Pollard, Westbrook. Nay: 0. Ransone did not vote.

Pilot House and Strategic Plan: Dr. Westbrook presented the following resolution for discussion and moved that: The pilot house be moved from town property this year. He moved that the first payment of \$10,000.00 of the \$30,000 in the proposed 2008-2009 Budget be made with the requirement that it be used to move the Pilot House, the second payment be withheld until it and its covering are moved. If additional money is needed to move the Pilot House, then an advance of the third payment can be used for this purpose. The second payment of \$10,000.00 be made after the Pilot House is moved. Gene Edmonds seconded the motion and then retracted it. Therefore, there was no second and the motion died.

Dr. Westbrook stated in his opinion there were equally compelling goals for the town other than the museum. These are: renovation of the town office, creation of a town website with the Ordinance posted, construction and maintenance of a bike path in Irvington, and creation of a contingency fund to purchase property consistent with the Comprehensive Plan to benefit the residents and future generations. These objectives could be town office/community center and if space allowed for adequate parking, public restrooms, and perhaps a playground. Also there should be 100% enforcement of the Chesapeake Bay Act requirements and provide assistance to those who were not financially able to do so. He would like prioritized capital improvement goals and would like to have two public meetings to receive public input regarding the suggestions of the residents and their prioritizations of their ideas. Lastly he suggested consideration be given to increasing the amount of the occupancy tax if more money is needed. Mr. Terry advised that when this is presented to the residents, an agenda for capital improvement projects needs to be presented rather than asking for openended suggestions from the residents. Dr. Westbrook moved that the Town Council consider scheduling two town meetings. Mr. Terry said the purchasing of the Thomas property is still in court and he does not know who is representing the heirs. Mr. Terry suggested that the Council identify projects that it wants to consider prioritizing under Capital Improvement projects. Kathleen Pollard seconded the motion. Vote – Yea: Edmonds, Evans, Luckham, Pollard, and Westbrook. Nay: 0. Ransone did not vote. A copy of Dr. Westbrook's resolution is filed with the minutes.

#### **Announcements:**

Mr. Ransone read the announcements of upcoming events.

#### **Volunteerism:**

Gene Edmonds asked that volunteerism be a regular committee report and that he will like to chair the committee. He will also track man hours so that this information can be used in potential grant writing. Gene Edmonds, Kathleen Pollard, and Williams Evans were appointed to serve on this committee.

#### **Executive Session:**

Mr. Terry read the following motion which Dr. Westbrook made: "I hereby move that the town Council of the Town of Irvington go into closed or executive session, to consult with legal counsel regarding application of the Federal 'Brownfields' regulations to a specific parcel of land and potential litigation resulting therefrom, all pursuant to the *Code of Virginia*, Section 2.1-3711A.7 and 13 (Hazardous Substances)." Kathleen seconded the motion. Vote – Yea: Edmonds, Evans, Luckham, Pollard, and Westbrook. Nay: 0. Ransone did not vote.

After the executive session: Mr. Terry read the following Motion for Certification which Kathleen Pollard 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. Robert Westbrook seconded this motion and the vote – Yea: Edmonds, Evans, Luckham, Pollard, and Westbrook. Nay: 0 Ransone did not vote.

Rollcall vote pursuant to the motion:

I, William H. Evans,, so certify.

I, Kathleen Pollard, so move.

I, Gene Edmonds, so certify

I, Bob Westbrook, so certify.

I, Garry Luckham, so certify.

I, Ralph D. Ransone, so certify,

Action following executive session: Robert Westbrook made a motion to reimburse up to \$200.00 for entertaining the consultant, who will be considering the "brownfields" grant. Gene Edmonds seconded the motion. Vote – Yea: Edmonds, Evans, Luckham, Pollard, and Westbrook. Nay: 0. Receipts must be provided to the Clerk. Dr. Westbrook may be involved in the dinner, but he said that he would pay the cost of his dinner.

**Adjournment:**

The meeting was adjourned.

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Ralph D. Ransone. Vice - Mayor

**The Irvington Town Council  
Regular and Public Meeting  
May 8, 2008**

The regular and public meeting of the Irvington Town Council was held at the Irvington Town Office at 7:30 P.M., on May 8, 2008.

**Present:**

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

**Visitors:**

Jimmie Lee Crockett  
Fran Westbrook  
Jayne Jackson

The Mayor called the meeting to order at 7:34 P.M. He congratulated the winners in the recent Town election. He led the group in prayer. (Ransone arrived.)

**Tennis Courts:**

Jayne Jackson, a tennis playing resident of Irvington, spoke of the need to resurface the tennis courts and replace the nets. Tennis Courts, INC. of Aylett has provided two options for resurfacing the courts. Option I would cost \$23,640.00 and Option II would cost \$49,480.00. Information about the two options was provided to the council members. After discussion, William Evans moved that the Council accept the first option - \$23,640.00. Robert Westbrook seconded the motion. Vote - Yea: Edmonds, Evans, Luckham, Pollard, Ransone, and Westbrook. Nay: 0. It was decided that a 5% adjustment on the cost would be acceptable. Robert Hardesty and Gene Edmonds were appointed to be the liaisons with Mr. Osborne of Tennis Courts, INC. Gene Edmonds asked if he could negotiate down on the price and he was told that he could. Fran Westbrook suggested memorial benches be obtained to replace those benches inside the tennis court fences that need replacing.

**Gazebo:**

A bid of \$1000.00 to paint the gazebo had been received from William Krolak. Garry Luckham recommended that the bid not be accepted. Gene Edmonds made a motion to advertise for bids from other painters for two to three weeks. Kathleen Pollard seconded the motion. To be hired by the Town, a painter must have general liability insurance. Vote to advertise for more bids: Yea: Edmonds, Evans, Luckham, Pollard, Ransone, and Westbrook. Nay: 0.

**Zoning Administrator Report:**

Architectural Review Board: This committee has not met. Mr. Hardesty stated that he planned to have a report next month.

Zoning Ordinances Committee: The committee has met twice and plans to meet again. Dr. Westbrook asked that it address "Conservation By Design" as required by the State.

**Water Fountain at Commons:**

The Mayor asked Gene Edmonds to look at the Commons' water fountain and to give a report.

**Strategic Plan:**

Dr. Westbrook stated that he would like a discussion of a strategic plan for Irvington. He is concerned about on which projects the Town spends money and he wants a discussion with the citizens. The Mayor said that the Council will consider what is brought before the Council.

**Planning Commission Report:** No meeting.

**Legal Counsel:** No report.

**Safety Committee:**

Mr. Evans reported that the Town can register for a program for \$180.00 This program gives residents five minute warnings of either natural or manmade disasters by cell, land lines, or e-mails. It was mentioned that a loud steamboat whistle at the SEM was available to alert the residents. Dr. Westbrook asked what had been done to form a liaison with the County Safety Board. Mr. Evans will obtain more information about warning systems.

**Announcements:**

The Mayor read the announcements of upcoming events in town, and announced that Trick Dog is closing.

**2008-2009 Budget:**

There will be a public hearing of the 2008-2009 proposed budget at the Town Council meeting on June 12<sup>th</sup>. A second reading will occur on June 19<sup>th</sup> with a public hearing at 7:30 P.M., and the vote on the proposed budget will be on June 26<sup>th</sup>, at 7:30 P.M. Notices of these meetings will be published on June 5<sup>th</sup>, June 12<sup>th</sup> and June 19<sup>th</sup>.

**Minutes and Treasurer's Report:**

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

**VML Meeting:**

Dr. Westbrook, Mrs. Pollard, and Mr. Hardesty will attend the VML meeting in Warsaw, on Friday, May 9<sup>th</sup>.

### **Zoning Administrator Report:**

Architectural Review Board: This committee has not met. Mr. Hardesty stated that he planned to have a report next month.

Zoning Ordinances Committee: The committee has met twice and plans to meet again. Dr. Westbrook asked that it address "Conservation By Design" as required by the State.

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Dr. Westbrook stated that he would like a discussion of a strategic plan for Irvington. He is concerned about on which projects the Town spends money and he wants a discussion with the citizens. The Mayor said that the Council will consider what is brought before the Council.

**Planning Commission Report:** No meeting.

**Legal Counsel:** No report.

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


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

### **VML Meeting:**

Dr. Westbrook, Mrs. Pollard, and Mr. Hardesty will attend the VML meeting in Warsaw, on Friday, May 9<sup>th</sup>.

**Adjournment:**

The meeting was adjourned.



Alexander McD. Fleet, Mayor

**The Irvington Town Council  
Regular and Public Meeting  
April 10, 2008**

The regular and public meeting of the Irvington Town Council was held at the Irvington Town Office at 7:30 P.M., on April 10, 2008.

**Present:**

Vice-Mayor	Ralph D. Ransone (Presiding)
Council	Gene Edmonds William H. Evans, III Garry Luckham Robert Westbrook
Zoning Administrator	Robert Hardesty
Legal Counsel	Matson C. Terry, II

**Absent:**

Mayor	Alexander McD. Fleet
Council	Kathleen Pollard

**Guests:**

Lilo Ukrop	John Braider
John Ferguson	John Grieco
Jay Hugo	Dorothy Key
Ben Estes	Bill Westbrook
Dudley Patteson	

Ralph D. Ransone called the meeting to order at 7:30 P.M., and asked for a moment of silence.

