

**Irvington Town Council
Regular and Public Meeting
December 9, 2010**

The regular and public meeting of the Irvington Town council was held at the Irvington Town Office at 7:30 P.M., on December 9, 2010.

Present:

Mayor	Ralph D. Ransone
Vice-Mayor	Kathleen F. Pollard
Council	Gene H. Edmonds Robert S. Westbrook
Zoning Administrator	Robert A. Hardesty
Legal Counsel	Matson C. Terry, II

Absent:

Council	Jerry Latell R. Wayne Nunnally Edward J. Sulick
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Guests:

Steve Daum – Lancaster County Building Inspector
Betsy Heath – Owner of “Bay Splash”

Visitors:

Two H.S. Gov’t Students

The Mayor convened the council members, but there was not a quorum of council members present. Therefore, no meeting was held, no minutes were taken, and no recording was made.


Ralph D. Ransone, Mayor

**Irvington Town Council
Regular and Public Meeting
November 11, 2010**

The regular and public meeting of the Irvington Town Council was held at the Irvington Town Office on November 11, 2010, at 7:30 P.M.

Present:

Mayor	Ralph D. Ransone
Vice-Mayor	Kathleen Pollard
Council	Jerry Latell Wayne Nunnally Edward Sulick Robert Westbrook
Zoning Administrator	Robert A. Hardesty

Absent:

Council	Gene Edmonds
Legal Counsel	Matson C. Terry, II

Visitors:

David & Mary Headley

The Mayor called the meeting to order and led the group in a moment of silence.

Public Comment:

Mrs. Mary Headley stated that she had attended a school fundraising event in the Goochland area where the school charges \$10.00 for persons to come to the school or playground with decorated automobile trunks or back of vans on Halloween night. There is trick or treating around the vehicles, hayrides, and a contest for the best decorated trunk or back of van.

Minutes and Treasurer's Report:

Edward Sulick made a motion to approve the minutes and treasurer's report. Jerry Latell seconded the motion. Vote – Yea: Latell, Nunnally, Pollard, Sulick, and Westbrook. Nay: 0.

Zoning Administrator:

Irvington Marina: Mr. Hardesty reported that Steve Daum was satisfied with the progress at Irvington Marina. Hawk Boatman has removed the debris, junk, and trash from the foundry (ice plant) building, and has been able to gain access on the north side of the building. The foundry building will be demolished. Dominion Power has to disconnect the service that also feeds the boat shed.

25 mph Speed Limit and Golf Cart Signs: Mr. Hardesty wrote VDOT requesting that the speed limit be changed to 25 mph from the Irvington Road southeast blinking sign to the Carters Creek Bridge and listing the streets where golf carts can be driven. He reported that Mr. Trapani is to meet with him the week following the council meeting and then he will respond by letter.

The Ordinance: In the last fiscal year, the Council authorized that \$500.00 could be spent in having the Ordinance retyped after revisions were made. Approximately \$250.00 was spent with the first retyping. Mr. Hardesty requests that the remaining \$250.00 be used to have the ordinance retyped after more revisions have been made. New ordinances to be included are: Maintenance code, unsafe marine structure, grass – weeds, blight, and fire prevention, signs, golf carts, animal control, dogs, floodplain. Mr. Nunnally requested that they look at single family homes, and the fence ordinance, condition of the premises. Dr. Westbrook wants them to address boathouses. Fence ordinance. Robert Westbrook asked about the Architectural Review Board. Mr. Hardesty stated that was already part of the ordinance. Mr. Hardesty estimates that there will be possibility of three more typings of the ordinance. It was decided that the bill would be paid when it is presented.

Legal Counsel:

Mr. Terry was absent but he had sent the drafts of the burn ban and dog amendment. Dr. Westbrook will serve as the Director of Emergency Services in case of fire. The council will review the ordinances and discuss them next month. Public Hearings for the burn ban and the dog amendment will be held by the Planning Commission and the Town Council.

Planning Commission Report: No meeting, no report.

Committee Report:

Streets: Mr. Nunnally reported that he had met with Albert Pollard and Quinton Elliott. HE is concerned about traffic speed in Irvington. Traffic study lines have been across the streets in Irvington. Dr. Westbrook would like a waiver for the town to have one of the blinking signs machines that posts vehicles' speed. He had heard that a town has to have a police department to obtain the machine registering vehicular speed. He asked if the safety committee could research this.

Old Business:

Sidewalk at Commons: No progress. Mrs. Pollard said that that item can be removed from agendas for the town council meetings at this time.

Revenue Contingency Plan: Dr. Westbrook and Ed Sulick presented an outline of the steps for implementing a real estate tax if ever one was needed. Dr. Westbrook said that they could look at BPOL tax. They distributed handouts based on their discussion with the Town of Kilmarnock. Officials advised that it could take about six months to implement.

Permanent Financing of a Loan for the Thomas Property: Financing will be discussed next month as Mr. Edmonds is absent. Mr. Terry is awaiting a court date for the partition suit.

New Business: None.

Announcements:

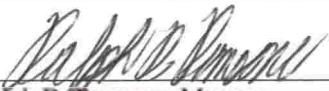
Boat Parade: Thank you letters have been received from the Lancaster Community Library and the "Lights on the Creek" Boat Parade. Dr. Westbrook reported that there were lots of people at the Tides Inn for the post parade party. He said that they may shorten the course next year and they may keep the October date for the parade. There were two awards: People's Choice for which people called in and the Mayor's Cup.

The Christmas Tree will be decorated on Saturday, November 13th at 9:00 A.M.

Council Members needed to look over the sign ordinance that Mr. Hardesty had distributed

Adjournment:

The motion to adjourn was seconded by Robert Westbrook. Vote – Yea: Latell, Nunnally, Pollard, Sulick, and Westbrook. Nay: 0.



Ralph D. Ransone, Mayor

**Irvington Town Council
Regular and Public Meeting
October 14, 2010**

The regular and public meeting of the Irvington Town Council was held at the Irvington Town Office on October 14, 2010, at 7:30 P.M.

Present:

Mayor	Ralph D. Ransone
Vice-Mayor	Kathleen Pollard
Council	Gene Edmonds Jerry Latell Edward Sulick Robert Westbrook
Zoning Administrator Legal Counsel	Robert A. Hardesty Matson C. Terry, II

Absent:

Council	Wayne Nunnally
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Guests:

Steve Daum Mrs. Marion James Richard Pittman Mrs. Jayne Jackson	Mr. and Mrs. Anderson Mrs. Debbie Cook Mr. Jay Alga
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Visitors:

Kendall Savoy-- H.S. Gov't Student

The Mayor called the meeting to order.

Public Comment: No Comment.

Irvington Marina:

Mr. Daum was present to report on the status of the Irvington Marina. He said that the emptying of the foundry building (ice plant) was about 1/3 completed. They need to shore up the back section of the building as the building is not structurally sound. Dominion Power needs to relocate the power service that goes through the building to serve the entire property. The plan is to demolish the building. He said that they have been advised that an asbestos inspection is needed before the building is demolished. He said that he is watching the covered boat shed.

Kathleen Pollard made a motion to go into a public hearing and Gene Edmonds seconded the motion. Vote -- Yea: Edmonds, Latell, Pollard, Sulick, and Westbrook. Nay: 0.

Public Hearing:

CUP Application – Swimming Pool: Mr. Richard Pittman, 107 Pittman Drive: Mr. Pittman is applying for a CUP to install an above ground swimming pool at his home. Mr. Hardesty stated that the fees were paid, the public hearing was advertised, notices were mailed to the neighbors and there were no objections. Mr. Hardesty has advised Mr. Pittman of the fencing requirements. The Planning Commission recommended approval of the application. Mr. Pittman gave the following information about his plans:

1. There will be four feet of water in the pool.
2. The 24'x16' pool house, which will match the house, will have vinyl siding with shutters.
3. There will be a five foot wide deck around the pool.
4. The existing septic system will be used.
5. There will fourteen feet between the steps to the pool and the steps to the house.

Robert Westbrook made a motion to come out of the public hearing and Edward Sulick seconded the motion. Vote – Yea: Edmonds, Latell, Pollard, Sulick, and Westbrook. Nay: 0. Robert Westbrook made a motion to approve the CUP application and Jerry Latell seconded the motion. Vote – Yea: Edmonds, Latell, Pollard, Sulick, and Westbrook. Nay: 0.

Minutes and Treasurer's Report:

The tree beside the town office was removed on September 21st rather than in August as noted in the minutes.

Kathleen Pollard made a motion to accept the minutes and treasurer's report. Robert Westbrook seconded the motion. Vote – Yea: Edmonds, Latell, Pollard, Sulick, and Westbrook. Nay: 0.

Zoning Ordinance:

Mr. Hardesty stated that he was working on the ordinance revisions. He is consolidating the sign regulations in the ordinance, including the temporary signs.

Legal Counsel:

Thomas Property: Mr. Terry stated that he is waiting for a court date for the partition suit. Mr. Phillip Thomas has to be out of the house by November 1st.

Burn Ban: Mr. Terry said that Mr. Pennell advised him that when there is a burn ban affecting the County, it is not enforceable in the incorporated towns such as Irvington. The Town of Irvington needs to adopt its own ordinance. Mr. Terry will draft an ordinance. He said that White Stone could be called in to enforce it.

Planning Committee Report:

Mr. Sulick said that the Planning Committee discussed Mr. Pittman's Swimming Pool Cup application.

Committee Reports:

Building and Grounds: The tree next to the town office was removed September 21st. The stump is still there. There are other tree limbs hanging over the town office roof. Mr. Edmonds noted that sand had been put in the Commons' mud hole near the back entrance. Mr. Ransone said that Mr. Hardesty had asked him to delay the removal of the old shed at this time as there are items stored in it.

Old Business:

Regrading the Commons: Mrs. Merrill, who has been chairman of the Farmers' Market for several years, inquired about the regrading of the Commons. After a recent heavy rain, reported to be approximately 14 inches, the market was not held. Mr. Ransone said that vehicles being driven on the Commons could damage the ground and; therefore, they could not be driven on the Commons during the market. It was decided not to have the market. Mr. Edmonds said that the cost of regrading the Commons was not worth the expense to save one market in four years. Mr. Ransone said that if the Commons were to be regraded, then the Commons would have to be shut down for a number of months in order for the grass to grow to the point that it would not be damaged.

Sidewalk at the Commons: No report, still in dialogue.

Revenue Contingency Plan: Still being developed.

Golf Cart Signs: Mr. Hardesty wrote to VDOT about the location of required golf cart signs, but there has been no response to his letter about either the signs or lowering the speed limit from the flashing light to the Carters Creek Bridge.

New Business:

Raffles: Chesapeake Academy will be holding raffles on October 16, 2010, and May 7, 2011, as part of fundraising events. Edward Sulick made a motion to approve the raffle applications for both dates. Robert Westbrook seconded the motion. Vote – Yea: Edmonds, Latell, Pollard, Sulick, and Westbrook. Nay: 0.

Dog Ordinance Amendment: When the town adopted a dog ordinance on June 14, 2007, it excluded the following state law reference: "All dog owners are prohibited from permitting their dogs to run at large within the town from May 1 to September 1 of each year. For the purpose of this section a dog shall be deemed to run at large while roaming, running or self hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control. Any person who permits his dog to run at large or remain unconfined, unrestricted or not penned up shall be deemed to have violated the provisions of this section." It was thought that this was construed to be a leash law as well as being difficult to enforce. The County Animal Control Officer would have to enforce the ordinance, not the sheriff's office unless a person was attacked by a vicious dog. The Animal Control Officer determines if a dog is vicious. Mr. Anderson said that it took about a year to get the attention of the owner of the dog. Mr. Terry will talk with the Mr. Pennell, County Administrator and then draft a proposed ordinance.

Irvington Open Golf Tournament Appropriation: The Irvington Open Golf Tournament will be on November 7, 2010. Mr. Edmonds made a motion to appropriate the \$300.00 that was allocated in the 2010-2011 budget. Jerry Latell seconded the motion. Vote – Yea: Edmonds, Latell, Sulick, Pollard, and Westbrook. Nay: 0.

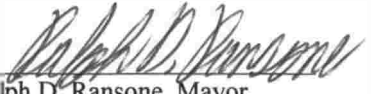
Christmas Decorations: Christmas tree lights will be put up on Saturday, November 13th, at 9:00 A.M. The rain date will be November 20th.

Announcements:

The Boat Parade will be Saturday, October 30th.

Adjournment:

Robert Westbrook made a motion that the meeting be adjourned and Edward Sulick seconded the motion. Vote – Yea: Edmonds, Latell, Pollard, Sulick, and Westbrook. Nay: 0.


Ralph D. Ransone, Mayor

**Irvington Town Council
Regular and Public Meeting
September 9, 2010**

The regular and public meeting of the Irvington Town Council was held on September 9, 2010, at the Irvington Town Office, at 7:30 P.M.

Present:

Mayor	Ralph D. Ransone
Vice-Mayor	Kathleen Pollard
Council	Gene Edmonds Jerry Latell Wayne Nunnally Edward Sulick Robert Westbrook
Zoning Administrator	Robert A. Hardesty

Absent:

Legal Counsel	Matson C. Terry, II
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Guests:

Steve Daum: Jimmie & Jayne Jackson Linda Lopez Nancy & Andy Anderson Sam Monroe Jay Alga Frances Simmons Billy Rowe Sarah Landon Simmons Spencer, grandson of Frances Simmons Rawleigh Simmons	Marion & Leland James Ned Crockett Beverly Randolph Suzanne Mattingly
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Visitors:

David & Mary Headley
Bill Evans
Debbie Cook
Fran Nunnally

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

Diane Sadler, Deputy Clerk of the Lancaster County Circuit Court, was present to administer the oath of office to the Councilmen: Jerry Latell, who was appointed, but now has been elected to a four year term; Robert Westbrook, who has been reelected to a four year term; and Wayne Nunnally, who is newly elected.

William Evans, outgoing councilmember made a statement.

Public Comment:

Dogs on the Lane: Jimmie Jackson asked that there be a non roaming dog law. He, and neighbors, Sam Monroe, the Andersons, and Linda Lopez said that their small dogs have been attacked by a larger dog or dogs in the neighborhood. Neighbors were asking that the section that was stricken from the ordinance be reinstated. Jay Alga said that the problem was not only on The Lane as when he was walking toward the end of King Carter, a dog came out and got a mouthful of his shorts. Mr. James said that his invisible fence works flawlessly to contain his dog, but his little dog would be trapped if a larger dog invaded the fenced area and his little dog could not escape. Former neighbors on Sams Cove Landing had large dogs, who would scare walkers.

Sarah Simmons said that the dogs were not vicious as far as people were concerned. They had built a fence, but the dogs escaped through an area where the rat wire was not put under the bush. They have agreed to electrify the fence. Mrs. Simmons paid the veterinarian's bill for Andy Anderson's dog. Marion James said that if they put roaming restriction back in the ordinance, it would help.

Steve Daum: Irvington Marina: Mr Daum reported that the old ice plant at Irvington Marina was in bad shape. The covered boat house is in the same shape. He hopes to be able to look on the inside of the building next week. A person asked if there was asbestos in the building and Mr. Daum said that he was not certified to comment on asbestos. An asbestos inspection will have to be done before demolition.

Bill Evans: Mr. Evans is leaving the council, but he will serve on the emergency committee. He said that the town needs radios, so that it can be in the loop with county during an emergency. He said that the batteries need to be updated. There is an active group of ten on the disaster committee.