**Public Hearings:**

Garry Luckham made a motion to go into a public hearing and Williams Evans seconded the motion. Vote – Yea: Edmonds, Evans, Luckham, and Westbrook. Nay: 0. Ransone did not vote.

Lighthouse Towing: Amendment to Original CUP to Allow Up to Seven Vehicles to Be Parked in Front of Business Overnight and During Weekends- 4525 Irvington Road: Mr. Hardesty presented the background information that the original CUP issued to Mr. and Mrs. Paul Davis limited the number of vehicles to one vehicle that could be parked in front of his business overnight and during weekends. Cars are impounded behind the fence by the police and owners, frequently not picking up their vehicles promptly when the work is completed, necessitates more cars being parked in front of the business. Also, the CUP application by Mr. and Mrs. Davis requested that they be allowed to operate a State Inspection Station and this part of the application was approved by the Town Council in March, 2008. Mr. Hardesty said that the fees had been paid, documentation submitted, notices published, and neighbors notified. There was one objection to the increase in the number of cars. The Planning Commission recommended approval of the application, but did not specify a number of vehicles. Jimmie Lee Crockett spoke in favor of the increase. Robert Westbrook made a motion to come out of public hearing and Gene Edmonds seconded

the motion. Vote – Yea: Edmonds, Evans, Luckham, and Westbrook. Nay: 0. Ransone did not vote. William Evans made a motion to amend the existing CUP to allow no more than seven cars to be parked in front of his business weekends and overnights. Robert Westbrook seconded the motion. Vote – Yea: Edmonds, Evans, Luckham, and Westbrook. Nay: 0. Ransone did not vote. Gene Edmonds, the new Council member, was introduced.

CUP Application to Operate Administrative Office for Vintage Yacht Tours – John Braider -4303 Irvington Road : William Evans made a motion to go into a public hearing and Garry Luckham seconded the motion. Vote – Yea: Edmonds, Evans, Luckham, and Westbrook. Nay: 0. Ransone did not vote. Mr. Hardesty explained that George and Arlene Tisdale have submitted a Conditional Use Permit Application that Mr. Braider, a contract purchaser for the this property, be allowed to operate the administrative office for his Vintage Yacht Tour Business at this location. He said that the fees had been paid, documentation submitted, notices published and neighbors notified. Two neighbors had concerns: off street parking and no “U” turns in his driveway across the street. The Planning Commission had recommended approval of the application. Robert Westbrook made a motion to come out of the public hearing and William Evans seconded the motion. Vote– Yea: Edmonds, Evans, Luckham, and Westbrook. Nay: 0. Ransone did not vote. Mr. Braider thanked the Council for consideration of his application. Garry Luckham asked how many parking spaces were available in the rear. Twelve parking spaces are required because of the size of the building. There is adequate parking. Garry Luckham made a motion to approve the CUP application. Gene Edmonds seconded the motion. Vote – Yea: Edmonds, Evans, Luckham, and Westbrook. Nay: 0. Ransone did not vote.

Vineyard Meadows Subdivision: William Evans made a motion to go into a public hearing and Gene Edmonds seconded the motion. Vote – Yea: Edmonds, Evans, Luckham, and Westbrook. Nay: 0. Ransone did not vote. William Westbrook and Jimmy Carter have a contract to sell fifty two acres of their farm and are making application to subdivide this property into 25 homes sites, each of which would be a two acre lot. Mr. Hardesty said the fees had been paid, documents submitted, notices published, and neighbors notified. Concerns expressed by the neighbors were for the wildlife there and the need for a screening buffer. The Planning Commission recommended approval of the subdivision application. Jay Hugo, one of the owners of the Vineyard Meadow, LLC, the contract purchaser of the property, stated that they were trying to preserve as much open space as possible with an open meadow. Homes will be located around the perimeter of the meadow along the tree line. Homes will be in the style of a modernized farmhouse, 2500 square feet to 3000 square feet, with clapboard siding, metal roof, and patterned after the Jackson Meadow development in Minnesota. Individual property lines of the lots will extend into the meadow space with 1/3 to 1/2 acre for use by each individual property owner. Garry Luckham made a motion to come out of the public hearing and William Evans. Vote – Yea: Edmonds, Evans, Luckham, and Westbrook. Nay: 0. Ransone did not vote. Robert Westbrook asked if he needed to recuse himself because of his relationship to William Westbrook. Mr. Terry stated that, he (Westbrook) did not because he did not have a pecuniary interest in the venture, but that, he, (Terry) could not advise because his firm represented Mr. Westbrook. Dr. Westbrook stated that he liked the plan because it is providing open space to exist in perpetuity by deed. A Phase I Environmental Study has been done and it is clean. The soil has been tested for individual drainfields. There will be a gravel drive that will run behind the homes to provide access. The houses will face the meadow. Garages and accessory buildings will vary in style. Vineyard Meadows, LLC. will provide screening to protect the neighbors around The Pony Pasture, Sanders Lane, and Craig Miller. The target market for the homes will be full time residents. Mr. Hardesty stated that the Vineyard Meadows, LLC., which will be the architect, developer, and the builder, has kept the Planning Commission informed of its plans. Garry Luckham made a motion to approve the subdivision application. Gene Edmonds seconded the motion. Vote – Yea: Edmonds, Evans, Luckham, and Westbrook. Nay: 0. Ransone did not vote.

#### **Ben Estes: YMCA’s Guardian Program – Ball in the Hall:**

Mr. Estes was present to inform the Town Council members that the YMCA will have an Olympia Odyssey Parade where a torch will be carried through Irvington, Kilmarnock, and White Stone on June 28th to publicize its “Ball in the Hall” fundraiser which raises funds for children, who otherwise could not

participate in "Y" activities, and to buy school clothes for them. This year's goal is \$330,000.00. Mayors of each town will be asked to participate.

**Minutes and Treasurer's Report:**

Garry Luckham made a motion to approve the minutes of the March meeting, and the motion was seconded by William Evans. Vote – Yea: Edmonds, Evans, Luckham, and Westbrook. Nay: 0. Ransone did not vote. Mrs. Long, who previously requested \$5000.00 for the Tourism Council, is no longer with the Northern Neck Tourism Council.

Robert Westbrook made a motion to approve the treasurer's report for March, and Gene Edmonds seconded the motion. Vote – Yea: Edmonds, Evans, Luckham, and Westbrook. Nay: 0. Ransone did not vote.

**Zoning Administrator:**

Mr. Hardesty reported that the committee reviewing the zoning ordinances met April 8, 2008, and will meet again April 16, 2008.

**Legal Counsel:**

Mr. Terry reported that he had prepared another agreement with the sheriff with the requested clarifications, to include a statement that the agreement can be terminated anytime with a two weeks notice and it will be terminated June 30, 2009. The agreement includes the provision whereby the County will reimburse the Town for tickets written by the deputy while he or she is being paid by the Town. The Town will reimburse the County for the pay and employer taxes for the deputy to work extra hours in the Town. The County's insurance will cover the deputy while he is working the extra hours in Irvington. Dr. Westbrook asked if using policemen from White Stone had been considered, and Mr. Terry said the White Stone policemen were stretched thin. There was discussion about the parking in front of Dr. Westbrook's office. Dr. Westbrook made a motion to instruct the Mayor to sign the revised agreement with the Sheriff and William Evans seconded the motion. Vote – Yea: Edmonds, Evans, Luckham, and Westbrook. Nay: 0.

Dr. Westbrook said that in 2004, the State said that by right the towns could consider having a clustering ordinance.

**Old Business:** None.

**New Business:**

Grass Cutting: Gene Edmonds asked if grass cutting could occur more frequently because of the recent fertilization. Mr. Ransone said that he would ask the Mayor to check into this.

Mr. Hardesty and Dr. Westbrook are planning to attend a seminar in Newport News, regarding brownfields.

**Executive Session:**

Mr. Terry read the following motion which Dr. Westbrook 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 Thomas property, pursuant to *CODE OF VIRGINIA*, Section 2.1-3711. (A). Gene Edmonds seconded the motion. Vote – Yea: Edmonds, Evans, Luckham, Ransone, and Westbrook. Nay: 0.

Motion for Certification: William Evans made the following motion which Mr. Terry read: "I move that there be a roll call or other recorded vote, to be included in the minutes of this meeting,

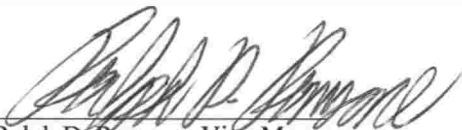
certifying that (1) only public business matters lawfully exempt from public meeting requirements under the Virginia Freedom of Information Act were heard, discussed or considered in the closed session; and (2) only such public business as was identified in the motion to convene a closed session was heard, discussed or considered. Robert Westbrook seconded the motion. Vote – Yea: Edmonds, Evans, Luckham, Ransone, and Westbrook. Nay: 0.

I, Bob Westbrook, so certify.  
I, William H. Evans, so certify.  
I, Ralph D. Ransone, so certify.  
I, Gene Edmonds, so certify.  
I, Garry J. Luckham, so certify.

No action was taken as a result of the executive session.

**Adjournment:**

The meeting was adjourned.



Ralph D. Ransone, Vice-Mayor

THIS AGREEMENT. Made as of the <sup>th</sup>10 day of April, 2008, by and between the LANCASTER COUNTY, VIRGINIA, SHERIFF'S OFFICE, (hereinafter sometimes referred to as Sheriff's Office) party of the first part, and THE TOWN OF IRVINGTON, VIRGINIA, (hereinafter sometimes referred to as "the Town") party of the second part.

WITNESSETH;

THAT, WHEREAS, the Town of Irvington desires to have enhanced police protection, over and above that which is normally provided through the Sheriff's Office; and

WHEREAS, the Sheriff's Office is willing to provide such enhanced coverage upon the terms hereinafter set forth;

NOW, THEREFORE, for and in consideration of the mutual benefits and burdens arising hereunder, the parties agree as follows :

1. The Sheriff's Office will schedule additional patrols within the Town, at such times as will be mutually agreeable to the Town and the Sheriff's Office, recognizing that the availability of Deputies able to patrol will be a limiting factor in providing such enhanced coverage.
2. The Deputies patrolling the Town (hereinafter referred to as "the Deputies") shall be under the direct control, supervision and direction of the Sheriff only.
3. The Sheriff's Office will provide all instruction and certifications for the Deputies, and will provide all equipment, including police cruiser. The Sheriff's Office will maintain all records regarding patrols and other law enforcement activities conducted in the Town.
4. The Sheriff's Office acknowledges that it bears the liability for the actions of the Deputies and will maintain all appropriate insurance coverage, including, but not limited to,

errors and omissions and public liability.

4. The Town will reimburse the Sheriff's Office for the wages to the Deputies at a rate of \$15.00 per hour plus all the payroll and employment taxes, including but not limited to Federal withholding, Medicare payments, state withholding. The Town will not be obligated to provide any benefits for the Deputies. The Deputies' hours will be calculated from the time the patrol in the Town begins to the end of the patrol in the Town, but will include time spent in Court on matters arising in the Town. All fines resulting from summons written by Deputies while being paid by the Town, will be paid to the Town.

5. This agreement shall terminate on June 30, 2009, unless terminated sooner. Either party may terminate this agreement upon two weeks written notice to the other party.

Witness the following signatures and seals:

LANCASTER COUNTY, VIRGINIA SHERIFF'S OFFICE

By: \_\_\_\_\_

*Ronald D. Crockett*

Ronald D. Crockett

T O W N    O F I R V I N G T O N

By: \_\_\_\_\_

*Alexander Fleet*

Alexander Fleet  
Mayor

**Irvington Town Council  
Special Meeting  
April 1, 2008**

The special meeting of the Irvington Town Council was held at the Irvington Town Office on April 1<sup>st</sup>, 2008, at 7:00 P.M., for the purpose of appointing a person to fill the unexpired term of Richard Pittman, who resigned because he moved from Irvington.

**Present:**

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

**Absent:**

Legal Counsel	Matson C. Terry, II
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**Visitors:**

Jimmie Lee Crockett  
Gene Edmonds

**Call to Order:**

The Mayor called the meeting to order at 7:00 P.M.

**Executive Session:**

Kathleen Pollard read the motion that the Town Council of the Town of Irvington go into executive session to discuss a personnel matter pursuant to the *CODE OF VIRGINIA*, Section 2.1-344.A.1. and so moved.

Robert Westbrook seconded the motion. Vote— Yea: Evans, Luckham, Pollard, and Westbrook. Nay: 0.

Ralph Ransone made a motion to come out of executive session and Kathleen Pollard seconded the motion. Vote— Yea: Evans, Luckham, Pollard, Ransone, and Westbrook. Nay: 0.

After the executive session, Kathleen Pollard read the following motion : "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."

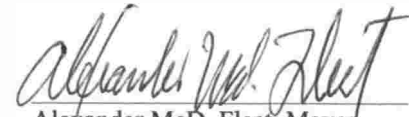
I, Kathleen Pollard, so move.  
I, Bob Westbrook, so certify.  
I, William Evans, so certify.

I, Ralph D. Ransone, so certify.  
I, Alexander Fleet, so certify.  
I, Garry Luckham, so certify.

Robert Westbrook moved that Gene Edmonds be appointed to fill the unexpired term of Richard Pittman. Kathleen Pollard seconded the motion. Vote — Yea: William Evans, Kathleen Pollard, and Robert Westbrook. Nay: Garry Luckham and Ralph Ransone.

**Adjournment:**

The meeting was adjourned.

  
Alexander McD. Fleet, Mayor

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

I, GENE EDMONDS, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the Commonwealth of Virginia, and that I will faithfully and impartially discharge all the duties incumbent upon me as a **Member of the Town Council of Irvington, Virginia for a term beginning April 10, 2008 and ending August 12, 2008** according to the best of my ability, (So help me God.)

Gene H. Edmonds

Subscribed and sworn to before me this 2nd day of April, 2008.

Diane H. Munford

Clerk

Antanya Lee  
Deputy Clerk

**Irvington Town Council  
Special Meeting  
April 1, 2008**

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**Present:**

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

**Absent:**

Legal Counsel	Matson C. Terry, II
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**Visitors:**

Jimmie Lee Crockett  
Gene Edmonds

**Call to Order:**

The Mayor called the meeting to order at 7:00 P.M.

**Executive Session:**

Kathleen Pollard read the motion that the Town Council of the Town of Irvington go into executive session to discuss a personnel matter pursuant to the *CODE OF VIRGINIA*, Section 2.1-344.A.1. and so moved.

Robert Westbrook seconded the motion. Vote – Yea: Evans, Luckham, Pollard, and Westbrook. Nay: 0.

Ralph Ransone made a motion to come out of executive session and Kathleen Pollard seconded the motion. Vote – Yea: Evans, Luckham, Pollard, Ransone, and Westbrook. Nay: 0.

After the executive session, Kathleen Pollard read the following motion : “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.”

I, Kathleen Pollard, so move.  
I, Bob Westbrook, so certify.  
I, William Evans, so certify.

I, Ralph D. Ransone, so certify.  
I, Alexander Fleet, so certify.  
I, Garry Luckham, so certify.

Robert Westbrook moved that Gene Edmonds be appointed to fill the unexpired term of Richard Pittman. Kathleen Pollard seconded the motion. Vote – Yea: William Evans, Kathleen Pollard, and Robert Westbrook. Nay: Garry Luckham and Ralph Ransone.

**Adjournment:**

The meeting was adjourned.

  
Alexander McD. Fleet, Mayor

**Irvington Town Council  
Regular and Public Meeting  
March 13, 2008**

The regular and public meeting of the Irvington Town Council was held at the Irvington Town Office on March 13, 2008.

**Present:**

Mayor	Alexander McD. Fleet
Council	William H. Evans, III Garry J. Luckham Kathleen Pollard Robert Westbrook
Zoning Administrator	Robert Hardesty
Legal Counsel	Matson C. Terry, II

**Absent:**

Vice-Mayor	Ralph D. Ransone
Council	Richard Pittman

**Visitors:**

Rawleigh Simmons  
Patty Long: Northern Neck Tourism Council  
Gene Edmonds  
Jimmie Lee Crockett  
Robbie Fleet  
Gordon Slatford  
Robert Morrison

The Mayor called the meeting to order at 7:25 P.M. and led the group in prayer. He introduced the visitors.

**Public Hearing: Lighthouse Towing – Amend Cup to have a State Inspection Station**

Lighthouse Towing - 4525 Irvington Road: Garry Luckham made a motion to go into a public hearing and William Evans seconded the motion. Vote – Yea: Evans, Luckham, Pollard, and Westbrook. Nay: 0. Mr Hardesty explained that Mr. and Mrs. Davis, owners of Lighthouse Towing, were applying to have the previously issued CUP amended to allow them to have a state inspection station. They also wanted to have the restriction on the number of cars that could be parked in front of their business overnight and during weekends lifted, but that part of the application was not included in the notice; and therefore, no public comment would be received regarding lifting the restriction on the number of cars on this date. There will be public hearings regarding that in April. The Planning Commission voted to recommend approval of their having a State Inspection Station. Gordon Slatford asked if the amendment included the sale of second hand cars. The reply was no. Raleigh Simmons said that it was consistent with past uses of the property. Jimmie Lee Crockett said that they had kept it neat. Garry Luckham made a motion to come out of public bearing and Kathleen seconded the motion. Vote – Yea: Evans, Luckham, Pollard, and Westbrook. Nay: 0. William Evans made a motion to allow Mr. and Mrs. Davis to have a

State Inspection Station at Lighthouse Towing at 4525 Irvington Road.