Public Hearing: Floodplain Ordinance:

Wayne Nunnally made a motion to go into a public hearing to hear public input regarding the proposed floodplain ordinance. Edward Sulick, representative to Planning Commission from the Town Council, gave the update from the Planning Commission. He said that there was a question by a Planning Commission member regarding the role of the Zoning Administrator in administering the Floodplain Ordinance. The Town Of White Stone has passed the ordinance. Jerry Latell made a motion to come out of public hearing and Gene Edmonds seconded the motion. Vote - Yea: Edmonds, Latell, Nunnally, Pollard, Sulick, and Westbrook. Nay: 0.

In discussion, it was said that the County building official would determine the elevation required for a structure in a floodplain area. Mr. Hardesty stated that passing the ordinance would benefit those who need to build flood insurance as the rate would be better if the town had a floodplain ordinance. Robert Westbrook made a motion to approve the ordinance and Kathleen Pollard seconded the motion. Vote - Yea: Edmonds, Latell, Nunnally, Pollard, Sulick, and Westbrook. Nay: 0.

Minutes and Treasurer's Report:

Robert Westbrook made a motion to approve the minutes of the meetings on August 12, 2010, and the treasurer's report for the month of August. Wayne Nunnally seconded the motion. Vote - Yea: Edmonds, Latell, Nunnally, Pollard, Sulick, and Westbrook. Nay: 0.

Zoning Administrator:

Irvington Marina: Mr. Hardesty reported that Ampro's crane was at Irvington Marina. They hope to get "Eva" (vessel that sank) out of the water. They have a sling under it, plan to lift it up so they can pump it, and have dug out the bulkhead to facilitate bringing it out of the water.

Legal Counsel: Absent, no report.

Planning Commission: No additional report.

Committee Reports:

Building and Grounds: The tree beside the town office is to be removed August 14th (actually removed August 21st).

Old Business:

Plumbing at Triangle: The plumbing work has been completed at the triangle.

Revenue Workshop: The council held an informative workshop on August 26th. The mayor appointed Robert Westbrook and Edward Sulick to work on a contingency plan of all possibilities for revenue, should it be needed. Wayne Nunnally asked for something other than taxation to be considered.

Sidewalk: Mrs. Pollard said that members of the VIA had commented on doing the sidewalk all the way to Chesapeake Drive. She said that she had a price of \$10,000 for 300 feet. She said that it would be addressed at another meeting.

New Computer: Mr. Hardesty mentioned that he needed to replace the computer that was damaged when the basement of the town office was flooded. The receipts for the claim have been submitted to the VML adjuster. The clerk was instructed to contact VML about the amount that they would pay on the claim.

Reminders: The Mayor was reminded that the shed needs to be removed at the Commons and the hole at the back drive of the Commons needs to be filled.

New Business:

Raffle: Steamboat Era Museum is holding a raffle for a kayak on September 25, 2010, and has applied for a permit. Their form was not notarized or was the date given. When questions arose, the Mayor said that the state was becoming stricter in the enforcement of the laws. Mr. Nunnally made a motion to approve the application pending its completion on September 10th. Edward Sulick seconded the motion. Vote – Yea: Edmonds, Latell, Nunnally, Pollard, and Sulick. Nay: 0. Abstain: Westbrook.

Emergency/Disaster: Dr. Westbrook will be chairman of this committee. Gene Edmonds reported Scott Hudson's information about storm notification procedures.

Trolley Contribution: Edward Sulick made a motion that the council contribute the \$500.00 which was allocated in the town's budget for the Triangle Trolley. Dr. Westbrook said the drivers of the trolley need to be cautioned that the speed limit is 25 mph on King Carter Drive.

Boat Parade: The "Lights on the Creek" Boat Parade will occur at Halloween this year rather than in December, as there will be work done at the Tides Inn's waterfront at that time. A contribution of \$1000.00 was allocated in the budget. Gene Edmonds made a motion to appropriate the money and Kathleen Pollard seconded the motion. The money will be used as prize money. Vote – Yea: Edmonds, Latell, Nunnally, Pollard, Sulick, and Westbrook. Nay: 0.

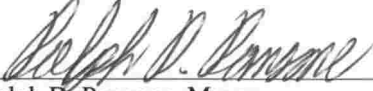
Use of the Commons: Mr. Nunnally made a motion that the Steamboat Era Museum be allowed to use the Commons for its "Steamboat Event" on September 24th and September 25th. Gene Edmonds seconded the motion. Vote – Yea: Edmonds, Latell, Nunnally, Pollard, Sulick, and Westbrook. Nay: 0.

Dogs: After discussion about the dog situation, it was decided to ask the town attorney if the clause about not allowing roaming dogs could be reinstated in the ordinance. Mr. Sulick would like a clause about non roaming dogs in the ordinance.

Committee Assignment: At the next meeting, Mr. Nunnally will be assigned to the streets and sidewalk committee.

Adjournment:

Robert Westbrook made a motion to adjourn the meeting and Kathleen Pollard seconded the motion. The meeting was adjourned.



Ralph D. Ransone, Mayor

ORDINANCE NO. ____

AN ORDINANCE AMENDING ORDINANCE NO. ____, THE ZONING ORDINANCE OF ^{TOWN} ~~THE~~ ^{OF} ~~IRVINGTON~~ {community} VIRGINIA, BY ESTABLISHING FLOODPLAIN DISTRICTS, BY REQUIRING THE ISSUANCE OF PERMITS FOR DEVELOPMENT, AND BY PROVIDING FACTORS AND CONDITIONS FOR VARIANCES TO THE TERMS OF THE ORDINANCES.

BE IT ENACTED AND ORDAINED BY THE ^{TOWN OF IRVINGTON} {community}, Virginia, as follows:

ARTICLE I - GENERAL PROVISIONS

Section 1.1 – Statutory Authorization and Purpose

This ordinance is adopted pursuant to the authority granted to localities by Va. Code § 15.2 - 2280. The purpose of these provisions is to prevent: the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by

- A. regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies;
- B. restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding;
- C. requiring all those uses, activities, and developments that do occur in flood-prone districts to be protected and/or flood-proofed against flooding and flood damage; and,
- D. protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

Section 1.2 - Applicability

These provisions shall apply to all privately and publicly owned lands within the jurisdiction of ^{TOWN OF IRVINGTON} {community} and identified as being flood-prone. ^{THE}

Section 1.3 - Compliance and Liability

- A. No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this ordinance.

- B. The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study, but does not imply total flood protection. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that districts outside the floodplain district or land uses permitted within such district will be free from flooding or flood damages.
- C. Records of actions associated with administering this ordinance shall be kept on file and maintained by the ~~{title of community floodplain administrator}~~.
ZONING ADMINISTRATOR
- D. This ordinance shall not create liability on the part of ~~{community}~~ or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.
THE TOWN OF IRVINGTON

Section 1.4 - Abrogation and Greater Restrictions

This ordinance supersedes any ordinance currently in effect in flood-prone districts. Any ordinance, however, shall remain in full force and effect to the extent that its provisions are more restrictive.

Section 1.5 - Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this ordinance. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this ordinance are hereby declared to be severable.

Section 1.6 - Penalty for violations

Any person who fails to comply with any of the requirements or provisions of this article or directions of the director of planning or any authorized employee of the ~~[community]~~ shall be guilty of a ☐ and
MISDEMEANOR

~~subject to the penalties thereof:~~

UPON CONVICTION THEREOF MAY BE FINED UP TO TWO HUNDRED AND FIFTY DOLLARS
TOWN OF IRVINGTON
In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this article. The imposition of a fine or penalty for any violation of, or noncompliance with, this article shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations or noncompliances within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this article may be declared by the ~~[community]~~ to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this article.
TOWN OF IRVINGTON
\$150.00 PER DAY

ARTICLE II - DEFINITIONS

- A. Base flood - The flood having a one percent chance of being equaled or exceeded in any

given year.

- B. Base flood elevation - The Federal Emergency Management Agency designated one hundred (100)-year water surface elevation. The water surface elevation of the base flood in relation to the datum specified on the community's Flood Insurance Rate Map. For the purposes of this ordinance, the one hundred (100) year flood or 1% annual chance flood.
- C. Basement - Any area of the building having its floor sub-grade (below ground level) on all sides.
- D. Board of Zoning Appeals - The board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this ordinance.
- E. Development - Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- F. Elevated building - A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, or columns (posts and piers).
- G. Encroachment - The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.
- H. Flood or flooding -
 - 1. A general or temporary condition of partial or complete inundation of normally dry land areas from
 - a. the overflow of inland or tidal waters; or,
 - b. the unusual and rapid accumulation or runoff of surface waters from any source.
 - c. mudflows which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
 - 2. The collapse or subsistence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph 1 (a) of this definition.
- I. Flood Insurance Rate Map (FIRM) - an official map of a community, on which the Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

- J. Flood Insurance Study (FIS)— an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.
- K. Floodplain or flood-prone area - Any land area susceptible to being inundated by water from any source.
- L. Flood proofing - any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
- M. Floodway- The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
- N. Freeboard - A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed. When a freeboard is included in the height of a structure, the flood insurance premiums may be cheaper.
- O. Highest adjacent grade - the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- P. Historic structure - Any structure that is
 1. listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 2. certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 3. individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
 4. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either
 - a. by an approved state program as determined by the Secretary of the Interior; or,
 - b. directly by the Secretary of the Interior in states without approved programs.
- Q. Lowest floor - The lowest floor of the lowest enclosed area (including basement). An

unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44CFR §60.3.

- R. Manufactured home - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days, but does not include a recreational vehicle.
- S. Manufactured home park or subdivision - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- T. New construction - For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after _____ {insert the effective date of the community's initial Flood Insurance Rate Map} or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, *new construction* means structures for which the *start of construction* commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.
- U. Recreational vehicle - A vehicle which is
1. built on a single chassis;
 2. 400 square feet or less when measured at the largest horizontal projection;
 3. designed to be self-propelled or permanently towable by a light duty truck; and,
 4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.
- V. Shallow flooding area - A special flood hazard area with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
- W. Special flood hazard area - The land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year as determined in Article 3, Section 3.2 of this ordinance.
- X. Start of construction - For other than new construction and substantial improvement, under the Coastal Barriers Resource Act (P.L. - 97-348), means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of

the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

- Y. Structure - for flood plain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.
- Z. Substantial damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- AA. Substantial improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the *start of construction* of the improvement. This term includes structures which have incurred *substantial damage* regardless of the actual repair work performed. The term does not, however, include either:
1. any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
 2. any alteration of a *historic structure*, provided that the alteration will not preclude the structure's continued designation as a *historic structure*.
- BB. Violation - the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Sec. 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.
- CC. Watercourse - A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

ARTICLE III - ESTABLISHMENT OF ZONING DISTRICTS

Section 3.1 - Description of Districts

A. Basis of Districts

The various floodplain districts shall include special flood hazard areas. The basis for the delineation of these districts shall be the Flood Insurance Study (FIS) and the Flood Insurance Rate Maps (FIRM) for ~~the community~~ ^{TOWN OF IRVINGTON} prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated _____, and any subsequent revisions or amendments thereto.

The boundaries of the Special Flood Hazard Area and Floodplain Districts are established as shown on the Flood Insurance Rate Map which is declared to be a part of this ordinance and which shall be kept on file at the ~~community~~ ^{TOWN OF IRVINGTON} offices.

The Special Floodplain District shall be those areas identified as an AE Zone on the maps accompanying the Flood Insurance Study for which one hundred (100)-year flood elevations have been provided.

B. Overlay Concept

1. The Floodplain Districts described above shall be overlays to the existing underlying districts as shown on the Official Zoning Ordinance Map, and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.
2. If there is any conflict between the provisions or requirements of the Floodplain Districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.
3. In the event any provision concerning a Floodplain District is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.

Section 3.3 - District Boundary Changes

The delineation of any of the Floodplain Districts may be revised by the ~~community~~ ^{TOWN OF IRVINGTON} where natural or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the U. S. Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration.

Section 3.4 - Interpretation of District Boundaries

Initial interpretations of the boundaries of the Floodplain Districts shall be made by the Zoning Officer. Should a dispute arise concerning the boundaries of any of the Districts, the Board of Zoning Appeals shall make the necessary determination. The person questioning or contesting the location of the District boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.

Section 3.5 – Submitting Technical Data

A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and flood plain management requirements will be based upon current data.

ARTICLE IV - DISTRICT PROVISIONS

Section 4.1 – Permit and Application Requirements

A. Permit Requirement

All uses, activities, and development occurring within any floodplain district, including placement of manufactured homes, shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of this Ordinance and with all other applicable codes and ordinances, as amended, such as the Virginia Uniform Statewide Building Code (VA USBC) and the ~~(community) Subdivision Regulations~~. Prior to the issuance of any such permit, the ~~(title of community floodplain administrator)~~ shall require all applications to include compliance with all applicable state and federal laws and shall review all sites to assure they are reasonably safe from flooding. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.

B. Site Plans and Permit Applications

All applications for development within any floodplain district and all building permits issued for the floodplain shall incorporate the following information:

1. The elevation of the Base Flood at the site.
2. The elevation of the lowest floor (including basement).
3. For structures to be flood-proofed (non-residential only), the elevation to which the structure will be flood-proofed.
4. Topographic information showing existing and proposed ground elevations.

Section 4.2 - General Standards

The following provisions shall apply to all permits:

- A. New construction and substantial improvements shall be according to the VA USBC, and

anchored to prevent flotation, collapse or lateral movement of the structure.

- B. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state anchoring requirements for resisting wind forces.
- C. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- D. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- E. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- F. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- G. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- H. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

In addition to provisions A – H above, in all special flood hazard areas, the additional provisions shall apply:

- I. Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction a permit shall be obtained from the U. S. Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). Furthermore, in riverine areas, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and the Federal Insurance Administrator.
- J. The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

Section 4.3 - Specific Standards

In all special flood hazard areas where base flood elevations have been provided in the Flood Insurance Study or generated according Article 4, section 4.6, the following provisions shall apply:

A. Residential Construction

New construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated to or ~~above the base flood level (recommen~~ \geq (one foot freeboard).

B. Non-Residential Construction

New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated to or above the base flood level ~~(recommen~~ \geq (one foot freeboard). Buildings located in all A1-30, AE, and AH zones may be flood-proofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to the BFE plus one foot are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation (in relation to mean sea level) to which such structures are floodproofed, shall be maintained by (title of community administrator).

C. Elevated Buildings

Fully enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection elevation shall:

1. not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator).
2. be constructed entirely of flood resistant materials below the regulatory flood protection elevation;
3. include, in Zones A, AO, AE, and A1-30, measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:
 - a. Provide a minimum of two openings on different sides of each enclosed area subject to flooding.
 - b. The total net area of all openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding.

- c. If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.
- d. The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade.
- e. Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.
- f. Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

D. Standards for Manufactured Homes and Recreational Vehicles

- 1. All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, in a new manufactured home park or subdivision or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, must meet all the requirements for new construction, including the elevation and anchoring requirements in Article 4, section 4.2 (A) and (B), and section 4.3 (A).
- 2. All recreational vehicles placed on sites must either
 - a. be on the site for fewer than 180 consecutive days;
 - b. be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions); or,
 - c. meet all the requirements for manufactured homes in Article 4, sections 4.2 and 4.3 (D).

Section 4.4 - Standards for the Special Floodplain District

The following provisions shall apply within the Special Floodplain District:

Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within the areas of special flood hazard, designated as Zones A1-30 and AE on the Flood Insurance Rate Map, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing

and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the {community}. TOWN OF IRVINGTON.