**Rawleigh Simmons:**

Mr. Simmons was present to ask if the Council, when reviewing the Ordinances, could consider the restriction that renovation of a boat house could cost only 10% of the value of the boat house. He said that a storm damaged boathouse could not be rebuilt today with the 10% of the value of the boathouse restriction. The Mayor said that the Council would look at the regulation when reviewing the Ordinance.

**Mrs. Patty Long: Northern Neck Tourism Council:**

Mrs. Long of the Northern Neck Tourism Council had written a letter to the Council asking if the Town of Irvington (letter included with the minutes) could contribute \$5000.00 to the Northern Neck Tourism Council. The County which had previously (until two years ago) contributed \$7500.00 to the Council is no longer contributing to it. Mrs. Long said that Irvington is probably the most promoted area. Mr. Slatford, the General Manager of the Tides Inn said that the Town should contribute the \$5000.00 to the tourism council. The Mayor said that they would consider it at budget time.

**BZA Appointments:**

The Mayor announced that the term of Richard Newlon on the BZA had expired in May, 2007, and the term of Shirley Crockett would expire May, 2008. Both are willing to serve another term and he recommends that they be reappointed. William Evans moved that they be reappointed and Garry Luckham seconded the motion. The Court has the final approval of the appointments. Robert Westbrook asked if they could advertise to seek persons interested in filling the vacancies. Ms. Thomasson said in her Rappahannock Record article about the upcoming meeting, she had said there would be recommendations for BZA appointments. It was decided that because these two had been asked, that the Council would vote on them and the next vacancy would be advertised. Mr. Terry suggested soliciting resumes of interested persons, then a two person committee would review the resumes. Vote to recommend Shirley Crockett and Richard Newlon to serve on the BZA:- Yea: Evans, Luckham, Pollard, and Westbrook. Nay: 0.

The Mayor asked Robert Morrison, Chairman of the Planning Commission, who was present, to have the Planning Commission select someone from the Planning Commission to serve on the BZA.

**Minutes and Treasurer's Reports for January and February:**

Garry Luckham made a motion that the minutes and treasurer's reports for January and February be approved. Robert Westbrook seconded the motion. Vote - Yea: Evans, Luckham, Pollard, and Westbrook. Nay: 0.

**Planning Commission Update:**

Garry Luckham reported that at the March Planning Commission meeting, there had been an informational presentation on a prospective subdivision in town. Mr. John Braider, explained his plans for a boat tour business, to be operated from the former Anna Mitchell home. The public hearings for these applications will be conducted in April, at the Planning Commission and Town Council meetings.

**Old Business:**

Lancaster County Chamber of Commerce Membership Renewal: The amount of the annual membership renewal has increased from \$75.00 to \$100.00. Mr. Hardesty talked with Mr. Donovan, who said that this increase was based on the amount which other chambers charge and that they wanted to hire a full time executive director. Robert Westbrook said "no" to renewing the membership and asked what is the benefit to being a member. Kathleen Pollard said that she thinks the Town does benefit and to give them the benefit of the doubt. She made a motion that the Town renew its membership. Garry Luckham seconded the motion. Networking was a benefit mentioned by Mr. Slatford and Mr. Hardesty. Vote to

renew the membership in the Lancaster Chamber of Commerce: – Yea: Evans, Luckham, and Pollard. Nay: Robert Westbrook. William Evans would like to have someone from the Chamber talk with the Council at its April meeting.

**New Business:**

Committee Assignments: The Mayor announced the following committee assignments:

**Budget and Finance:**

Alexander McD. Fleet (Chairman)  
Ralph D. Ransone  
Dr. Robert S. Westbrook  
Robert Hardesty  
Jackie Burrell

**Building and External Environment**

Kathleen Pollard (Chairman)  
William Evans  
Jackie Burrell

**Zoning Ordinances**

Robert Hardesty (Chairman)  
Garry Luckham  
Robert Morrison

**Public Safety**

William Evans (Chairman)  
Robert Hardesty

**Architectural Review Board**

Garry Luckham  
William Wright  
Robert Hardesty

Architectural Review Board: Robert Westbrook asked who appointed the board and asked if a board were named would it tweak what was in the Ordinance. Robert Morrison said the appointment of board members is the Council's choice. He said the Council adopted the Comprehensive Plan. He said that this is a committee that will decide on the structure and duties of the Board. Robert Westbrook asked the time limit. The Council members agreed that the Committee will be given two months to make recommendations to the Council and these would be published. Then, solicitations could be made for persons to serve on the board.

Resignation from the Council: Garry Luckham made a motion to accept the resignation of Richard Pittman, who has moved to Weems. William Evans seconded the motion. Vote – Yea: Evans, Luckham, Pollard, Westbrook. Nay: 0. Mr. Terry read from the *CODE OF VIRGINIA*, Section 24.2-228 regarding the appointment of a replacement within 45 days to serve the remaining time of the term. Robert Westbrook moved to appoint someone at this meeting, but the motion died for lack of a second. Forty-five days from the date of the resignation is April 25, 2008. It was decided to publish an ad asking for letters from residents, wishing to be appointed. A special meeting of the council members to appoint a replacement would be held at 7:00 P.M. on April 1<sup>st</sup>. The deadline to receive letters in the town office will be March 31<sup>st</sup>.

March, 2008

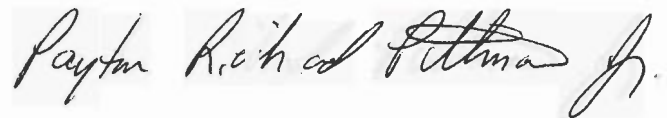
March 11, 2008

To The Irvington Town Council,

I, Payton Richard Pittman Jr. must turn in my resignation due to relocating out of the town. I have enjoyed many years on the council and cannot wait to rebuild back in Irvington.

Sincerely,

Payton Richard Pittman Jr.

A handwritten signature in cursive script that reads "Payton Richard Pittman Jr." The signature is written in dark ink and is positioned below the printed name.

All citizens in the county are treated in much the same manner, where neither the supervisors whom the circuit judges retained nor the supervisors appointed to represent new districts after rearrangement serve constituencies identical with the old. *Avens v. Wright*, 320 F. Supp. 677 (W.D. Va. 1970).

**Former section refers to vacancy occurring during term of office.** — The vacancy referred to in former § 24.1-76 is a vacancy occurring during the term of an office, by death, resignation, removal and the like, and not a failure to appoint a successor to an incumbent who is to hold until his successor is appointed and has qualified. In the latter case there can be no vacancy. *Chadduck v. Burke*, 103 Va. 694, 49 S.E. 976 (1905). But see *Johnson v. Mann*, 77 Va. 265 (1883), reaffirmed in *Burnett v. Brown*, 194 Va. 103, 72 S.E.2d 394 (1952).

#### OPINIONS OF THE ATTORNEY GENERAL

**Impact of decennial redistricting of election districts on county special election.** — A special election to be held on November 6, 2001, to fill a vacated position on a county board of supervisors was required to be conducted based on the election districts existing at the time of the election; thus, if the decennial redistricting had occurred and was precleared by the United States Department of Justice, the election would be required to be conducted based on the new district that most closely approximated the old district from which the

**Judicial appointment does not result in taxation against consent.** — Plaintiffs are not being taxed against their consent when supervisors are judicially appointed, since it is their representatives in the state legislature who determine how empty seats on county boards should be filled, and the counties are but subdivisions of the State. *Avens v. Wright*, 320 F. Supp. 677 (W.D. Va. 1970).

**Appointed supervisors hold office in same posture as previously elected officers.** — In the absence of any evidence to indicate that the appointed supervisors will represent interests other than those of the districts in which they reside, they hold office in a posture almost identical to the previously elected officers. *Avens v. Wright*, 320 F. Supp. 677 (W.D. Va. 1970).

supervisor originally was elected to the board of supervisors. See opinion of Attorney General to The Honorable Melanie L. Rapp and The Honorable Harvey B. Morgan, Members, House of Delegates, 01-016 (4/18/01).

**In the case of call to active military duty** of a member of a county board of supervisors, this section and § 24.2-228 do not require that a special election be held at the next general election. See opinion of Attorney General to Mr. Darwin E. Satterwhite, County Attorney for Cumberland County, 04-016 (3/22/04).

**§ 24.2-227. Interim appointment by court until vacancy filled by election for certain offices.** — When a vacancy occurs in any local elected office other than a constitutional office, local governing body, or an elected school board, a majority of the judges of the judicial circuit for the county or city in which it occurs shall make an interim appointment to the office until the vacancy can be filled by special election. The senior judge shall make the appointment if a majority of the judges cannot agree. The chief or senior deputy, if there is one in the office, shall perform all the duties of the office until the person appointed to fill the vacancy has qualified. The person so appointed shall hold office until the qualified voters fill the vacancy by election and the person so elected has qualified. (Code 1950, § 24-145; 1958, c. 621; 1970, c. 462; § 24.1-76; 1975, c. 515; 1976, c. 616; 1977, c. 490; 1984, c. 480; 1993, c. 641; 1996, c. 873; 2000, cc. 787, 1070.)

**Cross references.** — As to conditions and procedures for special elections to fill vacancies in constitutional offices, see § 24.2-228.1.

**§ 24.2-228. Interim appointment to local governing body or elected school board; elected mayor.** — A. When a vacancy occurs in a local governing body or an elected school board, the remaining members of the board or board, respectively, within forty-five days of the office becoming vacant, shall appoint a qualified voter of the election district in which the vacancy occurred to fill the vacancy. If a majority of the remaining members cannot agree, or do

not act, the appointment population g vacancy by has qualified less shall se held.

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B. When voters, the provided in

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not act, the judges of the circuit court of the county or city shall make the appointment. The person so appointed in a county or city, or a town with a population greater than 3,500, shall hold office until the qualified voters fill the vacancy by special election pursuant to § 24.2-226 and the person so elected has qualified. The person so appointed in a town with a population of 3,500 or less shall serve for the remainder of the term and no special election shall be held.

If a majority of the seats on any governing body or elected school board are vacant, the remaining members shall not make interim appointments and the vacancies shall be filled as provided in § 24.2-227.

B. When a vacancy occurs in the office of a mayor who is elected by the voters, the council shall make an interim appointment to fill the vacancy as provided in subsection A.

C. For the purposes of this article and subsection D of § 22.1-57.3, local school boards comprised of elected and appointed members shall be deemed elected school boards. (1975, c. 515, § 24.1-76.1; 1993, c. 641; 1996, c. 873; 1999, c. 128.)

**Law Review.** — For survey of Virginia administrative law for the year 1974-1975, see 61 Va. L. Rev. 1632 (1975).

**Michie's Jurisprudence.** — For related discussion, see 5A M.J. Counties, § 34.

#### OPINIONS OF THE ATTORNEY GENERAL

**In the case of call to active military duty** of a member of a county board of supervisors, this section and § 24.2-226 do not require that a special election be held at the next general

election. See opinion of Attorney General to Mr. Darvin E. Satterwhite, County Attorney for Cumberland County, 04-016 (3/22/04).

#### § 24.2-228.1. Election to fill vacancy in constitutional office. —

A. Notwithstanding any provision of a charter to the contrary, a vacancy in any elected constitutional office, whether occurring when for any reason an officer-elect does not take office or occurring after an officer begins his term, shall be filled by special election. The governing body of the county or city in which the vacancy occurs shall, within 15 days of the occurrence of the vacancy, petition the circuit court to issue a writ of election to fill the vacancy as set forth in Article 5 (§ 24.2-681 et seq.) of Chapter 6 of this title. Either upon receipt of the petition or on its own motion, the court shall promptly issue the writ ordering the election for a date determined pursuant to § 24.2-682. Upon receipt of written notification by an officer or officer-elect of his resignation as of a stated date, the governing body may immediately petition the circuit court to issue a writ of election, and the court may immediately issue the writ to call the election. The officer's or officer-elect's resignation shall not be revocable after the date stated by him for his resignation or after the thirtieth day before the date set for the special election.

B. The highest ranking deputy officer, or, in the case of the office of attorney for the Commonwealth, the highest ranking full-time assistant attorney for the Commonwealth, if there is such a deputy or assistant in the office, shall be vested with the powers and shall perform all of the duties of the office, and shall be entitled to all the privileges and protections afforded by law to elected or appointed constitutional officers, until the qualified voters fill the vacancy by election and the person so elected has qualified and taken the oath of office. In the event that (i) there is no deputy officer or full-time assistant attorney for the Commonwealth in the office or (ii) the highest-ranking deputy officer or assistant attorney for the Commonwealth declines to serve, the court shall make an interim appointment to fill the vacancy pursuant to § 24.2-227 until

## Northern Neck Tourism Council

### Highlights - 2006-2007

- Worked with VDOT and the Virginia Tourism Council to manage the Potomac Gateway Center in King George
- 397,684 documented visitors at eleven NNTC sites in 2005. This is an increase of 11% from 2004
- Coordinated the DVD marketing initiative, *The Vineyards and Wineries of Virginia's Northern Neck* and *The Museums of Virginia's Northern Neck*
- Worked with the Virginia Game and Inland Fisheries on marketing the 21 sites on the Virginia Coastal Birding Trail that are located in the Northern Neck
- Assisted Northern Neck Micro Enterprise in establishing new marketing and business classes for the micro classes
- Completed the first phase of the Northern Neck Heritage Driving tour
- Serving or served on the boards of Rice's Hotel/Hughlett's Tavern, George Washington Birthplace National Monument, Richmond County Chamber of Commerce, Northern Neck Farm Museum, Northern Neck Museum Association, Northern Neck Regional Chambers of Commerce, Bank of Lancaster Golden Advantage Board and Westmoreland Tourism Council
- Northern Neck Tourism Council redesigned its website, [www.northernneck.org](http://www.northernneck.org), for a better marketing presence and continues to update the site
- Worked with George Washington Birthplace National Monument to finish the Chesapeake Living History Map for children
- Increased NNTC publicity and marketing efforts. Over \$ 1 million dollars in added value marketing efforts have been done in the past two years. Articles on the Northern Neck have appeared in numerous national magazines, including *Southern Living* and *Virginia Living*, and local and international publications. Also, homes have been featured on HGTV and National Public Radio.
- NNTC ED featured speaker at several local events, a national tourism event and on WINDY's Thea Marshall Show
- Coordinated and promoted a regional Northern Neck Museum initiative which has resulted in the creation of the "History on the Go" program. Since February, 2004, twelve schools have been visited and 6,500 local students have participated in hands on history training. The program has generated much local and state interest and was featured in an article for *Virginia Museum*. The program has generated over \$15,000 in value added advertising for the Northern Neck.
- Created and coordinated the Northern Neck Wine Trail. Six vineyards have joined forces to promote Northern Neck wine.
- Published and reformatted the redesigned *Official Guide of Virginia's Northern Neck*.
- Sold \$248,630 worth of advertising for the visitor's guide since 2005
- Assisted with the production of the DVD, *The Museums of Virginia's Northern Neck*
- Obtained \$87,200 in grants since 2003
- Assisted in the creation of hospitality classes at RCC
- Assisted with the creation and implementation of the Connect the Dots program
- Assisted in the creation of the Northern Neck River Ride
- Worked with VECTECH to bring business classes to members

January 9, 2008

Dear Chamber Member:

Thank you for your support in 2007. While your Chamber has made progress, we have much more work to do. Our top priority this year is adding value to your membership through more effective advocacy, programs and services.

Your active participation is required if we all are to benefit. I've attached our 2008 Business Plan, which outlines the year's goals and objectives.

Please share your comments with me by January 31 so they can be considered before the February board meeting. And please use the enclosed membership update form to indicate your interest in serving on one of our four new task forces: member services, business advocacy, economic development or workforce initiatives.

Finally, a word about funding. We have an ambitious plan and it will take money to make it happen. After reviewing the dues charged by similar chambers, the board has approved the first dues increase in our Chamber's twelve-year history.

If your membership renews in January, your 2008 invoice is enclosed. Please remember to return the membership update form with your payment or fax it to the Chamber office so we have accurate data. July renewals will be invoiced at the new rates this summer.

It will take everyone's involvement to transform the Lancaster County Chamber of Commerce into the organization that local businesses need it to be. I am confident that your personal and financial investment in the Chamber this year will yield dividends for your company and our community.

Sincerely,

  
Emerson Gravatt  
President

EG:jb  
enclosures

objectives. Create task forces to carry out the goals and objectives and to engage members in addition to those who serve on the board.

- **Strengthen and enhance relationships with other business associations in the county** by seeking opportunities for dialogue and collaborative efforts.

### **Potential Sources of Additional Revenue**

To achieve its goals and carry out its work plan, the Chamber needs to increase its income. As much as \$52,000 in additional funding could come from:

**Increasing membership dues.** An increase that brings Chamber dues to the level of those charged by comparable business organizations in the region would generate an additional more than \$7,500 annually.

**Bringing in new members.** Adding 25 members would bring in \$2,500 at current rates.

**Creating a business associations partnership.** Providing services that would benefit all of the county's business associations has the potential to generate \$5,000 in cooperative funding.

**Serving as the coordinating organization for the 2008 Northern Neck RiverRide,** which provides a \$5,000 stipend.

**Bringing directory advertising sales in-house.** A full-time executive director could sell the ads for the 2009-2010 directory, which has the potential to add another \$7,000+ to the coffers by eliminating the commission that an independent sales agent receives.

**Offering advertising on the Chamber website.** Web banner ads could be wrapped into the directory advertising sales. Offer three months of "free" advertising and then send an annual invoice to renew. An estimated \$10,000 could be generated.

**Raising seed money from local businesses** to partially underwrite the executive director position. If \$15,000 could be secured from major businesses, it would help cover the executive director's projected annual salary for the first year.

### **Budget**

A Chamber budget for 2008 is attached. Expenses are based on historical data, as well as on the projected costs of hiring a full-time executive director and carrying out the work plan, goals and objectives. Income is based on historical data, a relatively conservative estimate of potential revenues from new sources and the revised dues schedule.