Development activities in Zones AI-30, AE, and AH, on the {community's} Flood Insurance Rate Map which increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the {developer or applicant} first applies – with the {community's} TOWN OF IRVINGTON endorsement – for a conditional Flood Insurance Rate Map revision, and receives the approval of the Federal Emergency Management Agency.

Section 4.5 - Standards for Subdivision Proposals

- A. All subdivision proposals shall be consistent with the need to minimize flood damage;
- B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and
- D. Base flood elevation data shall be provided for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty lots or five acres, whichever is the lesser.

ARTICLE V - VARIANCES: FACTORS TO BE CONSIDERED

Variances shall be issued only upon (i) a showing of good and sufficient cause, (ii) after the Board of Zoning Appeals has determined that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) after the Board of Zoning Appeals has determined that the granting of such variance will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

While the granting of variances generally is limited to a lot size less than one-half acre, deviations from that limitation may occur. However, as the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases. Variances may be issued by the Board of Zoning Appeals for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of this section.

Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of this section are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

In passing upon applications for variances, the Board of Zoning Appeals shall satisfy all relevant factors and procedures specified in other sections of the zoning ordinance and consider the following additional factors:

- A. The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any Floodway District that will cause any increase in the one hundred (100)-year flood elevation.
- B. The danger that materials may be swept on to other lands or downstream to the injury of others.
- C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- E. The importance of the services provided by the proposed facility to the community.
- F. The requirements of the facility for a waterfront location.
- G. The availability of alternative locations not subject to flooding for the proposed use.
- H. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- I. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- J. The safety of access by ordinary and emergency vehicles to the property in time of flood.
- K. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- L. The historic nature of a structure. Variances for repair or rehabilitation of historic structures may be granted upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- M. Such other factors which are relevant to the purposes of this ordinance.

The Board of Zoning Appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.

Variances shall be issued only after the Board of Zoning Appeals has determined that the granting of such will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or

victimization of the public, or (f) conflict with local laws or ordinances.

Variances shall be issued only after the Board of Zoning Appeals has determined that the variance will be the minimum required to provide relief.

The Board of Zoning Appeals shall notify the applicant for a variance, in writing and signed by {title of appropriate public official, that the issuance of a Variance to construct a structure below the one hundred (100)-year flood elevation (a) increases the risks to life and property and (b) will result in increased premium rates for flood insurance.

A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of the variances. Any Variances that are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

ARTICLE VI - EXISTING STRUCTURES IN FLOODPLAIN AREAS

A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following conditions:

- A. Existing structures in the Floodway Area shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed expansion would not result in any increase in the base flood elevation.
- B. Any modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any flood plain areas to an extent or amount of less than fifty (50) percent of its market value shall conform to the VA USBC.
- C. The modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use, regardless of its location in a floodplain area to an extent or amount of fifty (50) percent or more of its market value shall be undertaken only in full compliance with this ordinance and shall require the entire structure to conform to the VA USBC.

ARTICLE VII - ENACTMENT

ENACTED AND ORDAINED THIS ____ DAY OF _____, 20__. This ordinance shall become effective upon passage.

Signature

Title

Attested

Variances shall be issued only after the Board of Zoning Appeals has determined that the variance will be the minimum required to provide relief.

The Board of Zoning Appeals shall notify the applicant for a variance, in writing and signed by {title of appropriate public official, that the issuance of a variance to construct a structure below the one hundred (100)-year flood elevation (a) increases the risks to life and property and (b) will result in increased premium rates for flood insurance.

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- B. Any modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any flood plain areas to an extent or amount of less than fifty (50) percent of its market value shall conform to the VA USBC.
- C. The modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use, regardless of its location in a floodplain area to an extent or amount of fifty (50) percent or more of its market value shall be undertaken only in full compliance with this ordinance and shall require the entire structure to conform to the VA USBC.

ARTICLE VII - ENACTMENT

ENACTED AND ORDAINED THIS 9th DAY OF Sept., 2010. This ordinance shall become effective upon passage.

Ralph D. Barone
Signature

Mayor
Title

Jacqueline H. Burrell, Clerk
Attested

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

I, Robert S. Westbrook 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 for a four year term beginning September 9, 2010 according to the best of my ability, (So help me God.)

Robert S. Westbrook

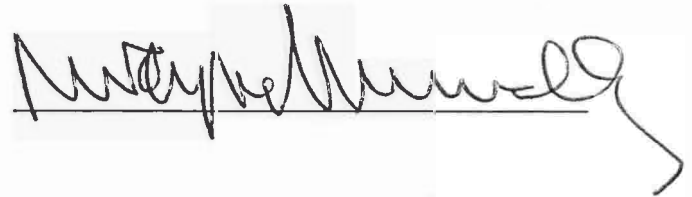
I, Diane H. Mumford, Clerk of the Circuit Court in and for the County of Lancaster, in the Commonwealth of Virginia, do certify that Robert S. Westbrook this 9th day of September, 2010 personally appeared before me in my County aforesaid and took and subscribed the above oath.

Diane H. Mumford

Clerk

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

I, R. Wayne Nunnally 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 for a four year term beginning September 9, 2010 according to the best of my ability, (So help me God.)

A handwritten signature in black ink, appearing to read "R. Wayne Nunnally", 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 R. Wayne Nunnally this 9th day of September, 2010 personally appeared before me in my County aforesaid and took and subscribed the above oath.

A handwritten signature in black ink, appearing to read "Diane H. Mumford", written over a horizontal line.

Clerk

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

I, Jerome S. Latell 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 for a four year term beginning September 9, 2010 according to the best of my ability, (So help me God.)

A handwritten signature in cursive script, appearing to read "Jerome S. Latell", 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 Jerome S. Latell this 9th day of September, 2010 personally appeared before me in my County aforesaid and took and subscribed the above oath.

A handwritten signature in cursive script, appearing to read "Diane H. Mumford", written over a horizontal line.

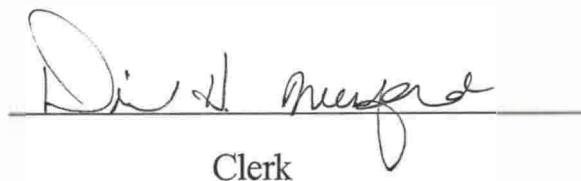
Clerk

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

I, Jacqueline Harper Burrell do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the Commonwealth of Virginia, and that I will faithfully and impartially discharge all the duties incumbent upon me as Clerk/Treasurer for the Town of Irvington for a two year term beginning September 1, 2010 and ending August 31, 2012 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 Harper Burrell this 8th day of September, 2010 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

**Irvington Town Council
Special Meeting
August 26, 2010**

The Irvington Town Council held a special meeting on August 26, 2010, at 7:30 P.M., to discuss potential sources of revenue for the town should other sources be needed.

Present:

Mayor	Ralph D. Ransone
Vice-Mayor	Kathleen F. Pollard
Council	Gene Edmonds Jerry Latell Edward Sulick Robert S. Westbrook
Zoning Administrator	Robert A. Hardesty

Guests:

Wayne Nunnally
Gordon Slatford
Robert Morrison

Mr. Ransone called the meeting to order at 7:35 P.M.

Real Estate and Property Taxes: Robert Westbrook and Kathleen Pollard were assigned real estate and personal property taxes. Dr. Westbrook thinks that the town should investigate whether or not Lancaster County can collect taxes legally for the town and thus the County collect an administrative fee. He had prepared a handout regarding potential taxes based on the assessed value of real estate tax in the town. This is included with the minutes of the meeting.

Mr. Nunnally asked if any towns the size of Irvington have a real estate tax, but no one knew the answer.

The Town of Kilmarnock taxes at a rate of \$.16 per \$100.00 for personal property and \$.10 per \$100.00 for real estate. They outsourced the printing and mailing of the bills. Mr. Nunnally said that it was critical to know how to implement the tax. Kilmarnock is going to "hook up" with DMV so that a person, who has not paid their sticker fee cannot buy a state tag.

BPOL Tax: The town of White Stone has a flat fee: \$50.00 for all businesses. Kilmarnock has a scale. The General Assembly discussed and tabled the subject of BPOL Taxes for this year. They were considering eliminating the tax if a municipality did not have one by January 2011, and not allowing increases. Dr. Westbrook said that he was concerned about replacing the amount of the occupancy tax should something happen to the Tides Inn. He thinks the town should have a contingency plan in place.

Transciency Occupancy Tax: Mr Edmonds said that one half of the money over 2%, the primary source and the town can decide how it is used. Virginia Beach has 10% occupancy tax, Richmond has 8% tax, and Kilmarnock has 8% tax. A few years ago, when White Stone proposed a 4% food tax, the merchants asked why did they need the tax.

Mr. Slatford, General Manager of the Tides Inn, said that they advertize that they have the lowest tax rate (occupancy) and that groups considering coming to the Tides Inn take that into consideration. Dr. Westbrook said that the occupancy tax was the kindest tax to the Tides Inn.

Mr. Nunnally said that the town needed to have a signature event to raise money. Mr. Slatford thinks that the people should pay more to live in Irvington. Dr. Westbrook said that if the citizens think that the town has a reason to tax the residents, then it would be accepted more easily.

Dr. Westbrook said that the town has approximately a two year reserve. Mr. Sulick thinks that is too large.

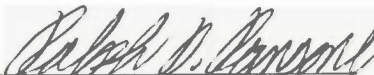
Mr. Morrison thinks that the town should go through the motion of implementing a tax, and then put a \$0.00 rate on the books. The process will flush out rates and opposition. Someone said that Sonny Thomas suggested a \$.01 tax. Mr. Morrison said this is sellable as a contingency plan. The handouts are to be sent to Mr. Terry, the town attorney.

The following questions are to be determined for Real Estate, Occupancy tax, and the BPOL taxes.

1. Investigate whether or not the county can collect a tax for the town.
2. Cost of outsourcing the collection.
3. Time needed to write an ordinance and implement a tax.

Floating bonds was said to be another option.

Mr. Nunnally asked what is the town's vision and why did it need money? Decide the answers and then decide what to do.


Ralph D. Ransone, Mayor

Mr. Slatford, General Manager of the Tides Inn, said that they advertize that they have the lowest tax rate (occupancy) and that groups considering coming to the Tides Inn take that into consideration. Dr. Westbrook said that the occupancy tax was the kindest tax to the Tides Inn.

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Dr. Westbrook said that the town has approximately a two year reserve. Mr. Sulick thinks that is too large.

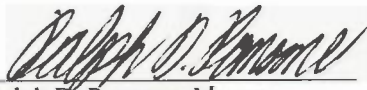
Mr. Morrison thinks that the town should go through the motion of implementing a tax, and then put a \$0.00 rate on the books. The process will flush out rates and opposition. Someone said that Sonny Thomas suggested a \$.01 tax. Mr. Morrison said this is sellable as a contingency plan. The handouts are to be sent to Mr. Terry, the town attorney.

The following questions are to be determined for Real Estate, Occupancy tax, and the BPOL taxes.

1. Investigate whether or not the county can collect a tax for the town.
2. Cost of outsourcing the collection.
3. Time needed to write an ordinance and implement a tax.

Floating bonds was said to be another option.

Mr. Nunnally asked what is the town's vision and why did it need money? Decide the answers and then decide what to do.


Ralph D. Ransone, Mayor

**Irvington Town Council
Regular and Public Meeting
August 12, 2010**

The regular and public meeting of the Irvington Town Council was held at the Irvington Town Office on August 12, 2010, at 7:30 P.M.

Present:

Mayor	Ralph D. Ransone
Vice-Mayor	Kathleen F. Pollard
Council	Gene Edmonds Jerry Latell Edward Sulick Robert Westbrook
Legal Counsel	Matson C. Terry, II

Absent:

Council	William H. Evans, III
Zoning Administrator	Robert A. Hardesty

Guests:

Larry Worth

The Mayor called the meeting to order at 7:33 P.M., and asked for a moment of silence.

Public Comment:

Mr. Worth, President of the VIA, was present to ask for the council's approval of a concept. The VIA would like to construct a sidewalk with curbing beside the Commons along Tavern Road. Mr. Worth said that the sidewalk would be approximately 300 feet long, would be constructed according to VDOT standards, and the town would not incur any financial responsibility. They want a curb cut near the tennis courts. Mark Fridenstine at the Warsaw VDOT office told Mrs. Pollard the request had to go through the town and he will e-mail her the procedure. Mr. Terry was concerned about bonding requirements. He said that if VDOT does not require bonding, then the town will do so. VDOT will have to do a study. Mrs. Pollard made a motion that the council pass a resolution to approve the concept as outlined in the attachment. Mr. Sulick seconded the motion. Vote - Yea: Edmonds, Latell, Pollard, Sulick, and Westbrook. Nay: 0. Mr. Ransone appointed Mrs. Pollard and Mr. Sulick to work with the VIA on this project.

Minutes and Treasurer's Report:

Gene Edmonds made a motion to accept the minutes and treasurer's report. Jerry Latell seconded the motion. Vote - Yea: Edmonds, Latell, Pollard, Sulick, and Westbrook. Nay: 0.

Zoning Administrator:

In the Zoning Administrator's absence, it was reported that the marine police are in charge of the wooden boat that sank at Irvington Marina. Mr. Lechner, sold the boat in April, and faxed a copy of the bill of sale to the town office. Mr. Daum, from the County, has been checking on Irvington Marina.

Legal Counsel:

Mr. Terry said that someone was needed to be authorized to sign subdivision plats, plats, and site plans in Mr. Hardesty's absence. Robert Westbrook made a motion that the Mayor, Ralph D. Ransone be authorized to sign these documents in Mr. Hardesty's absence. The alternate would be Kathleen Pollard, Vice-Mayor. Gene Edmonds seconded the motion. Vote – Yea: Edmonds, Latell, Pollard, Sulick, and Westbrook. Nay: 0. The order for signing will be Zoning Administrator, the Mayor, and the Vice-Mayor.

Mr. Terry said that he had not received the return receipt from his certified letter to Mr. and Mrs. Nelms. He said that the contractor is responsible for notifying Dominion Power, whose lines are close to the tree.

Thomas Property: Later in the meeting Mr. Terry said that the partition suit for the Thomas Property is before the court.

Planning Commission Report:

Mr. Sulick said that the Town Council will have to pass the Floodplain Ordinance in September.

Committee Reports:

Building and Grounds: Mrs. Pollard said that she and Mr. Hardesty still want to replace the table and chairs in the office. Mr. Terry mentioned that furniture could be purchased at the Hull Street Outfitters.

Mr. Ransone reported the malfunctioning of the toilet that caused flooding in the basement the previous week. The carpet has been cleaned and the toilet replaced. The status of the computer is uncertain as it has been left to dry.

Mr. Edmonds stated that more sand needs to be put in the mud hole at the Tavern Road entrance to the Commons.

Old Business:

Triangle Plumbing Update: The plumbers have not come to work on the drop box at the triangle.

Trash Cans: Adding another trash can in town will be decided next year. The issue can be removed from the agenda this year.

CD at Bank of Lancaster. At this time, the council decided not to make any additional deposit to the CD at Bank of Lancaster other than to add the amount of the CD that will mature on August 3, 2010, which was decided at a previous meeting. It was not known what additional expenses will be involved with the tree removal.

Town Garbage: Cardinal Garbage contacted the town office again regarding collecting the town garbage. Their price has increased, since they last submitted a bid. The clerk was instructed to tell them the matter was decided for this year.

New Business:

Steamboat Era Museum Donation: Robert Westbrook made a motion to donate \$5000.00 to the Steamboat Era Museum for fiscal year 2010-2011. Ed Sulick seconded the motion. Vote - Yea: Edmonds, Latell, Pollard, Sulick, and Westbrook. Nay: 0.