# VIRGINIA'S NORTHERN NECK

*Chesapeake Bay Country*

January 28, 2008

Mayor Alexander M. Fleet  
Town of Irvington  
Steamboat Road  
P.O. Box 174  
Irvington, VA 22480

Dear Mr. Fleet:

The Northern Neck Tourism Council is requesting a contribution from the town of Irvington in the amount of \$5,000.00 for the FY 2008-2009. Tourism has a major economic impact throughout the Northern Neck and we need to have the towns and villages join us to maximize our efforts.

Last year the participating parties support allowed the Council to move forward with several new projects including:

- ✓ Expansion of the Northern Neck museums initiative
- ✓ Creation of two marketing DVD's featuring the Northern Neck wineries and museums
- ✓ Increase the visibility of the Northern Neck Tourism Council's marketing efforts
- ✓ Offer membership training sessions to Council members
- ✓ Expand marketing initiatives for members
- ✓ Host national and state journalists to showcase the Northern Neck area
- ✓ Having the Northern Neck region represented in local, national, and international news media and television broadcasts
- ✓ Create a Northern Neck Visitor's Guide that was created in the Northern Neck

This year we hope to expand our marketing efforts. We will be assisting with and implementing many programs including classes for non-profit organizations at Rappahannock Community College, the Northern Neck Crab Crawl, the Northern Neck Pre-Retirement Tour, the Kilmarnock Crab Festival, the grand opening of the Northern Neck Farm Museum, the Rappahannock Bridge Committee, and continuing assistance with the Northern Neck Wine Trail and the Museums of the Northern Neck. Additionally, we are putting together a stronger board and assisting our members to better assess the role and effectiveness of the Tourism Council in the Northern Neck.

I would be happy to provide any additional supporting information that you might require. Your support of the Northern Neck Tourism Council and its work for tourism development is appreciated.

Sincerely,

Patty Long  
Executive Director

Northern Neck Tourism Council  
P.O. Box 1707  
Warsaw, Virginia 22572

804/333-1919

Fax:  
804/333-5274

E-mail:  
nntc@northernneck.org

Web Site:  
www.northernneck.org

Estimated Annual Revenue & Expenses					
		2007	2008		
<b>Revenue:</b>					
	Membership Dues	\$25,825	\$33,400		
	New Members (25)	\$0	\$2,500		
	Business Associations Partnership	\$0	\$5,000		
	Net Annual Dinner/Auction	\$3,745	\$0		
	Chamber Solutions	\$3,000	\$3,000		
	Net NN RiverRide	\$0	\$5,000		
	Net Chamber Directory	\$0	\$20,000		
	Website Banner Ads	\$0	\$10,000		
	Seed Money	\$0	\$15,000		
	Miscellaneous	\$1,000	\$1,000		
	<b>Total Revenue</b>	<b>\$33,570</b>	<b>\$94,900</b>		
<b>Expenses:</b>					
	Salary	\$16,800	\$55,000		
	Rent	\$4,980	\$4,980		
	Utilities	\$1,420	\$1,420		
	Telephone	\$2,100	\$2,100		
	Petty Cash	\$425	\$425		
	Postage	\$1,200	\$1,200		
	Print - Bridge	\$1,220	\$1,220		
	Insurance	\$500	\$500		
	Web-Chamber Link	\$3,265	\$3,265		
	Office Supplies	\$670	\$670		
	Bank Interest	\$550	\$550		
	Miscellaneous	\$471	\$471		
	<b>Total Expenses</b>	<b>\$33,501</b>	<b>\$81,801</b>		
	<b>Net Income</b>	<b>-\$31</b>	<b>\$13,099</b>		
<b>Membership Dues</b>					
		<b>#Members</b>	<b>Old Rates</b>	<b>Total</b>	<b>New Rates</b>
	1-5 Associates	169	\$75	\$12,675	\$100
	6-10 Associates	39	\$150	\$5,850	\$200
	11-20 Associates	11	\$250	\$2,750	\$300
	21-50 Associates	3	\$350	\$1,050	\$400
	51 + Associates	7	\$500	\$3,500	\$600
	<b>Total</b>			<b>\$25,825</b>	<b>\$33,400</b>

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# IRVINGTON CENTER

Custom Offices in the Heart of Historic Irvington

January 23, 2008

Planning Commission  
Town Council  
Town of Irvington  
235 Steamboat Road  
Irvington, VA 22480  
HAND DELIVERED

This letter is in response to the adjacent property owner notification dated January 21, 2008 concerning the request of Light House Towing, Inc. to amend the Conditional Use Permit presently in effect for that business.

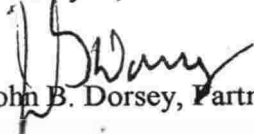
The owners of Light House are requesting two distinct items.

One is a request for a "possible Virginia state inspection station". We commend this step as a much needed service for our community and support approval.

The second request to "eliminate the number of vehicles allowed on the premises" flies in the face of the original requirements of the permit now in effect. There was considerable discussion on the number of vehicles permitted to be visibly parked on the front and sides of the building while Lighthouse Towing was closed: 5 pm to 8 am. The resultant requirement of no more than two visible vehicles, one small tow truck and one other vehicle, was a compromise to allow the two necessary business vehicles while still presenting an acceptable appearance to the community.

We respectfully urge the Town officials to maintain the original vehicle requirements in the best interests of the Town and its visitors. We oppose any revisions to this portion of the present permit.

Thank you,

  
John B. Dorsey, Partner

cc: Douglas C. Dorsey

**Irvington Town Council  
Regular and Public Meeting  
February 14, 2008**

The regular and public meeting of the Irvington Town Council was held at the Irvington Town Office on February 14, 2008, at 7:30 P.M.

**Present:**

Vice-Mayor

Ralph D. Ransone

Council

Garry Luckham  
Robert Westbrook

Zoning Administrator

Robert Hardesty

**Absent:**

Mayor

Alexander McD. Fleet

Council

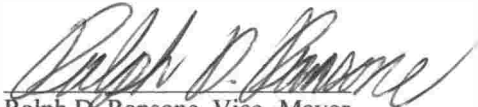
William H. Evans  
Richard Pittman  
Kathleen Pollard

Legal Counsel

Matson C. Terry

Ralph D. Ransone, Vice-Mayor called the meeting to order at 8:00 P.M. A quorum was not present. Therefore, no business could be conducted.

Robert Westbrook made a motion to adjourn and Garry Luckham seconded the motion. No vote.

  
Ralph D. Ransone, Vice-Mayor

**Irvington Town Council  
Regular and Public Meeting  
January 10, 2008**

The regular and public meeting of the Irvington Town Council was held at the Irvington Town Office on January 10, 2008, at 7:30 P.M.

**Present:**

Mayor	Alexander McD. Fleet
Vice-Mayor	Ralph D. Ransone (arrived late)
Council	William Evans Garry Luckham Kathleen Pollard Robert Westbrook
Zoning Administrator, Code Compliance Officer	Robert Hardesty
Legal Counsel	Matson C. Terry, II

**Absent:**

Council	Richard Pittman
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**Guests:**

Susan Cockrell, Town of Kilmarnock	Pete Thompson (arrived late)
William Newborg, First Commonwealth Cablevision	Phillip Williams (arrived late)
Danny Job, Metrocast	Ed Fuehrer, N.N. Boys & Girls' b
Tammy & Paul Davis	Club

**Call to Order:**

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

**Kilmarnock Trolley:**

Susan Cockrell, Community Development Strategist for the Town of Kilmarnock, explained the schedule of the Kilmarnock Trolley when it will be making the one hour loop among the three towns this year. (Ed Fuehrer arrived). Regularly scheduled runs will be: Friday: 4 P.M.-10 P.M.; Saturdays 9 A.M.-10 P.M.; selected Sundays, and extra events and the charge will be \$.25 per ride. The trolley will be scheduled for 66 days this year. Dr. Westbrook suggested a trolley stop in front of his office. Bay Transit owns the trolley and the Town of Kilmarnock carries the liability and collision insurance. Mrs. Cockrell will send a certificate of insurance to the clerk. The Town of Kilmarnock has received state and federal funds, combined with local funds to operate the trolley. Mrs. Pollard stated that she thought there should be a stop at the Tides Inn and Mrs. Cockrell said that she will continue to work with Tides Inn regarding this.

**Boys and Girls' Club of the Northern Neck:**

Mr. Ed Fuehrer, stated that in 2004, the Lancaster County Chamber of Commerce decided to improve the work force in the area with The Work Force Enhancement Project. State grants were received, but they have been cut. It was decided to align the project with the Boys and Girls' Club Organization which is in the middle school as of this year. Middle schools years are considered the best years to work with the youth for this program. Land has been acquired, the building has been designed, and the contract

is being negotiated to build the building. Fundraising is in progress. Primary sources of fundraising are volunteer, major fundraisers, and foundations. The facilities will be available everyday after school or any day school is not in session. There are 1400 children between the ages of 6 and 18 in this area. The Club is trying to acquire its own buses, but as of now, school buses will transport the participants to the club after school. One hour of homework is a must for the students. (Pete Thompson arrived.) Mr. Fuehrer gave the list of officers and board members. The program will start the first of April. The annual fee will \$20.00 per participant. Someone will donate the fees for the first 100 signups. At this time, Mr. Fuehrer said they are trying to inform the area people of the effort.

#### **Metrocast:**

Danny Job, General Manager for the Mid Atlantic Region for Metrocast, which has reached an agreement to purchase First Commonwealth Cablevision, stated that he needed a resolution transferring the agreement that the Town has with Cablevision to Metrocast. He stated that the local operation will be the same. Robert Westbrook moved that the town council adopt the draft resolution that Mr. Job provided. Garry Luckham seconded the motion. Vote - Yea: Evans, Luckham, Pollard, Ransone and Westbrook. Nay:0.

#### **Lighthouse Towing:**

Mr. and Mrs. Paul Davis, who operate Lighthouse Towing, were present to request that the restriction on the number of cars (no more than 10 cars) that they can have parked in front of their business during working hours be lifted. Mr. Terry, the Town Attorney, stated that they would have to apply for a CUP to have their previous CUP amended and would have to go through the public hearing process. Mr. Hardesty stated that he had received a complaint about the number of cars left overnight and during weekends. (Phillip Williams arrived.) Mr. Davis also wants to have an inspection station. Mr. Terry told him to obtain an application to amend the CUP to eliminate the restriction on the number of cars and include the possibility of an inspection station. Mr. Thompson and Mr. Williams were present to support Mr. Davis.

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

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

#### **Zoning Administrator:**

Mr. Hardesty stated that the Planning Commission will meet January 15, 2008, at 7:30 P.M., to review the recommendations to revise the Zoning Ordinance.

#### **New Business:**

Use of Commons: The clerk received a request for the possible use of the Commons for a wedding in the summer. She asked the person to send a letter with details, which has not been received. In discussion, it was the consensus that a certificate of insurance would also be needed from the wedding couple if the request is pursued.

Museum Appropriation: William Evans moved that \$7500.00 (the final donation of the \$30,000.00 allocated to the Steamboat Era Museum for budget year 2007-2008) be given to the museum. Ralph Ransone seconded the motion. Vote- Yea: Evans, Luckham, Pollard, Ransone, and Westbrook. Nay: 0.

Sale of Miss Ann: Robert Westbrook stated that Ms. Judith Motley was upset about the Miss Ann being sold by the Tides Inn and wondered if there is anything the town can do. There have been articles in the newspapers about the potential sale. It was the consensus that this is a business decision by the Tides Inn.

Appointment to the Northern Neck Chesapeake Bay Access Authority; This authority created in 2004, has four counties in the Northern Neck as members. Each board member (Lancaster County) has two members from the county, who are currently Bill Pennell, (County Administrator) and Ms. Lee Ann Washington. The County Board of Supervisors makes the appointments. Ralph Ransone moved that that the Town request that Dr. Westbrook, who is interested in being on the authority, be appointed to the authority and William Evans seconded the motion. Vote – Yea: Evans, Luckham, Pollard, and Westbrook. Nay: 0.

**Legal Counsel:** None.

**Thank you:**

Mr. Ransone asked that a thank you letter be sent to Mr. Paul Elbourne for the additional work after storms and the good job that he did on the Christmas Lights. The Mayor thanked Mr. Luckham and Mr. Ransone for the work that they did on the banners, flags, and Christmas lights.

**Executive Session:**

Mat Terry, read the following motion which Kathleen Pollard made and Ralph Ransone seconded.

"I hereby move that the Town Council of the Town of Irvington go into executive session, to consult with legal counsel pertaining to an employment matter and acquisition of real property that require legal services pursuant to *CODE OF VIRGINIA*, Section 2.1-3711A. (1) and (3)." Vote – Yea: Evans, Luckham, Pollard, Ransone, and Westbrook. Nay: 0. Garry Luckham made a motion to come out of executive session. Kathleen Pollard seconded the motion. Vote – Yea: Evans, Luckham, Pollard, Ransone, and Westbrook. Nay: 0.


Mat Terry read the following motion after the executive session: "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 so moved. Garry Luckham seconded the motion. Vote – Yea: Evans, Luckham, Pollard, Ransone, and Westbrook. Nay: 0.

I, Bill Evans, so certify.  
I, Kathleen Pollard, so certify.  
I, Bob Westbrook, so certify.  
I, Garry Luckham, so certify.  
I, Ralph D. Ransone, so certify.  
I, Alexander McD. Fleet, so certify.

Ralph D. Ransone made motion that the Bob Hardesty's title be changed to Code Compliance Officer and that his authority is to enforce all aspects of the Code as well as Zoning Ordinance as delegated by the Mayor. Garry Luckham seconded the motion. Vote – Yea: Evans, Luckham, Pollard, Ransone, and Westbrook. Nay: 0.

**Adjournment:**

The meeting was adjourned.

  
Alexander McD. Fleet, Mayor

Jan, 2008

# KILMARNOCK TROLLEY



## ROUTE & SCHEDULE FOR 2008

*This year's regular trolley schedule  
begins on May 2 and runs through October 3.*

*Routine days and hours of operation are  
Friday, 4-10 pm; Saturday, 9 am-10 pm; and  
holiday weekend Sundays, 1-6 pm; check for special  
event dates and schedules. Best of all, it's only 25¢.*

Minutes past the hour	Location
0:05	Lancaster Middle School 191 School Street, Kilmarnock
0:15	Historic Christ Church (10 am- 4 pm daily) 420 Christ Church Road, Irvington
0:22	The Tides Inn 480 King Carter Drive, Irvington
0:25	Irvington Baptist Church King Carter Drive & Route 200, Irvington
0:30	White Stone Town Hall 433 Rappahannock (Route 3), White Stone
0:40	Bank of Lancaster 100 South Main Street, Kilmarnock
0:42	Savannah Joe's 55 Irvington Road (west side), Kilmarnock
0:44	Public Parking/Foxy 24 West Church Street, Kilmarnock
0:46	Public Parking/Swank's/Masonic Hall 36 North Main Street, Kilmarnock
0:47	Farmer's Market (4th Saturdays, May-October) North Main & First Street, Kilmarnock
0:50	Lancaster Square Shopping Center/Food Lion 424 North Main Street, Kilmarnock
0:52	Chesapeake Commons Shopping Center/Peebles 463 North Main Street, Kilmarnock
0:56	Wal-Mart 200 Old Fair Grounds Way, Kilmarnock

514 North Main Street • Post Office 1357  
Kilmarnock, Virginia 22482-1357  
(804)435-1552 • Fax: (804)435-1587  
[www.kilmarnockva.com](http://www.kilmarnockva.com)

# 2008 CALENDAR OF EVENTS

Come and join us! Our signature events offer something for everyone. Unless otherwise noted, contact the Kilmarnock Chamber of Commerce for more information at [www.kilmarnockchamber.org](http://www.kilmarnockchamber.org).



## Local Festivals

March 15	<b>Rappahannock River Waterfowl Show</b> – Great wildlife art, benefiting the White Stone Fire Department, <a href="http://www.rwvs.org">www.rwvs.org</a>
April 23	<b>Historic Garden Week, Lancaster County tours</b> – More information: <a href="http://www.vagardenweek.org">www.vagardenweek.org</a> .
May 16-17	<b>Kilmarnock Crab Festival</b> – Honoring our favorite crustacean in Kilmarnock. <a href="http://www.thekilmarnockcrabfestival.com">www.thekilmarnockcrabfestival.com</a>
June 7	<b>Red Hat Day in Kilmarnock</b> – Wear your red and purple to enjoy special shopping and entertainment.
July 4	<b>Irvington Parade</b> – 10:00 a.m. along King Carter Drive
July 31-Aug 9	<b>Kilmarnock Volunteer Fire Department Carnival</b> – Closed Sunday. More information: 436-2002.
Aug. 29-31	<b>Rappahannock Art League Labor Day Show</b> – More information: 436-9309 or <a href="http://www.ralgallery.com">www.ralgallery.com</a>
Sep. 6	<b>Roots Music in the Churchyard at Historic Christ Church</b> – Live performances, 12 noon - 6.
Oct. 18	<b>Scottish Days</b> – Everything related to Kilmarnock's Scottish Heritage in Steptoe's District and 1 <sup>st</sup> and Main Streets.
Oct. 31	<b>Kilmarnock Kandy for Kids</b> – Trick-or-treating with downtown merchants for children under age 12.
Dec. 6	<b>Dickens Festival</b> – In White Stone, <a href="http://www.wsba-va.com">www.wsba-va.com</a>
Dec. 12	<b>Kilmarnock Lighted Christmas Parade</b> – At 7 p.m., Santa shepherds more than 100 entries down Main Street.

## Monthly Events

**Cruise In** – On second Sundays, April-October, antique cars gather at the Chesapeake Commons Shopping Center on Main Street in Kilmarnock from 4-6 pm. More info: 435-6171.

**First Friday Walkabouts** – On first Fridays, May-December, enjoy after-hours shopping and entertainment in Steptoe's District, downtown Kilmarnock, organized by the Rappahannock Art League. More info: 436-9309.