Lancaster By the Bay Chamber Directory Ad: No action.

Golf Cart Street Sign Requirement: On town streets with 25 mph speed limits where it is legal to drive golf carts, signs are required to be posted indicating that golf carts are driven on that street. Kathleen Pollard will compile a list of such streets, and Mr. Hardesty will send it to Mr. Trapani, who is in the Warsaw VDOT office. Mr. Terry said that the town will need to meet with Mr. Trapani. The town will pay for signs, posts, and installation. Mr. Terry said that Mr. Trapani may be able to provide vendor's names where these signs can be purchased economically. The signs are 36"x36". Mrs. Pollard has asked VDOT about lowering the speed limit to 25 mph from the blinking light near Chesapeake Academy to the Carters' Creek Bridge. Mr. Trapani said that the road would have to be widened, but the town could request lowering the speed limit in terms of calming traffic. Kathleen Pollard made a motion to write VDOT requesting that a speed study be done from Chesapeake Academy to the Carters Creek Bridge. Robert Westbrook seconded the motion. Vote— Yea: Edmonds, Latell, Pollard, Sulick, and Westbrook. Nay: 0.

Announcements and Other Business:

The swearing in of new council members will be September 9, 2010, at the town office.

The workshop to discuss potential revenues for the town will be August 26, 2010, at the town office. Gene Edmonds will contact Dudley Patteson from Hope and Glory and Gordon Slatford, from the Tides Inn, inviting them to attend. One notice will be published in the Record.

Kathleen Pollard asked if the council members could be informed of approvals of zoning permits and site plans issued, so that they will have knowledge of them should a landowner ask them.

Dr. Westbrook asked about the disaster committee. The Mayor told him that he had appointed him chairman and William Evans will serve on the committee.

Gene Edmonds said that a town property owner had said that the council should have a discussion about how Irvington Marina should look. Mr. Terry said that this was totally inappropriate as it is private property.

Adjournment:

Jerry Latell made a motion that the meeting be adjourned and Kathleen Pollard seconded the motion. Vote – Yea: Edmonds, Latell, Pollard, Sulick, and Westbrook. Nay: 0.


Ralph D. Ransone, Mayor

**Irvington Town Council
Regular and Public Meeting
July 8, 2010**

The regular and public meeting of the Irvington Town Council was held at the Irvington Town Office on July 8, 2010, at 7: 30 P.M.

Present:

Mayor	Ralph D. Ransone
Vice-Mayor	Kathleen F. Pollard
Council	Gene H. Edmonds Jerry S. Latell Edward Sulick Robert Westbrook
Zoning Administrator	Robert A. Hardesty
Legal Counsel	Matson C. Terry, II

Absent:

Council	William H. Evans, III
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Guests:

Steve Daum

Visitors:

Mr. and Mrs. David Headley
Mr. Wayne Nunnally

The Mayor called the meeting to order and asked for a moment of silence. The Mayor said it was a wonderful weekend of Fourth of July activities and expressed appreciation to all workers for their work.

Public Comment:

Mr. and Mrs. Headley, who participated in the parade, said they enjoyed the parade.

Zoning Administrator:

Steve Daum, from the County, reported that significant progress had been made in moving junk from the Irvington Marina. He said that Hawk was going to talk with Cecilia Wylie about the covered boat shed. Mr. Hardesty asked about the fuel tanks and the snaking lines. Mr. Daum said that they are "abandoned in place" and have been signed off by DEQ. He said that they can stay in place until they become structurally unsafe. The fireboat is not under the town's jurisdiction as it is floating.

Minutes and Treasurer's Report:

Gene Edmonds made a motion to approve the minutes of June 10, 2010 and June 24th, 2010, and the treasurer's report for June. In the minutes of June 10th, the spelling of Lindsay Gardner's name was corrected. Robert Westbrook seconded the motion. Vote – Yea: Edmonds, Latell, Pollard, Sulick, and Westbrook. Nay: 0.

Legal Counsel: No report.

Planning Commission: No report.

Committee Report:

Building and Grounds: Mr. Terry has sent a letter to Mr. Nelms, who owns the property next door regarding the tree that will be removed next to the town office. He is waiting for the return receipt acknowledging that they have received the letter.

Irvington Brochures: Mrs. Pollard reported that she ordered 500 Irvington brochures and will reorder as many more as her budget will allow.

Old Business:

Plumbing and Electrical at the Commons and Triangle: Mr. Edmonds said that he had not been able to obtain a second bid for the plumbing work that needs to be done at the Commons and the Triangle. The outlet behind the bench at the Commons does not work. Gene made a motion to authorize \$650.00 to pay Northern Neck Mechanical to fix the plumbing problems at the two locations. Edward Sulick seconded the motion. Vote – Yea: Edmonds, Latell, Pollard, Sulick, and Westbrook. Nay: 0.

Miss America Day: Kathleen Pollard said that the VIA does not want to sponsor Miss America's being in Irvington. She said that she suggested to Carroll Lee Ashburn that he call the Steamboat Era Museum. No action was taken on the request for a donation of \$500.00.

Revenue Sources: The council decided to hold a revenue workshop at the town office on August 26, 2010, at 7:30 P.M. It will be open to the public.

Trash Cans: Kathleen Pollard thinks that one trash can can be added at the trolley stop. She will provide a picture to show to Doggetts.

Streight Property: Dr. Westbrook had questions about the replanting of the small trees on the Streight property to replace the ones that were removed. Mr. Terry said that Mr. Streight has to follow the remediation plan approved by the CBLAD and maintain the plantings.

New Business:

Moving Elections from May to November: There was discussion of the pros and cons involved in changing the municipal election from May to November in order to save money as the state is now passing on more costs involved with elections to the municipalities. The general opinion was to leave it as it is. Mr. Terry explained the process involved in changing the election date. He said that the town was not restricted to doing it now; it could be done at a later date.

Appropriation to the Lancaster Community Library: Robert Westbrook made a motion to appropriate the donation of \$500.00 to the Lancaster Community Library now and Edward Sulick seconded the motion. Vote – Yea: Edmonds, Latell, Pollard, Sulick, and Westbrook. Nay: 0.

Executive Session:

Mr. Terry read the following motion that Gene Edmonds made: "I hereby move that the Town Council of the Town of Irvington go into closed or executive session for the following purposes: to consult with legal counsel to discuss the appointment of a member of the planning commission, pursuant to the *CODE OF VIRGINIA*, Section 2.1-3711A.(1) and to discuss the acquisition of real estate and pending litigation, pursuant to the *CODE OF VIRGINIA*, SECTION 2.1-3711A.(3)&(7). Kathleen Pollard seconded the motion. Vote – Yea: Edmonds, Latell, Pollard, Sulick, and Westbrook. Nay: 0.

Gene Edmonds made a motion to come out of executive session and Robert Westbrook seconded the motion. Vote – Yea: Edmonds, Latell, Pollard, Sulick, and Westbrook. Nay: 0.

Mr. Terry read the following motion for certification that Mr. Edmonds 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, Gene Edmonds, so move. Robert Westbrook seconded his motion.

I, Gene Edmonds, so certify.

I, Bob Westbrook, so certify.

I Ed Sulick, so certify.

I, Kathleen Pollard, so certify.

I, Jerry Latell, so certify.

I, Ralph D. Ransone, so certify.

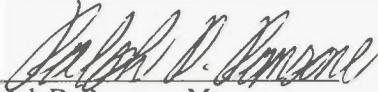
Kathleen Pollard moved that Jackie Brown be appointed to the Planning Commission and Edward Sulick seconded the motion. Vote – Yea: Edmonds, Latell, Pollard, Sulick, and Westbrook. Nay: 0.

Quick Books:

Robert Westbrook made a motion for the clerk to purchase the quick books pro software to keep the financial records for the town. Gene Edmonds seconded the motion. Vote – Yea: Edmonds, Latell, Pollard, Sulick, and Westbrook. Nay: 0.

Adjournment:

Jerry Latell made a motion to adjourn the meeting and Kathleen Pollard seconded the motion. Vote – Yea: Edmonds, Latell, Pollard, Sulick, and Westbrook. Nay: 0.


Ralph D. Ransone, Mayor

**Irvington Town Council
Special Meeting
Second Reading of the Proposed 2010-2011 Budget
June 24, 2010**

The Irvington Town Council held a special meeting on June 24, 2010, at the Irvington Town Office at 7:30 P.M., for the purpose of having a second reading of the Proposed 2010-2011 Budget and to vote on it and additional contributions, and to have a discussion of the town's CD's and the financing of the Thomas property.

Present:

Mayor	Ralph D. Ransone
Vice-Mayor	Kathleen Pollard
Council	Gene Edmonds Jerry Latell Edward Sulick Robert Westbrook
Robert Hardesty	Zoning Administrator

Absent:

Council	William H. Evans
Legal Counsel	Matson C. Terry

Guests:

Mr. and Mrs. Wayne Nunnally
Mr. and Mrs. David Headley

The Mayor called the meeting to order. He asked the council if they wanted to make any changes in the budget. He said that the contribution to the museum was the main concern in the public hearing.

Proposed budget:

Gene Edmonds said that he did not hear anything that the council has not considered and it has nothing to do with the product. The museum remains the biggest chunk of giving to organizations. He thought the process was solid this year, but the approach was different.

Robert Westbrook said that the state requires the towns to look at all anticipated revenue and expenses. He did not think there was any extra money. He believes the budget is true and that the budget is the best that the council can do.

Jerry Latell thinks that the town did the best it could.

Edward Sulick thought the process was good. He was leaning toward adding \$5000.00 to the museum contribution and leaving \$7000.00 for the payoff of the Thomas property loan. He recommends that the mortgage be \$113,000.00 for the Thomas property and that \$100,000.00 be kept in reserve. He recommends that there be one allocation to the museum at the beginning of the fiscal year and one allocation at the end of the year depending on the financial situation of the town.

Kathleen Pollard said that the times are uncertain. She said that reserves are reserves and that she believes it is bad to dip into the reserve. She said to keep the budget as it is.

Ralph D. Ransone said that reserves are for a special reason. He proposed adding \$5000.00 to the SEM contribution by taking the amount from the \$12,000.00 (allocation to the Thomas property payoff). Robert Westbrook does not think it is prudent to draw down the reserve to give to the museum.

Gene Edmonds said that the council has been promised a financial statement from the museum. He said that the council could assume that the museum's revenue is \$100,000.00 to \$115,000.00. He said the biggest expense is the director's salary and it was close to the 100 percentile. He said that 1/3 of the U.S. museum directors have taken a salary cut in last year. Edward Sulick said that his daughter is a museum director and she makes 40% of what the director at SEM makes. Kathleen Pollard said that the director of the Reedville Museum make half of what this director make. Mrs. Pollard said that this museum did not connect with the people in the community. There has not been any news of fundraising by SEM. Jerry Latell said that he was not comfortable with cutting the reserves by more than half.

Edward Sulick said that he made his proposal to give the museum an additional \$5000.00 in the form of a motion. The motion died for lack of a second.

Robert Westbrook made a motion to accept the budget as presented. Kathleen Pollard seconded the motion. Vote – Yea: Edmonds, Latell, Pollard, and Westbrook. Nay: Sulick.

Robert Westbrook said that he had asked John O'Shaughnessy when he was treasurer of the museum when would the museum be independent and the reply was the key to SEM's being independent was being able to live off its interest. Dr. Westbrook said that he did not know what efforts were being made to become independent. He had heard about a couple giving the museum \$20,000.00 and a Richmond firm doing a feasibility study.

In discussion of requests for contributions from the Kilmarnock Volunteer Fire Department and CASA, it was decided to table the request from the Kilmarnock Volunteer Fire Department at this time. No action was taken on the CASA request. There is a provision of \$500.00 for Miscellaneous Community Contributions.

Financing of a Loan for the Thomas Property:

The council members discussed CD rates and loan rates from the area banks, but they did not have a final amount needed for the loan for the Thomas property so they could not make a decision.

Dr. Westbrook would like to start using Quick Books at the beginning of the next fiscal year.

Adjournment:

Gene Edmonds made a motion to adjourn the meeting and Jerry Latell seconded the motion. Vote – Yea: Edmonds, Latell, Pollard, Sulick, and Westbrook. Nay: 0.


Ralph D. Ransone, Mayor

ROUNDED OFF

Code of Virginia Title 15.2 - Counties, Cities and Towns Chapter 25 - Budgets, Audits and Reports §15.2-2504. What Budget to Show	Appropriated for the Preceding Year (July 1, 2008 - June 30, 2009)	Expended the Preceding Year 4/30/10	Appropriated for the Current Year (July 1, 2009 - June 30, 2010)	Appropriated for Next Year (July 1, 2010 - June 30, 2011)	Comparisons of Budgets for Next Year vs. Current Year
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Revenue	\$141,750.00	\$138,389.21	\$110,255.00	\$117,340.00	\$7,085.00
Sales Tax	\$40,000.00	\$41,669.51	\$30,000.00	\$37,080.00	\$7,080.00
Auto Tags	\$9,500.00	\$9,940.00	\$9,500.00	\$9,500.00	\$0.00
Zoning Permits	\$1,000.00	\$875.00	\$500.00	\$650.00	\$150.00
Ground Rent	\$480.00	\$480.00	\$480.00	\$480.00	\$0.00
Bank Franchise	\$8,000.00	\$9,815.88	\$9,800.00	\$8,100.00	(\$1,700.00)
Occupancy Tax	\$80,000.00	\$65,402.50	\$50,175.00	\$56,730.00	\$6,555.00
Cable TV/ Communications	\$2,500.00	\$2,665.51	\$2,500.00	\$2,200.00	(\$300.00)
Interest Income	\$80.00	\$7,390.81	\$7,250.00	\$2,500.00	(\$4,750.00)
Miscellaneous & Other Income	\$190.00	\$150.00	\$50.00	\$100.00	\$50.00

Operating Expenses	\$86,900.00	\$77,812.27	\$79,850.00	\$94,284.00	\$14,434.00
Gross Wages	\$34,650.00	\$34,974.85	\$34,650.00	\$37,050.00	\$2,400.00
Payroll Taxes	\$2,700.00	\$2,470.26	\$2,700.00	\$2,834.00	\$134.00
Town Utilities	\$12,000.00	\$12,542.67	\$13,500.00	\$13,500.00	\$0.00
Office Expenses	\$7,000.00	\$8,898.74	\$7,000.00	\$7,000.00	\$0.00
Technical Support for Website	\$0.00	\$0.00	\$900.00	\$300.00	(\$600.00)
Grounds	\$3,000.00	\$6,376.16	\$3,500.00	\$8,000.00	\$4,500.00
Auto Tags	\$1,600.00	\$1,682.00	\$1,000.00	\$1,000.00	\$0.00
Professional Services	\$2,000.00	\$850.00	\$1,000.00	\$1,000.00	\$0.00
Rapp Record Public Notices	\$1,000.00	\$1,353.33	\$1,600.00	\$1,500.00	(\$100.00)
Disaster Preparedness	\$500.00	\$1,169.55	\$0.00	\$0.00	\$0.00
VML Associated Expenses	\$5,000.00	\$5,046.45	\$5,000.00	\$7,000.00	\$2,000.00
Miscellaneous Expenses	\$15,950.00	\$906.29	\$1,000.00	\$1,400.00	\$400.00
Mayor's Discretionary Fund	\$0.00	\$123.99	\$0.00	\$500.00	\$500.00
Other Expenses	\$1,500.00	\$1,417.98	\$2,000.00	\$1,200.00	(\$800.00)
Thomas Property Loan	\$0.00	\$0.00	\$0.00	\$12,000.00	\$12,000.00
Contract Providers	\$0.00	\$0.00	\$6,000.00	\$0.00	(\$6,000.00)

Community Support and Tourism Promotion	\$39,850.00	\$39,643.21	\$27,250.00	\$21,930.00	(\$5,320.00)
Community Events	\$6,000.00	\$8,293.21	\$6,400.00	\$9,830.00	\$3,430.00
Maintenance Code Enforcement	\$0.00	\$0.00	\$2,000.00	\$2,000.00	\$0.00
Fire Department	\$300.00	\$300.00	\$300.00	\$1,000.00	\$700.00
Rescue Squad	\$300.00	\$300.00	\$300.00	\$300.00	\$0.00
Irvington Brochures	\$0.00	\$0.00	\$2,000.00	\$1,000.00	(\$1,000.00)
Lights on the Creek Boat Parade	\$750.00	\$750.00	\$750.00	\$1,000.00	\$250.00
Lancaster Community Library	\$0.00	\$0.00	\$0.00	\$500.00	\$500.00
Irvington Open Golf Tournament	\$0.00	\$0.00	\$0.00	\$300.00	\$300.00
Trolley	\$0.00	\$0.00	\$500.00	\$500.00	\$0.00
Miscellaneous Community Support	\$2,500.00	\$0.00	\$0.00	\$500.00	\$500.00
Steamboat Era Museum	\$30,000.00	\$30,000.00	\$15,000.00	\$5,000.00	(\$10,000.00)

Dedicated Capital Improvements	\$15,000.00	\$29,640.00	\$3,155.00	\$563.00	(\$2,592.00)
Tennis Courts	\$0.00	\$23,640.00	\$0.00	\$0.00	\$0.00
Shed on the Commons	\$0.00	\$3,500.00	\$0.00	\$0.00	\$0.00
Streetlight	\$0.00	\$0.00	\$3,155.00	\$0.00	(\$3,155.00)
Bike Path/ Hiking Trail Fund	\$0.00	\$2,500.00	\$0.00	\$563.00	\$563.00

Pay Down Loan Principle	\$0.00	\$0.00	\$0.00	\$563.00	\$563.00
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Total Revenue	\$141,750.00	\$138,389.21	\$110,255.00	\$117,340.00	
Total Expenditures	\$141,750.00	\$147,095.48	\$110,255.00	\$117,340.00	
	\$0.00	(\$8,706.27)	\$0.00	\$0.00	

Irvington Town Council
June 10, 2010

The regular and public meeting of the Irvington Town Council was held at the Irvington Baptist Church in the Memorial Hall, on June 10, 2010, at 7:30 P.M.

Present:

Mayor	Ralph D. Ransone
Vice-Mayor	Kathleen Pollard
Council	Jerry Latell Kathleen Pollard Edward J. Sulick Robert S. Westbrook
Legal Counsel	Matson C. Terry, II
Zoning Administrator	Robert A. Hardesty

Absent:

Council	Gene H. Edmonds William H. Evans
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Guests:

Mr. and Mrs. Grayson Mattingly	Fran Lumpkin
Wayne Nunnally	Mary Headley
Ron Mihills	Nancy Newlin
David Headley	Terri Thaxton
Fran Westbrook	Donna Gruell
Lindsey Gardner	Jennifer Britt
Dick Sisson	Dudley Patteson (arrived late)
Theresa Ransone	Jayne Jackson
Shirley Crockett	

Ralph Ransone, called the meeting to order.

Public Comment:

In reply to a question about the announcement of the meeting in the Rappahannock Record, Audrey Thomasson said that she had put it in the Record that the meeting was at the town office at 7:00 P.M.. The legal notice of the meeting published in the paper listed the correct time and place for the meeting.

Kathleen Pollard read a letter from Gene Edmonds, stating that he was absent because of a family event and that he would listen to a tape of the meeting. He commended Dr. Westbrook and Ralph D. Ransone for their work on the proposed budget.

The Mayor announced that William Evans, a member of the council, was going to Texas to have surgery. He asked for a moment of silence for Mr. Evans.

Public Hearing:

Kathleen Pollard made a motion to go into a public hearing. Robert Westbrook seconded the motion. Vote – Yea: Latell, Pollard, Sulick, and Westbrook. Nay: 0. Mr. Ransone reviewed the ground rules for the public hearing.

Robert Westbrook gave an overview and a brief explanation of the proposed budget. He explained the reasons for increases and decreases in the proposed budget including the purchase of the Thomas property. The town has had an interest in the property for 33 years. He also mentioned the council members' attending the VML meeting, thus an increase in VML and associated costs.

Wayne Nunnally asked about the increased cost in the grasscutting. Dr. Westbrook explained about the addition of the Thomas property and the West Irvington ditch (near the water pump). Mr. Headley asked if the acquisition of the Thomas property took away from the SEM contribution. Jennifer Britt asked about the grasscutting contract process. Included in the grounds category were street cleaning (when it is needed and the state does not do it) and weed killing in gutters and streets. Jayne Jackson was concerned that the Thomas property purchase was at the expense of the museum.

Grayson Mattingly asked about the Disaster Preparedness. The reply was that the town did not need more equipment.

Under Community Events/ Tourism Promotion, Dr. Westbrook explained the following items and the increases:

1. July Fourth, Banners, Flags, etc.
2. Irvington brochures: promotes the town
3. Irvington Boat Parade: the committee needed more money
4. Library in Kilmarnock is a private library. Lindsey Graham said that 80% of Irvington residents hold library cards. She complimented the town on its budget workshop.
5. Tides Inn holds a golf tournament that is free to Irvington residents. The contribution will help with food. Last year the town bought a trophy for the tournament.
6. Trolley– giving same amount.
7. Miscellaneous community support: in case a worthy cause develops
8. Steamboat Era Museum receives what is left.

Nancy Newlin said that the decrease from \$30,000 to \$15,000 to \$5000. is appalling. She said as a consierge at the Tides Inn and a volunteer at the museum, what should she tell people when they ask her to direct them to historic sights in town. Jennifer Britt said that people visiting the museum patronize other businesses in Irvington.

Shirley Crockett said that she serves a volunteer at Christ Church. She sends their visitors to the Steamboat Era Museum as well as to places for lunch in Irvington.

Grayson Mattingly said that he has managed the oral history web site: Steamboat Explorer.org. He said that approximately 200 persons use the website daily and it is a matter of keeping the website going.

Ron Mihills said the town council and the museum have the same problem: acquiring revenue and controlling expenses. The museum needs to bring in new members and visitors. He said that the museum has been proactive in increasing tourism in Irvington. Last year, groups came from Richmond, to attend the Graham Brothers concert and have lunch at the Tides Inn. More groups will be coming this summer. He says that the museum adds to the Irvington experience.

Suzanne Mattingly is disappointed in the decrease of \$15,000 to \$5000. She thinks they should consider at least \$10,000, as it is a difficult time for all nonprofits.

Wayne Nunnally asked about the Maintenance Code Enforcement, which was explained that when the County Building Inspector has to come into Irvington to inspect unsafe structures, Irvington can be charged for this. He asked if the town paid cash for the Thomas property, then it could give more money to the museum.

Mrs. Crockett said that all council members should go to visit the museum.

Ralph D. Ransone said that the occupancy tax is uncertain. He said that this is a proposed budget and it can be changed. Suzanne Mattingly asked for a show of hands of Irvington residents, who want the SEM contribution reviewed. Eleven persons raised their hand for this and it did not seem that any raised hands in opposition to reviewing it.

David Headley asked that the \$12,000 projected for the Thomas Property payoff be given to the museum and the \$12,000 be taken from the money the town has in the bank.

Theresa Ransone asked about the brochure expense. Kathleen Pollard explained about the \$1600.00 was being spent for an ad in the Northern Neck brochure. There will be a "Destination Irvington" brochure which will cost \$1000 for design and 2500 copies will be provided. These brochures will show visitors what is available in Irvington. The brochures will be done digitally; therefore, additional brochures can be acquired easily. Dudley Patteson thinks that the cost needs to be adjusted because Hope & Glory distributes about 2000 brochures each year.

Jayne Jackson asked why could not the VIA share some of the cost of the grasscutting. Mr. Ransone said that the VIA spends much time gardening and working with flowers. Fran Westbrook said that the VIA spent thousands of dollars to beautify the grounds, playground, and trash cans. She thinks the town owes the VIA "a thank you."

Mary Headley asked if the town could promote golf to bring in visitors. Mr. Ransone said that more of the players in the tournament were local people.

Dick Sisson said the council people were here of their own accord and without pay. He said that the Steamboat Era Museum people, present for the meeting, were concerned about themselves and not concerned about the town. He does not believe that SEM represents the grassroots of the town. He thinks the museum is becoming unsustainable.

Capital Improvement: Robert Westbrook said the dedicated capital improvement was to keep the funding for the bike path and pay off the principle of the loan for the Thomas property.

Fran Westbrook said that the budget committee has done a good job and the budget was clear.

Theresa Ransone made an impassioned plea to give the museum more money as it holds the history of Irvington.

Wayne Nunnally asked David Headley repeat what he had said, in that, the town had the money in the bank and to take \$12,000.00 of the bank money and give it to the museum.

Ralph Ransone asked for a motion to close the public hearing which Robert Westbrook made and Ed Sulick seconded. Vote – Yea: Latell, Pollard, Sulick, and Westbrook. Nay: 0.

Regular Meeting:

Mr. Ransone said that they had heard the many comments and they would talk about it at the second reading of the proposed budget on June 24th and would approve the budget at that meeting.

Minutes and Treasurer's Report:

Kathleen Pollard asked about the garbage collecting. The Clerk said that the garbage collectors had told her on June 9th, that they had picked up the garbage at the Commons on Monday, June 7th.

Two corrections: The town purchased a digital camera instead of a video camera and \$2500.00 was taken from the general fund to add to the existing bike path CD. This amount was previously decided to go to the bike path, but it remained in the general fund.

Kathleen Pollard made a motion to approve the minutes and treasurer's report and Ed Sulick seconded the motion. Vote – Yea: Latell, Pollard, Sulick, and Westbrook. Nay: 0.

Zoning Administrator:

Mr Hardesty reported that:

1. One building at the Irvington Marina has been demolished.
2. Scrap metal and other personal property issues are being resolved with the help of the attorneys and judges.
3. Cleaning around the foundry is the next event. The court order for this has not been entered.
4. Houses have been condemned as unsafe.

Legal Counsel:

Mr. Terry reported that he had reviewed the renewal agreement with VML and he recommended that the Mayor be authorized to sign it. He advised that the clerk check on the Workman's Compensation as the town has only two employees and the requirement is three employees. Robert Westbrook moved that the Mayor be authorized to sign the agreement. Jerry Latell seconded the motion. Vote – Yea: Latell, Pollard, Sulick, and Westbrook. Nay: 0.

Planning Commission Report:

Mr. Sulick reported:

1. Mt. Hardesty has a model ordinance for the Floodplain Ordinance and will review it for its being relative to Irvington.
2. Mr. Hardesty said that he had send the model ordinance with his inserts to Richmond, but the office did not receive it, so he will resend it on June 11, 2010.

Committee Reports:

Building and Grounds: Mr Terry is preparing the letter for the Nelms to sign before the tree can be removed. The Nelms have a home next to the town office.

Old Business:

Triangle Plumbing/Drop Box: Tabled.

Miss America Day: Kathleen Pollard has talked with Carroll Lee Ashburn about using the museum for the Miss America Day on September 18, 2010. She will follow-up about the location. There is concern about having a good turnout for Miss America. It has not been resolved about whether or not the town will contribute money to the event. Mr. Ashburn will attend the June VIA meeting to discuss Miss America's being in Irvington on September 18th.

Northern Neck Brochure Ad: Kathleen Pollard made a motion to pay \$1600.00 for an ad in the Northern Neck brochure. Ed Sulick seconded the motion. Vote – Yea: Latell, Pollard, Sulick, and Westbrook. Nay: 0.

Scheduling a Revenue Workshop: Robert Westbrook wants council members assigned to investigate potential sources of revenue for the town if a worse case scenario should occur, how to implement other sources, and the lead time and cost for implementing newsources. The following teams of two council members will investigate the following:

1. Real Estate tax: Ed Sulick and Jerry Latell
2. BPOL and Personal Property: Robert Westbrook and Kathleen Pollard.
3. Gene Edmonds and Ralph D. Ransone: Meals Tax
4. Occupancy Tax: Gene Edmonds and Ralph D. Ransone

Additional Trash Cans: Tabled until next month.

New Business:

CD's: that come due this summer: Linking the CD's with a loan for the Thomas Property will be discussed on June 24th during that meeting. This subject is to be included in the legal notice. The CD that comes due on June 11, 2010, is to be put in the checking account. (Later learned that this is loan collateral that the bank is holding and it was put into a 30 day CD.) Kathleen Pollard said that there were partnership CD's available at the Bank of Lancaster. Robert Westbrook said that he thought the council should shop around for the best CD rates.

Assignments for checking CD rates are:

1. Kathleen Pollard – Bank of Lancaster
2. Matson C. Terry, II – Chesapeake Bank
3. EVB/Northern Neck State Bank – Ed Sulick

Planning Committee Appointment: William Wright, who has served on the Planning Commission for many years has moved to Rappahannock Westminister Canterbury and thus will be living outside the town limits. The vacancy will be advertised to solicit public interest. Resumes should be in by July 7th, and the appointment will be made July 8th at the July council meeting.

Appropriations: Robert Westbrook moved that the following appropriations for fiscal year 2009-2010 be allocated:

1. Rescue Squad: \$300.00
2. White Stone Volunteer Fire Department - \$300.00
3. Air Force Dinner \$500.00. In the budget, \$1000.00 was appropriated for the dinner, but there are only 12 members of the band coming this year. The VIA projects that they will need \$500.00 for the dinner that they are having at the Rappahannock Yacht Club. Therefore, \$500.00 was allocated

Kilmarnock Enterprises, Inc: Ed ward Sulick made a motion to pay Kilmarnock Enterprises, monthly for cutting the town grass, per Mr. Winstead's request. Jerry Latell seconded the motion. Vote – Yea: Latell, Pollard, Sulick, and Westbrook. Nay: 0.

Payment to Election Workers: IRS's mileage allowance for 2010 is \$.50. For 2009, it was \$.55. According to Ms. Harding, the county registrar, the state had directed the county to pay the electoral board \$.55 per mile. Kathleen Pollard made a motion to pay the electoral board and election poll workers \$.55 per mile. Ed Sulick seconded the motion. Vote Yea: Latell, Pollard, Sulick, and Westbrook. Nay: 0.

Executive Session:

Matson C. Terry, II read the following motion that Jerry Latell 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 acquisition of the Thomas property, and regarding specific legal matters requiring the provisions of legal advice pursuant to *CODE OF VIRGINIA*, Section 2.1-3711A (7)". Ed Sulick seconded the motion. Vote: Yea: Latell, Pollard, Sulick, and Westbrook. Nay: 0.

Robert Westbrook made a motion to come out of executive session and Kathleen seconded the motion. Vote – Yea: Latell, Pollard, Sulick, and Westbrook. Nay: 0.

Matson C. Terry, II read the following motion for certification which Jerry Latell 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, Ed Sulick, do so certify.

I, Jerry S. Latell, so certify.