**Kilmarnock Farmers' Market** – On fourth Saturdays, May-October, you'll find produce, crafts and more at the corner of First and Main Streets from 9 am-1 pm. Sponsored by the Kilmarnock Chamber of Commerce. More info: 435-2850.

**Irvington Farmer's Market** – on first Saturdays, May-December, great vendors on the Town Commons. Sponsored by the Irvington Village Improvement Association, 438-9088.

**Historic Christ Church**– September 6 - October 16, Smithsonian traveling exhibit, "New Harmonies: Celebrating American Roots Music." Open 10-4 Mon-Sat; 2-5 Sundays. For their unique events all year, visit [www.christchurch1735.org](http://www.christchurch1735.org).

[www.townofirvington.com](http://www.townofirvington.com) · [www.whitestonevirginia.com](http://www.whitestonevirginia.com)  
[www.kilmarnockva.com](http://www.kilmarnockva.com)



## 2008 Kilmarnock Trolley Fact Sheet



- ① Serving Irvington, White Stone and Kilmarnock destinations
- ① Hourly round trips
- ① 10 stops
- ① 9 additional days of operation over 2007
- ① Fridays, Saturdays and selected holiday Sundays from May-end of October **PLUS** additional special events from March through December
- ① Minimal user fee of \$.25
- ① Supported by tax payer funds and advertising revenues

Contact: Susan Cockrell, Community Development Strategist  
Town of Kilmarnock  
804-435-1552 x 25 [susancockrell@kilmarnockva.com](mailto:susancockrell@kilmarnockva.com)

# 2008 Kilmarnock Trolley Schedule

Special event = blue

Holiday Weekends = yellow

Holiday Monday = gray

Unless noted, operating hours: Friday: 4p-10p Saturday: 9a-10p Sunday: 1p-6p

## Special Events

## Hours of Operation

## Dates

Celtic Celebration\Rappahannock

Waterfowl Show

9a-6p.

Saturday, March 15, 2008

? Food, fun, antiques events?

9a-6p.

Saturday, April 19, 2008

Historic Garden Week tours

9a-4p

Wednesday, April 23, 2008

standard schedule starts

First Friday Walkabouts

Friday, May 02, 2008

Farmers' Market- Irvington

Saturday, May 03, 2008

Friday, May 09, 2008

Saturday, May 10, 2008

Crab Festival

Friday, May 16, 2008

Crab Festival

Saturday, May 17, 2008

Memorial Day weekend

Friday, May 23, 2008

Farmers' Market- Kilmarnock

Saturday, May 24, 2008

Sunday, May 25, 2008

Monday, May 26, 2008

Friday, May 30, 2008

Saturday, May 31, 2008

First Friday walkabouts

Friday, June 06, 2008

Farmers' Market- Irvington\Red

Hat Day-Kilmarnock

Saturday, June 07, 2008

Friday, June 13, 2008

Saturday, June 14, 2008

Friday, June 20, 2008

Saturday, June 21, 2008

Friday, June 27, 2008

Farmers' Market- Kilmarnock

Saturday, June 28, 2008

First Friday walkabouts\July 4th weekend

Friday, July 04, 2008

Saturday, July 05, 2008

Sunday, July 06, 2008

Monday, July 07, 2008

Friday, July 11, 2008

Saturday, July 12, 2008

Friday, July 18, 2008

Saturday, July 19, 2008

Friday, July 25, 2008

Farmers' Market- Kilmarnock

Saturday, July 26, 2008

KVFD Fireman's Carnival start

7p-11p modified schedule

Thursday, July 31, 2008

# 2008 Kilmarnock Trolley Schedule

First Friday Walkabouts\KVFD

Fireman's Carnival

Friday, August 01, 2008

Farmers' Market- Irvington\KVFD

Fireman's Carnival

Saturday, August 02, 2008

KVFD Fireman's Carnival

7p-11p modified schedule

Monday, August 04, 2008

KVFD Fireman's Carnival

7p-11p modified schedule

Tuesday, August 05, 2008

KVFD Fireman's Carnival

7p-11p modified schedule

Wednesday, August 06, 2008

KVFD Fireman's Carnival

7p-11p modified schedule

Thursday, August 07, 2008

KVFD Fireman's Carnival

Friday, August 08, 2008

KVFD Fireman's Carnival ends

Saturday, August 09, 2008

Friday, August 15, 2008

Saturday, August 16, 2008

Friday, August 22, 2008

Saturday, August 23, 2008

Farmers' Market- Kilmarnock

Friday, August 29, 2008

Labor Day Weekend

Saturday, August 30, 2008

Sunday, August 31, 2008

Monday, September 01, 2008

First Friday Walkabouts

Friday, September 05, 2008

Farmers' Market- Irvington

Saturday, September 06, 2008

Friday, September 12, 2008

Saturday, September 13, 2008

Friday, September 19, 2008

Saturday, September 20, 2008

Northern Neck RiverRide  
weekend

Friday, September 26, 2008

Farmers' Market- Kilmarnock

Saturday, September 27, 2008

First Friday Walkabouts

Friday, October 03, 2008

standard schedule ends

Farmers' Market- Irvington

Saturday, October 04, 2008

Friday, October 17, 2008

Scottish Days

Saturday, October 18, 2008

Friday, October 24, 2008

Farmers' Market- Kilmarnock

Saturday, October 25, 2008

Kilmarnock Kandy for Kids

Friday, October 31, 2008

First Friday Walkabouts

Friday, November 07, 2008

??Veterans' day event??

Sp-8p

Tuesday, November 11, 2008

First Friday Walkabouts\URB  
parade

Friday, December 05, 2008

Dickens Fest in White

Stone\Farmers' Market- Irvington

Saturday, December 06, 2008

Kilmarnock parade

Sp-9p

Friday, December 12, 2008

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE TOWN OF IRVINGTON, VIRGINIA APPROVING THE  
TRANSFER OF THE CABLE FRANCHISEE**

**WHEREAS**, First Commonwealth Cablevision, Ltd. ("Franchisee") owns, operates and maintains a cable television system (the "System") in the Town of Irvington, Virginia ("Franchise Authority") pursuant to a franchise agreement (the "Franchise") between Franchisee and the Franchise Authority and Franchisee is the duly authorized holder of the Franchise granted by the Franchise Authority; and

**WHEREAS**, Gans Communications, L.P. d/b/a MetroCast Communications, a Delaware limited partnership ("Buyer"), has entered into an Asset Purchase Agreement with Franchisee (the "Agreement"), pursuant to which the System and the Franchise will be transferred (the "Transfer") to Buyer upon the closing of the transactions contemplated under the Agreement (the "Closing Date"); and

**WHEREAS**, Franchisee and Buyer have requested that the Franchise Authority consent to the Transfer in accordance with the requirements of the Franchise to the extent that such consent is required and have filed an FCC Form 394 with the Franchise Authority, and have provided all information required by applicable law (collectively, the "Transfer Application"); and

**WHEREAS**, the Franchise Authority has reviewed the Transfer Application, examined the legal, technical and financial qualifications of Buyer and finds it to be a suitable transferee.

**NOW THEREFORE, BE IT RESOLVED BY THE FRANCHISE AUTHORITY AS  
FOLLOWS:**

**SECTION 1.** The Franchise Authority hereby consents to the Transfer, to the extent required by the terms of the Franchise and applicable law.

**SECTION 2.** The Franchise Authority confirms that (a) the Franchise is validly existing and is currently in full force and effect and the Franchisee is the duly authorized holder of the Franchise; (b) the Franchise represents the entire understanding of the parties and the Franchisee has no obligations to the Franchise Authority other than those specifically stated in the Franchise; and (c) the Franchisee is materially in compliance with the provisions of the Franchise and applicable law and there exists no fact or circumstance known to the Franchise Authority which constitutes or which, with the passage of time or the giving of notice or both, would constitute a material default or breach under the Franchise or applicable law or would allow the Franchise Authority to cancel or terminate the Franchisee's rights thereunder.

**SECTION 3.** The Franchise Authority hereby consents to and approves the assignment, mortgage, pledge or other encumbrance, if any, of the Franchise, System or assets relating thereto, or of the interests in the permitted holder thereof, as collateral for a loan.

**SECTION 4.** This Resolution shall be deemed effective for purpose of the Transfer on the Closing Date and Buyer taking ownership and control of the System ("Effective Date").

**SECTION 5.** The Franchise Authority releases the Franchisee, effective upon the Effective Date, from all obligations and liabilities under the Franchise and applicable law that accrue on and after the Effective Date; provided that Buyer shall be responsible for any obligations and liabilities under the Franchise and applicable law that accrue on and after the Effective Date.

**SECTION 6.** This Resolution shall have the force of a continuing agreement with the Franchisee and Buyer, and the Franchise Authority shall not amend or otherwise alter this Resolution without the consent of Franchisee and Buyer.

**PASSED, ADOPTED AND APPROVED** this 10<sup>th</sup> day of January, 2008.

Town of Irvington

By: Alexander Fleet  
Name: \_\_\_\_\_  
Title: Mayor

ATTEST:

Jacqueline A. Burrell  
Clerk