I, Ralph D. Ransone, so certify

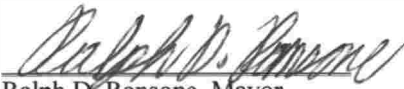
Kathleen Pollard moved that Mr Terry be authorized to obtain another appraisal on the property involved in the partition suit with the Thomas heirs. Ed Sulick seconded the motion. Vote – Yea: Latell, Pollard, Sulick, and Westbrook. Nay: 0.

Other Business:

Requests for contributions have been received from the Kilmarnock Volunteer Fire Department and CASA. Mr. Terry said there was a distinction between the fire departments/rescue squad and other non profits. These requests will be on the agenda on June 24th. Mr. Ransone said that the Kilmarnock Volunteer Fire Department would respond with the White Stone Volunteer Fire Department to a structural fire in Irvington.

Adjournment:

Robert Westbrook made a motion for the meeting to be adjourned. Jerry Latell seconded the motion. Vote–Yea: Latell, Pollard, Sulick, and Westbrook. Nay: 0.


Ralph D. Ransone, Mayor

**Irvington Town Council
Regular and Public Meeting
May 13, 2010**

The regular and public meeting of the Irvington Town Council was held at the Irvington Town Office on May 13, 2010, at 7:30 P.M.

Present:

Mayor	Ralph D. Ransone
Vice-Mayor	Kathleen F. Pollard
Council	Gene Edmonds Jerry Latell Edward Sulick Robert Westbrook
Zoning Administrator	Robert Hardesty

Absent:

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

Guests:

Carroll Lee Ashburn
Jackie Ashburn
Wayne Nunnally

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

Public Comment:

Miss America Day: Carroll Lee Ashburn, President of the Kilmarnock Museum, explained that the Kilmarnock Museum had contracted with the Miss America organization for the current Miss America to visit the area on September 18, 2010, to perform in a fundraising event for the Kilmarnock Museum. They would like to have a mini parade through White Stone and Irvington with brief stops of 35 to 40 minutes in each town, where the mayors and council members will greet her. During the day, she will also speak at the Boys & Girls' Club, make an appearance at a Kilmarnock car show, and have lunch at Indian Creek Yacht & Country Club. They are asking for \$500.00 from each town to help defray the cost of having her come to this area and that each town proclaims "Miss America Day" on September 18, 2010. Mr. Edmonds asked Mr. Ashburn to attend the next VIA meeting.

Mr. Jackie Ashburn stated that the Antique Car Tour will be in Irvington at the Commons on May 15th on its tour through the area.

Minutes and Treasurer's Report:

Robert Westbrook moved to accept the minutes and the treasurer's report. Kathleen Pollard seconded the motion. Vote - Yea: Edmonds, Latell, Pollard, Sulick, and Westbrook. Nay: 0. Mrs.

Pollard asked about the garbage being picked up on Monday, at the Commons. The Clerk said that she had talked to the garbage collectors that week.

Zoning Administrator:

Irvington Marina: Demolition of one of the buildings at Irvington Marina began on Tuesday, May 11, 2010. They are trying to save material that can be sold. Next, they will remove material from around the building that served as the foundry. The covered boat shed can be repaired. The Sport Fishing Boat that sank was brought up, will be taken to Rappahannock Yachts, put on a trailer, and brought back to Irvington Marina. "Eva," another boat has been given to Hawk, who is working on the boat.

Legal Counsel: Absent, no report.

Planning Commission: No meeting, no report.

Legislative Report: No report.

Committee Reports:

Irvington Brochures: There was a discussion of the likes and dislikes of the draft brochure that Mrs. Pollard presented. The Mayor said that she could investigate going to four fold.

Volunteerism: The new shed is in place at the Commons and they are ready to demolish the old shed.

Old Business:

^{Digital} Video Camera: At a previous council meeting, the council approved an expenditure of \$200.00 for a digital camera for Mr. Hardesty. Mr. Hardesty found one that would cost \$249.00, at Best Buy. Kathleen Pollard made a motion to approve the expenditure of \$249.99 for the camera and Gene Edmonds seconded the motion. Vote – Yea: Edmonds, Latell, Pollard, Sulick, and Westbrook. Nay: 0.

Plumbing Drop Box at Triangle: Tabled until next month as Mr. Edmonds has received only one bid of the two estimates he wants.

Bike Path: Dr. Westbrook made a motion that \$2500.00 be added to the existing CD that is designated for the bike path when it matures on May 26, 2010. Edward Sulick seconded the motion. Vote – Yea: Edmonds, Latell, Pollard, Sulick, and Westbrook. Nay: 0.

Mr. Edmonds wants to look at the permanent financing of the Thomas Property. Mr. Sulick will serve on a committee with him to obtain information.

New Business:

May vs. November Town Elections: Ms. Peggy Harding, County Registrar, provided information that was distributed to the Council members. Mr. Terry will be asked to research the pros and cons regarding when to have the elections.

Miss America Day: Council members were concerned that not many people would attend the Miss America event in Irvington. They decided the matter centered on the two questions of whether or not to give money and whether or not to proclaim September 18th as Miss America Day. They said they would need to have someone to push the event and then must determine where to stage the event. There will be more discussion in the future.

Northern Neck Boys & Girls Club: Jerry Latell made a motion to approve the request of the Boys and Girls Club to use the tennis courts as they have provided the required certificate of insurance and have

provided the dates that they want to use the courts. Ed Sulick seconded the motion. Vote – Yea: Edmonds, Latell, Pollard, Sulick, and Westbrook. Nay: 0.

Irvington Baptist Church: The Irvington Baptist Church has asked to use the Commons on May 23, 2010, for a picnic after the church service. At the time of this meeting, they do not know the status of their insurance covering an event off premises as their minister is out of town. Ed Sulick made a motion to allow the picnic contingent on their having insurance. Gene Edmonds seconded the motion. Vote – Yea: Edmonds, Latell, Pollard, Sulick, and Westbrook. Nay: 0.

Air Force Band Concert: The Air Force Band concert for the Fourth of July will be Thursday, July 1, 2010. The number in the band will be 12 this year rather than the larger bands that they have brought in the past. Gene Edmonds said that he will find out a projected cost for food.

Trash Cans: People are putting trash in the flower pots. Kathleen Pollard and Gene Edmonds will decide where to put more trash cans and how many are needed. Mr. Edmonds said if the town could take care of the cost of the cans, then the VIA will cover the cost of the placement of the cans. Robert Westbrook will take care of a recycling can at the Commons for the Farmers' Market.

VML Conference for Newly Elected Council Members: Persons interested in going should see the clerk.

Workshop to Discuss Revenue Sources: A date for a workshop to discuss other possible sources of revenue than the ones that the town currently has will be determined at the next council meeting. Mr. Nunnally, who has been recently elected to the town council and will take office in the fall, asked that he be kept in the loop about town business.

Robert Westbrook would like financial information sent earlier than the day of the meeting.

Executive Session:

Ralph Ransone read the following motion to go into executive session that Edward Sulick made:

I hereby move that the Town Council of the Town of Irvington go into closed or executive session concerning the awarding public contracts involving expenditure of public funds pursuant to *CODE OF VIRGINIA*, section 2.1-3711A (29). Jerry Latell seconded the motion. Vote: Yea: Edmonds, Latell, Pollard, Sulick, and Westbrook. Nay: 0. Ralph D. Ransone left the building, because Ransone's Nursery had submitted a bid and Kathleen Pollard conducted the executive session. Vote: Yea: Edmonds, Latell, Pollard, Sulick, and Westbrook. Nay: 0.

Robert Westbrook moved that the council come out of executive session. Gene Edmonds seconded the motion. Vote – Yea: Edmonds, Latell, Pollard, Sulick, and Westbrook. Nay: 0.

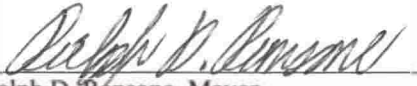
Kathleen Pollard read the following motion for certification: "I move that there be a roll call or other recorded vote, to be included in the minutes of this meeting, certifying that (1) only public business matters lawfully exempt from public meeting requirements under the Virginia Freedom of Information 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, Gene H. Edmonds, so certify.
I, Robert S. Westbrook, so certify.
I, Jerome S. Latell, so certify.
I, Edward J. Sulick, so certify.

Edward Sulick made a motion to give the contract to Goodman for the removal of the tree next to the town office and partially growing under the town office. Gene Edmonds seconded the motion. Vote – Yea: Edmonds, Latell, Pollard, Sulick, and Westbrook. Nay: 0.

Adjournment:

Robert Westbrook made a motion to adjourn the meeting and Gene Edmonds seconded the motion. Vote- Yea: Edmonds, Latell, Pollard, Sulick, and Westbrook. Nay: 0.


Ralph D. Ransone, Mayor

**Irvington Town Council
Regular and Public Meeting
April 8, 2010**

The regular and public meeting of the Irvington Town Council was held at the Irvington Town Office on April 8, 2010, at 7:30 P.M.

Present:

Mayor	Ralph D. Ransone
Vice-Mayor	Kathleen F. Pollard
Council	Gene Edmonds Edward J. Sulick Robert Westbrook
Legal Counsel	Matson C. Terry, II
Zoning Administrator	Robert A. Hardesty

Absent:

Council	William H. Evans, III
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The Mayor called the meeting to order and asked for a moment of silence.

Minutes and Treasurer's Report:

Kathleen Pollard made a motion that the minutes be approved and Gene Edmonds seconded the motion. Mrs. Pollard requested that acronyms be written out rather than just using the initials. Vote-Edmonds, Pollard, Sulick, and Westbrook. Nay: 0.

Mr. Ed Sulick made a motion that the treasurer's report be approved. Robert Westbrook seconded the motion. Vote-Yea: Edmonds, Pollard, Sulick, and Westbrook. Nay: 0.

Zoning Administrator:

Irvington Marina: Mr. Hardesty reported that Steve Daum, Lancaster County Building Inspector, was pleased with the progress of the cleanup at Irvington Marina. The building at the 12:00 o'clock position is nearly empty. No one can go into the building. The plan is to demolish that building after the asbestos inspection. Mr. Terry reported that there is a dispute in the courts about what property at the marina belongs to Skip Wiley. Judge Spruill dismissed the case to reverse the conservatorship of Mr. Wiley.

Legal Counsel:

Mr. Terry reported that the Thomas property heir in Charlottesville, has acquired an attorney and is interested in having her share purchased.

Mr. Hardesty has had a surveyor place stakes on the property line between the Nelms and the town office. The tree that is growing beside and under the town office is on town property and is causing problems for the foundation and needs to be removed. Mr. Terry will write an agreement for the Nelms to sign, acknowledging the risk involved, and allowing the town to have the tree removed. Although the tree

is on town property, it has to be accessed through their property. Mr. Hardesty will obtain three bids on the cost to have the tree removed.

Planning Commission Report: No report, no meeting.

Legislative Report:

Three actions in the recent legislative session can affect the town funds. These are: 1.) the amendment to require that town hold special elections to fill a vacancy on the council or the mayor's seat depending on the timing of the occurrence of the vacancy with the general election rather than to fill the vacancy with an appointment 2.) the use of the communication taxes by the state to fund other state needs rather than the established uses stated when the trust fund for the communication tax was established, and 3.) the discontinuance of the triennial school age census to be replaced by Weldon Cooper Center's estimating the school age census for calculating the distribution of sales tax revenue.

Committee Report:

Trees and Grounds: Tree – Reported above.

Volunteer: The shed will arrive on Friday, April 9, 2010. The old shed will be destroyed after it is emptied.

Brochure: The town ad will appear in the Northern Neck brochure. Mrs. Pollard is in the process of receiving responses from businesses for the Irvington brochure.

Old Business:

Garbage: Gene Edmonds made a motion to continue with Doggett for garbage pickup. Kathleen Pollard seconded the motion. Vote- Yea: Edmonds, Pollard, Sulick, and Westbrook. Nay: 0. Doggett has said that he can pick up from the Commons on Monday. He will continue pickup on Wednesday at the town office.

New Business:

"Lights on the Creek" Boat Parade: Mrs. Fran Westbrook, Chairman of the Boat Parade, has asked that the town raise their contribution from \$750.00 to \$1000.00. She said that any left over money will go back to the community.

Steamboat Era Museum: Mrs. Terri Thaxton and Mr. Randy Graham, treasurer of the Steamboat Era Museum, spoke briefly about the new financial procedure at the museum. He said that the financial report will be sent a month behind to the council members.

Triangle Trolley: Susan Cockrell, from the town of Kilmarnock, and Pat Saunders, from Bay Aging, were present to thank the council for the financial assistance, in the amount of \$500.00, that it provided last year for the triangle trolley and to ask the council to contribute the same amount this year. The cost to operate the trolley for a year is \$8200.00 plus \$1000.00 for miscellaneous expenses. The trolley will run from the May 1st weekend to the first weekend in October. Kilmarnock covers the cost of insurance. They did not break even last year, but they will try to get more ads this year. Mrs. Cockrell said that raising rates hurts ridership. The trolley will be in the July Fourth Parade. She said that the museum stop will be a full stop this year.

Miss America: The Kilmarnock Museum has contracted to have the current Miss America visit this area on September 18th to perform in its fundraising event on that date. They would like a contribution from the towns to help defray the cost of \$3500.00 that they will pay to have her come. They would like to have a mini parade through the Irvington and White Stone with brief stops in each town and have the date,

September 18th declared Miss America Day. The council would like more information and will request a representative to make a presentation at a future council meeting.

Chesapeake Academy's Using the Tennis Courts: Gene Edmonds made a motion to allow Chesapeake Academy to use the tennis courts for lessons after school on Tuesday and Thursday afternoons this spring. Ed Sulick seconded the motion. Vote – Yea: Edmonds, Pollard, Sulick, and Westbrook. Nay: 0. Mr. Terry will call Hubbard Insurance Company to see if Chesapeake Academy's insurance covers their students playing on the tennis courts at the Commons.

BPOL Tax: Dr. Westbrook wants the council to have a workshop after the new budget is adopted to discuss sources of revenue for the town.

VML Conference for Newly Elected Officials: Dr. Westbrook announced that the VML conference will be in Charlottesville, in July.

Digital Video Equipment: Kathleen Pollard made a motion for Mr. Hardesty and Mr. Edmonds to investigate purchasing digital video equipment for Mr. Hardesty to take pictures. An expenditure of \$200.00 was approved. Mr. Sulick seconded the motion. Vote – Yea: Edmonds, Pollard, Sulick, and Westbrook. Nay: 0.

Plumbing/Drop Box at Triangle: Mr. Edmonds said that about 30 feet of PVC is needed to replace the garden hose being used now to convey the water from the drop box to the sprinkler at the Commons. He will obtain prices for this.

Extended Contract for technical support for the new Dell Computer. It was decided that this was not necessary.


Budget Consideration for Contributions: Request for contributions for Lancaster Library, Miss America, SEM, and "Lights on the Creek" will be considered with the budget. There will be a budget workshop on April 26, at 7:00 P.M.

VML Luncheon: Council Members going to the VML luncheon on April 16th, in Tappahannock, should meet at Dr. Westbrook's office at 9:00 A.M.

AQUA: Aqua is not notifying key persons in town when the water is going to be turned off to fix a leak. Dr. Westbrook would like to ask Luther Ghorley to come to a town council meeting to discuss this matter.

Adjournment:

Kathleen Pollard made a motion to adjourn the meeting and Ed Sulick seconded the motion. Vote – Yea: Edmonds, Pollard, Sulick, and Westbrook. Nay: 0.


Ralph D. Ransone, Mayor

**Irvington Town Council
Regular and Public Meeting
March 11, 2010**

The regular and public meeting of the Irvington Town Council was held at the Irvington Town Office on March 11, 2010, at 7:30 P.M.

Present:

Mayor	Ralph D. Ransone
Council	Gene H. Edmonds Jerry S. Latell Kathleen Pollard Edward J. Sulick Robert S. Westbrook
Legal Counsel	Matson C. Terry, II
Zoning Administrator	Robert A. Hardesty

Absent:

Council	William H. Evans, III
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Guest: Terri Dort – Real Estate Agent for Thomas Property

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

Public Comment: None

Public Hearing:

Mrs. Kathleen Pollard made a motion to go into a public hearing and Gene Edmonds seconded the motion. Vote— Yea: Edmonds, Latell, Pollard, Sulick, and Westbrook. Nay: 0.

Rezoning of 4314 Irvington Road (Tax Map 33-340) from R-1 to B-1: Initially, Mr. Frank Burke, attorney for Phillip Thomas, Jr. and Eleanor Thomas Bowen, requested that this property be rezoned to B-1. The Planning Commission approved the property's being rezoned B-2 rather than B-1, which is consistent with the Comprehensive Plan that if the business area were to be expanded that it be in this area of Irvington Road. The businesses across the street are B-2. Therefore; the application has been resubmitted to request that it be rezoned to B-2, which would allow for less frequent traffic than B-1 and a limitation on building size to 2500 square feet. Mrs. Dort, said that she was unaware of the distinction of B-1 and B-2 when she first discussed rezoning the property. She feels that the property would be more marketable as a business property than a residential property. Gene Edmonds made a motion to come out of public hearing and Kathleen Pollard seconded the motion. Vote – Yea: Edmonds, Latell, Pollard, Sulick, and Westbrook. Nay: 0.

After discussion, Robert Westbrook moved that the application that the parcel at 4314 Irvington Road be approved to be rezoned from R-1 to B-2 and Kathleen Pollard seconded the motion. Vote - Yea: Edmonds, Latell, Pollard, Sulick, and Westbrook. Nay: 0.

Minutes and Treasurer's Report:

Robert Westbrook made a motion to accept the minutes and treasurer's report. Gene Edmonds seconded the motion. Vote – Yea: Edmonds, Latell, Pollard, Sulick, and Westbrook. Nay: 0.

Zoning Administrator:

Irvington Marina: Mr. Hardesty has a received a copy of Steve Daum's letter to Cecilia Wiley regarding a repair that had been done at Irvington Marina without a permit. Mr. Daum is satisfied with the progress that Hawk has made in cleanup. In response to Mrs. Pollard's question if he had contacted the EPA, Mr. Hardesty said that the phone numbers that he had for EPA were not valid numbers. He said that the gas tanks had been removed. Mr. Edmonds said that they would like a schedule of when they expect to finish the cleanup. Mr. Terry said that they need to rely on Steve Daum as he is the town's enforcing officer. Mr. Terry said that he would write Mr. Craig Smith, the attorney for Mrs. Wiley, asking about the plan of action. Mr. Ransone said that it took a long time to reach this state and it will take time to clean it. Mrs. Pollard asked Mr. Hardesty if they had been in the buildings and the status of the boat "Eva," which Mr. Hardesty said that it was still there. Mr. Terry said that the boat issue is between Irvington Marina and the boat owner.

Legal Counsel:

Mr. Terry said that he is waiting to hear from the cousin of Mr. Thomas.

Planning Commission Report: No report.

Legislative Report:

Dr. Westbrook reported that the BPOL Tax issue was tabled until next year in the General Assembly. It was decided to discuss having a BPOL Tax in Irvington next month. Mr. Terry said that it was more equitable to have a tax on real estate than on the businesses.

Committee Reports:

A list of committee assignments were given to the council members prior to the day of the meeting. Committee assignments are as follows:

Budget/Finance: Ralph D. Ransone and Robert Westbrook – Co-Chairs
Robert Hardesty and Jackie Burrell

Building/Grounds: Kathleen Pollard – Chair
Jerry Latell
Robert Hardesty
Jackie Burrell

Zoning Ordinance: Robert Hardesty
Robert Morrison
Gene Edmonds
Edward Sulick

Public Safety: William Evans
Robert Westbrook
Robert Hardesty

Flags/Lights: Gene Edmonds
Robert Westbrook
Jerry Latell

Mr. Ransone said there will be a work session on the budget. The public hearings will be in June.

Volunteers: Mr. Edmonds said that there were two scouts, who were doing volunteer projects

in town. Mark Rhoads is heading an Eagle scout project at the museum. Daniel McGraft, another scout, is picking up the leaves and gumballs at the Commons.

Old Business: None.

New Business:

Northern Neck Tourism Commission: Gene Edmonds made a motion to approve membership and to reimburse Kathleen Pollard for the \$125.00 she paid to have the Town of Irvington join the Northern Neck Tourism Commission. Robert Westbrook seconded the motion. Vote- Yea: Edmonds, Latell, Pollard, Sulick, and Westbrook. Nay: 0. This membership will enable the town to link its web site to the commission's website. The commission has been restructured with a representative from each county. Bill Pennell, Lancaster County's Administrator, is on the commission.

Town of Irvington's Brochure: Mrs. Pollard discussed her plans for the new brochure for the town. She has discussed the brochure with Mr. Jeff Bishop, a resident of Irvington, who is a consultant for a printing company. If the brochure is done digitally, then it can be updated more easily. There was discussion about whether or not to include a map of the town as part of the brochure, as an insert, or another method. Dr. Westbrook recommended doing it without a map if it can be done faster and more economically. Mrs. Pollard will continue working on the brochure.

Shelves: Robert Westbrook moved that Mr. Steven Self be hired to construct shelves, at a cost of \$275.00, to store magnetic signs for the July 4th parade cars. Gene Edmonds seconded the motion. Vote – Yea: Edmonds, Latell, Pollard, Sulick, and Westbrook. Nay: 0.

Garbage: Mr. Edmonds asked the clerk to ask Mr. Doggett if they could pick up trash at the Commons when they are picking up the trash at Hope on Glory on Mondays. There are some open cans at the Playground that need emptying.

Announcement:

Mr. Ransone made an announcement for the statewide tornado drill scheduled for March 16, 2010.

Appointment of Vice-Mayor and Planning Commission Representative:

Dr. Westbrook moved that Kathleen Pollard be appointed Vice-Mayor of Irvington and Gene Edmonds seconded the motion. Vote – Yea: Edmonds, Latell, Pollard, Sulick, and Westbrook. Nay: 0.

Gene Edmonds nominated Edward Sulick for the Planning Commission and Robert Westbrook seconded the motion. Vote – Yea: Edmonds, Latell, Pollard, and Westbrook. Nay: 0.

Other Business:

Aqua Pipes In the Street: Concern was expressed about the Aqua pipes that were left over the winter in the curb/gutter on King Carter Drive.

VML Seminar: Gene Edmonds told the new members of council about going to the VML seminar. This will be discussed at a later council meeting.

Shed at Commons: Mr. Ransone has prepared the site for the shed at the Commons.

Executive Session:

Mr. Terry read the following motion to go into executive session 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 acquisition of real property for a public purpose pursuant to the *CODE OF VIRGINIA*, Section 2.2-3711.A.3." Kathleen Pollard seconded the motion. Vote – Yea: Edmonds, Latell, Pollard, Sulick, and Westbrook. Nay: 0.

Kathleen Pollard made a motion to come out of executive session and Jerry Latell seconded the motion. Vote –Edmonds, Latell, Pollard, Sulick, and Westbrook. Nay: 0.

Mr. Terry read the following motion for certification which Dr. Westbrook made:

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

I, Gene H. Edmonds, so certify.

I, Bob Westbrook, so certify.

I, Jerry Latell, so certify.

I, Ed Sulick, so certify.

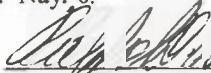
I, Kathleen Pollard, so certify.

I, Ralph D. Ransone, so certify.

Robert Westbrook made the motion to instruct the town attorney to write another counsel to ask about the possibility of a brownfield study on a specific piece of property. Gene Edmonds seconded the motion. Vote – Yea: Edmonds, Latell, Pollard, Sulick, and Westbrook. Nay: 0.

Adjournment:

Robert Westbrook made a motion to adjourn the meeting. Kathleen Pollard seconded the motion. Vote – Yea: Edmonds, Latell, Pollard, Sulick, and Westbrook. Nay: 0.


Ralph D. Ransone, Mayor

**Irvington Town Council
Regular and Public Meeting
February 11, 2010**

The regular and public meeting of the Irvington Town Council was held at the Irvington Town Office on February 11, 2010, at 7:30 P.M.

Present:

Mayor	Ralph D. Ransone
Vice-Mayor	Position vacant
Council	Gene H. Edmonds William H. Evans, III Robert S. Westbrook
Legal Counsel	Matson C. Terry, II
Zoning Administrator	Robert A. Hardesty

Absent:

Council	Jimmie Lee Crockett Kathleen Pollard
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Visitors:

Jerry Latell Ed Sulick Ruth Whay	Robert Morrison
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Mr. Ransone called the meeting to order and requested a moment of silence. He read Mr. Jimmie Lee Crockett's letter of resignation from the Town Council to be effective immediately. Dr. Westbrook moved that the council accept Mr. Crockett's resignation and Mr. Edmonds seconded the motion. Vote – Yea: Edmonds, Evans, Westbrook. Nay: 0.

Mr. Terry announced that with three members present of the existing four members of council, business could be conducted.

Public Comment:

Jerry Latell and Ed Sulick, who have both submitted their names for consideration for appointment to the council, were present to introduce themselves and talk about their background. The other applicants were invited, but they had previous commitments.

Minutes and Treasurer's Report:

Dr. Westbrook made a motion to accept the minutes and treasurer's report. William Evans seconded the motion. Vote – Yea: Edmonds, Evans, and Westbrook. Nay: 0.

Zoning Administrator:

Irvington Marina: Mr. Hardesty, who had visited the site on this date, reported that progress at the Irvington Marina has been slow recently because of the snowy weather. Hawk, the employee, has been cleaning up the site, so there can be an inspection of the structures.

Legal Counsel:

Thomas Property: Mr. Terry reported that one of the owners (a cousin) of the Thomas property, who owns 1/16th of the property, is consulting with an attorney. The other 2/16th's of the property is scattered among unknown parties, who did not respond to the suit.

Planning Commission Report:

Zoning Revision: Mr. Morrison reported that he and Mr. Hardesty are doing the second editing of the zoning ordinance. After they have completed consolidating and revising, they will have it retyped.

Legislative Report:

Dr. Westbrook said that he had emailed a summary of the legislative bills that are under consideration in this current session that are of concern to towns. He said that it is cumbersome to make the reports to the council members in time for council discussion and the council to make timely comments to the representatives. Mr. Terry suggested that in the future, the council read the new legislation being considered when it is first posted. Then at the next meeting of the council, it can be discussed, and the council can take action.

Committee Reports:

Disaster: Mr. Evans reported that Ryan Stephen, as a volunteer, had done a fantastic job of snow removal during recent snows, and he would like to see his efforts recognized.

Shed at Commons: Mr. Edmonds said that the shed is ready to be installed at the Commons.

Old Business: None.

New Business:

Chamber of Commerce: Gene Edmonds made a motion to renew the town's membership in the Chamber of Commerce, at an annual fee of \$100.00. Vote – Yea: Edmonds and Evans. Nay: Westbrook. The town will renew its membership.

Golf Cart Decal and Annual Fee: Robert Westbrook made a motion to accept the golf cart design with the year under the number of the decal and the annual fee to be \$10.00. William Evans seconded the motion. Vote – Yea: Edmonds, Evans, and Westbrook. Nay: 0.

Executive Session:

Matson Terry read the following motion which Mr. Edmonds made: "I hereby move that the Town Council of the Town of Irvington go into closed or executive session to discuss a resignation and an appointment specifically covered by the 'Appointment to Council' and the awarding of public contracts involving expenditure of public funds pursuant to the *CODE OF VIRGINIA*, Section 2.1-3711.A.(1)(29)." William Evans seconded the motion. Vote – Yea: Edmonds, Evans, and Westbrook. Nay: 0.

William Evans made a motion to come out of executive session and Gene Edmonds seconded the motion. Vote – Yea: Edmonds, Evans, and Westbrook. Nay: 0.

Matson Terry read the following motion for certification which Robert Westbrook made: "I move that there be a roll call or other recorded vote, to be included in the minutes of this meeting, certifying that (1) only public business matters lawfully exempt from public meeting requirements under the Virginia Freedom of Information act were heard, discussed or considered in the closed session; and (2) only such public business as was identified in the motion to convene a closed session was heard, discussed or considered."

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

Following the executive session, the council took the following action:

Contracts:

Garbage Collection: Robert Westbrook made a motion to revise the request for bids for the garbage collection in that there be five garbage cans (1 for recyclables) emptied at the Commons during the April – November months the week after the Farmers' Market and one can the other weeks during those months. Gene Edmonds seconded the motion. Vote – Yea: Edmonds, Evans, and Westbrook. Nay: 0.

Electrical Box: William Evans made a motion to accept the bid of Self Construction for enclosing the electrical box in the town office. Gene Edmonds seconded the motion. Vote – Yea: Edmonds, Evans, and Westbrook. Nay: 0.

Christmas Lights, Banners, and Flags: Gene Edmonds made a motion to accept the bid of Paul Elbourn for putting up/taking down Christmas lights, banners, and flags for 2010. Robert Westbrook seconded the motion. Vote – Yea: Edmonds, Evans, and Westbrook. Nay: 0.

Grasscutting: Robert Westbrook made a motion to accept the bid of Kilmarnock Enterprises for grasscutting for the 2010 through the 2012 seasons contingent on the fact that he be responsible for the preparation of the Thomas property for the grasscutting which is now part of the town property. The property has tall weeds growing on it. William Evans seconded the motion. Vote – Yea: Edmonds, Evans, and Westbrook. Nay: 0.

Appointments to Council:

Gene Edmonds made a motion to appoint Jerry S. Latell to the council to fulfill the term of Ralph D. Ransone, who became the Mayor. Mr. Latell's term will end in September, as Mr. Ransone's seat was one of those, in the May election. Robert Westbrook seconded the motion. Vote – Yea: Edmonds, Evans, and Westbrook. Nay: 0.

William Evans made a motion to appoint Edward J. Sulick to fulfill the term of Jimmie Lee Crockett, who resigned on the date of this council meeting. Mr. Sulick's term will expire in September, 2012. Robert Westbrook seconded the motion. Vote – Yea: Edmonds, Evans, and Westbrook. Nay: 0.

Additional Business:

Robert Westbrook asked about restructuring the ordinance on boat houses. Mr. Hardesty and Mr. Morrison are working on the revisions to the Zoning Ordinance.

Mr. Edmonds asked about adjusting some of the yearly budgeted amounts for some of the line items in the budget. Mr. Terry recommended not doing this because then the budget committee would have a true picture by leaving the over and under of a line item, when preparing the budget for the next fiscal year.

Adjournment:

Gene Edmonds made a motion for the meeting to be adjourned.


Ralph D. Ransone, Mayor

Town of Irvington

From: "Edwinna and Jimmie" <winalee@va.metrocast.net>

To: "Town of Irvington" <info@irvingtonva.org>

Sent: Thursday, February 11, 2010 5:59 PM

Subject: RESIGNATION

PLEASE BE ADVISED THAT I JIMMIE L CROCKETT DO HEREBY RESIGN EFFECTIVE IMMEDIATELY 2/11/10 MY COUNCIL SEAT ON THE IRVINGTON TOWN COUNCIL...I HAVE ENJOYED THE OPPORTUNITY TO BE OF SERVICE TO MY TOWN AND WISH NOTHING BUT THE BEST FOR MY TOWN IN THE FUTURE... SUBMITTED BY JIMMIE L CROCKETT...JIMMIE

2/11/2010

**Irvington Town Council
Regular and Public Meeting
January 14, 2010**

The regular and public meeting of the Irvington Town Council was held at the Irvington Town Office on January 14, 2010, at 7:30 P.M.

Present:

Vice-Mayor	Ralph D. Ransone
Council	Gene H. Edmonds Kathleen Pollard Robert Westbrook
Legal Counsel	Matson C. Terry, II
Zoning Administrator	Robert A. Hardesty

Absent:

Mayor	Alexander McD. Fleet
Council	William H. Evans, III Jimmie Lee Crockett

Guests:

Ruth Whay	William Wright
Marsha Chapman	Ned Crockett
Debbie Cook	Bob Morrison
Dean Dort	

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

Public Comment:

Mrs. Chapman read a statement giving the reasons that she is opposed to golf carts being driven on the part of Route 200, which passes through Irvington. She was concerned if there were an accident in that part of Irvington, would the liability pass to Irvington. Mr. Terry said "no" because the State Legislature had given the town permission to allow golf carts to be driven on the streets of Irvington. He stated that the town would not be liable in case of an accident as the users of golf carts would have insurance.

Minutes and Treasurer's Report:

Robert Westbrook moved that the minutes and treasurer's report be accepted and Gene Edmonds seconded the vote. Vote— Yea: Edmonds, Pollard, Ransone, and Westbrook. Nay: 0.

Zoning Administrator:

Mr. Hardesty reported that the Chesapeake Drive street light was installed and the bill has been paid.

Irvington Marina: Mr. Hardesty and Mr. Morrison visited Irvington Marina on this date and found that there has been significant clearing of the debris, etc. so that Steve Daum can go into the buildings and inspect them. Mr. Morrison added that the docks are virtually empty. Damaged boats have been moved to the back side, and some have been demolished. He said that "Hawk" had said that the EPA had okayed what he had done. The town attorney said that the town does not have jurisdiction over the boat "Eva." Mrs. Pollard wants to verify what the EPA has said and Mr. Hardesty was instructed to call the EPA.

Office Cabinet: Mr. Hardesty wants to get three bids for the cabinet to box in the electrical box.

Planning Commission Report: Mr. Morrison reported that there was no report.

Legal Counsel:

Mr. Terry reported that he needed a response from the sister of law of Mr. Phillip Thomas, Sr. before he can begin the pleadings in the partition suit. They anticipate that Mr. Phillip Thomas, Jr. will vacate the house on the property sooner than originally expected.

Dr. Westbrook had read the VML legislative bulletin received on the date of this meeting regarding proposed legislation for the upcoming session of the Legislature. Mr. Terry said that if the proposal for sovereign immunity comes out of committee, then he will get the full text of it. Dr. Westbrook was appointed to report on the Legislature at each meeting.

Committee Report:

Office: No office report.

Old Business:

Golf Cart: The Council approved following amendments to the draft golf cart ordinance:

1. Section 2. (A) Add golf carts designed to transport persons.
3. Section 3. (2) Delete the lap belt requirement.
4. Section 6. (5) Add all persons shall be seated.
5. Section 7. (6) Delete the word extreme.
6. Golf Carts can be driven on Irvington streets where the speed is posted not to exceed 25 mph.
7. Add Section 7 from the original draft ordinance requiring that a golf cart license be purchased. Proof of insurance will be required to purchase the annual golf cart license.

Robert Westbrook made a motion to accept the ordinance as amended. Kathleen Pollard seconded the motion. Vote— Yea: Edmonds, Pollard, Ransone, and Westbrook. Nay: 0.

New Business:

Garbage Collection: There have been four trash cans at the Commons, Mr. Edmonds said that only one can is necessary in the winter. The garbage companies will be contacted to see if this would alter their proposal.

N.N. Tourism: No action.

Grasscutting: A notice will be published in the newspaper requesting bids for grasscutting.

Standardizing the Financial Report: Mr. Edmonds would like the Town to go to Quick Books for its financial reporting so that all information will be in one location. He was concerned about the town's security. Mr. Terry cautioned the council that the updates for the system could be costly. A new system would not be started until after the new fiscal year starts.

Skyline Distribution: Skyline Distribution has contacted the town office asking if the town could be a site for the free distribution of its Lancaster County map and has sent an agreement to be signed. Mr. Terry instructed the clerk to have them send the town office a copy of the map for the council to see before the agreement is signed.

New Aqua Water Rates: Bills from Aqua have been received giving the new charges based on a base rate for the availability of the service plus a usage fee of \$5.40 per 1000 gallons used. Dr. Westbrook questioned if they had followed the legal procedure to notify the residents of a change in the rate structure. Mr. Terry said that he would investigate it.

Mayor's Resignation: Mr. Ransone read Mr. Alexander McD. Fleet's letter of resignation, effective January 9, 2010, as the Mayor of Irvington, because of the potential conflict of interest with his recent election to the County School Board. Kathleen Pollard moved to accept the resignation with regrets and Robert Westbrook seconded the motion. Vote – Yea: Edmonds, Pollard, Ransone, and Westbrook. Nay: 0. Robert Westbrook moved to appoint Ralph D. Ransone as the Mayor of Irvington to serve out Mr. Fleet's term. Gene Edmonds seconded the motion. Vote- Edmonds, Pollard, Ransone, and Westbrook. Nay:0.

A quorum was not present for voting after Mr. Ransone was appointed mayor:

Mr. Terry said that there is case law that the Council has 45 days from the date of Mr. Ransone's becoming mayor (January 14, 2010) to appoint someone to replace him as a council member. The person appointed will have to be a qualified voter, who has resided in town for six months. Mr. Terry instructed Mr. Hardesty to advertise twice for residents, who are interested in being considered for the appointment to fill Mr. Ransone's seat on the council, to submit their names. Mr. Terry will prepare a resolution for Mr. Fleet.

Adjournment:

Dr. Westbrook made a motion that the meeting be adjourned. And Kathleen Pollard seconded the motion. Vote– Yea: Edmonds, Pollard, Ransone, and Westbrook. Nay: 0.


Ralph D. Ransone, Vice-Mayor & Mayor

Alexander McD. Fleet
Mayor

Robert A. Hardesty
Zoning Administrator
Town Manager

Matson C. Terry, II
Town Attorney

Jacqueline H. Burrell
Clerk of Council
Treasurer

Town of Irvington

235 Steamboat Road
Post Office Box 174
Irvington, Virginia 22480

Telephone (804) 438-6230
Fax (804) 438-6865

e-mail: townofirvington@rivnet.net

COUNCIL MEMBERS
Ralph D. Ransone
Vice-Mayor

Jimmie Lee Crockett
Gene H. Edmonds
William H. Evans, III
Kathleen F. Pollard
Robert S. Westbrook, DDS

January 6, 2010

Mrs. Jacqueline H. Burrell
Clerk of the Council
Town of Irvington
Post Office Box 174
Irvington, Virginia 22480

Dear Mrs. Burrell:

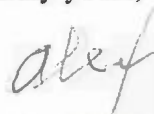
With my election to the Lancaster County School Board and after careful and prayerful consideration I find it necessary to resign as Mayor of the Town of Irvington, effective January 9, 2010. There is a possibility of a conflict of interest in holding both positions and I would find it difficult to apply the needed time to each one.

I cannot leave without expressing my appreciation not only to the Council members, but to the office staff, Jackie Burrell, Robert Hardesty, and Matt Terry, the town attorney. No one could work with more competent and loyal individuals.

I have enjoyed almost fifteen years as Mayor and feel our actions have been beneficial to the citizenry.

With kindest regards and best wishes for much success in the future, I am

Very truly yours,



Alexander McD. Fleet, Mayor

1/14/10

**ARTICLE ____ : OPERATION OF GOLF CARTS AND UTILITY VEHICLES ON
PUBLIC HIGHWAYS**

Sec. 8A.01 Authority to Regulate.

Pursuant to §46.2-916.2 (D) of the *Code of Virginia*, 1950, amended, the Town of Irvington is authorized to impose limitations and restrictions, by ordinance, on the operation of golf carts and utility vehicles upon public highways with the Town.

Sec. 8A.02 Definition.

a. The term "golf cart" means a self propelled vehicle which is designed to transport persons playing golf and their equipment on a golf course, or otherwise designed to transport persons.

b. The term "utility vehicle" means a motor vehicle that is (i) designed for off-road use, (ii) powered by an engine of no more than 25 horsepower, and (iii) used for general maintenance, security, agricultural or horticultural purposes. This term does not include all-terrain vehicles, riding lawnmowers or any other vehicle defined in *Code of Virginia*, 1950, as amended, §46.2-100.

Sec. 8A.03 Required Safety Equipment.

In addition to any safety required by the *Code of Virginia*, as amended from time to time, for golf carts and utility vehicles, such shall have the following safety equipment installed: Speed governor if gasoline powered.

Sec. 8A.04 Insurance Required.

Every golf cart and utility vehicle and driver thereof shall be covered by an insurance policy. Such policy shall meet the minimum liability amounts of §46.2-472 of the *Code of Virginia*, as amended, and provide coverage during operation of the golf cart or utility vehicle upon public highways.

Sec. 8A.05 Operation on Public Highways.

It is unlawful to operate a golf cart or utility vehicle on the public highways within the Town of Irvington unless the following requirements are met:

(1) Golf carts and utility vehicles must display a slow-moving vehicle emblem in conformity with §46.2-1081 of the *Code of Virginia*, as amended.

(2) Golf carts and utility vehicles shall be operated only between sunrise and sunset unless equipped with such lights as are required in Article 3 of Chapter 10, of Title 46.2 of the *Code of Virginia*, as amended, and shall only be operated on roads within the Town of Irvington for which the posted speed limit does not exceed 25 miles per hour.

(3) No person may operate a golf cart or utility vehicle on the public highways in the Town unless that person is licensed to drive upon the highways of the Commonwealth of Virginia, and then only in accordance with such driver's license.

(4) Golf carts and utility vehicles must be operated in accordance with all applicable state and local laws and ordinances, including all laws, regulations and ordinances pertaining to the use and possession of alcoholic beverages.

(5) Only the number of people the golf cart or utility vehicle is designed to seat may ride on a golf cart, and all persons riding on the golf cart or utility vehicle shall be seated. Additionally, passengers shall not be carried on the part of the golf cart designed to carry golf bags.

(6) Golf carts and utility vehicles must be operated to the extreme right of the roadway and must yield right of way to all other vehicles and pedestrian traffic;

(7) Golf carts and utility vehicles may be operated in bicycle lanes provided they do not impede bicycle traffic;

(8) Golf carts and utility vehicles shall not be operated during inclement weather, nor when visibility is impaired by weather, smoke, fog or other conditions;

(9) The Town Council, or its designee, may prohibit golf carts and utility vehicles on any part of the highways in the Town if the Town Council determines that the prohibition is necessary in the interest of safety.

Sec. 8A.06 Local Vehicle License

No golf cart or utility vehicle shall be operated on the public highways in the Town of Irvington unless it displays a current, annual Town of Irvington golf cart/utility vehicle license issued pursuant to this ordinance. No such license shall be issued until the owner of the golf cart or utility vehicle presents evidence that the golf cart or utility vehicle is insured in accordance with this ordinance.

Sec. 8A.07 Liability Disclaimer.

This Article is adopted to address issues of public safety. Golf carts and utility vehicles are not designed or manufactured to be used on public highways, and the Town of Irvington in no way advocates or endorses their operation on the public highways in the Town. The Town of Irvington by regulating such operation is trying to address various safety issues, and adoption of this ordinance is not to be relied upon as a determination that operation on public highways is safe or advisable even if done in accordance with this ordinance. All persons who choose to operate or ride on golf carts or utility vehicles on public highways do so at their own risk and peril, and must be observant of and attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists and pedestrians. The Town of Irvington has no liability under any theory of liability, and the Town assumes no liability, for permitting golf carts and utility vehicles to be operated on the

public highways under the special legislation adopted by the Virginia General Assembly. Any person who operates a golf cart or utility vehicle on the public highways in the Town of Irvington is responsible for procuring liability insurance sufficient to cover the risk involved in using a golf cart or utility vehicle on the public highways.

[ADOPTED AT REGULAR MEETING OF THE TOWN COUNCIL HELD JANUARY 14, 2010.]

T:\Irvington\Golf Carts\Operation of Golf Carts 8.20.09. wpd

L. Preston Bryant, Jr.
Secretary of Natural Resources



Joseph H. Maroon
Director

COMMONWEALTH of VIRGINIA

DEPARTMENT OF CONSERVATION AND RECREATION

900 E. Main Street, 8th Floor, Pocahontas Building

Richmond, Virginia 23219-3558

Phone: (804) 225-3440 TOLL-FREE TDD: 1-800-243-7229

FAX: 804-225-3447 WEBSITE: www.dcr.virginia.gov

December 22, 2009

Mr. Robert A. Hardesty
Town Manager, Zoning Administrator
Town of Irvington
Post Office Box 174
Irvington, Virginia 22480

Dear Mr. Hardesty:

On December 14, 2009, the Chesapeake Bay Local Assistance Board conducted a review of previous compliance evaluation conditions for the Town of Irvington for consistency with the Act and Regulations. The Board's Resolution, reflecting the action taken, is attached.

On behalf of the Board and myself, I want to congratulate you and the Town for implementing a Phase I program that is compliant with the Act and its Regulations.

We look forward to continuing to work with you and the Town of Irvington staff in the future. As always, if you have any questions or if we can be of any assistance, please contact your liaison, Ms. V'lent Lassiter, or Mrs. Joan Salvati, Division Director.

Sincerely,

A handwritten signature in cursive script, reading "Joseph H. Maroon".

Joseph H. Maroon
Director

Enclosure

c: Mrs. Joan Salvati, Division Director, DCR
Ms. V'lent Lassiter, Senior Environmental Planner, DCR

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

December 14, 2009

RESOLUTION

LOCAL PROGRAM COMPLIANCE EVALUATION
TOWN OF IRVINGTON

Local Compliance Evaluation - Compliant

WHEREAS § 10.1-2103 of the Chesapeake Bay Preservation Act states that the Chesapeake Bay Local Assistance Board shall take administrative and legal steps to ensure compliance by counties, cities and towns with the provisions of the Chesapeake Bay Preservation Act, including the proper enforcement and implementation of, and continual compliance with the Act; and

WHEREAS § 9 VAC 10-20-250 1 b of the Regulations required the Board to develop a compliance evaluation process for evaluating local Bay Act compliance; and

WHEREAS the Chesapeake Bay Local Assistance Board adopted a compliance evaluation process on September 16, 2002 for the purposes of reviewing local Bay Act compliance; and

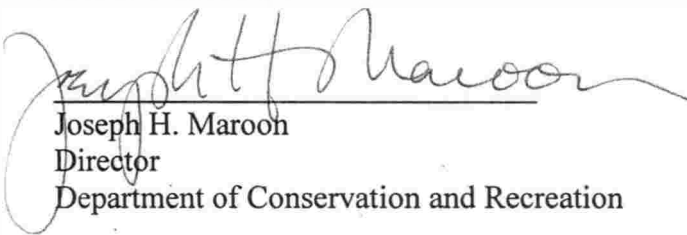
WHEREAS on September 15, 2008, the Chesapeake Bay Local Assistance Board found that implementation of certain aspects of the Town of Irvington's Phase I program did not fully comply with the Act and Regulations and further that the Town address the six recommended conditions in the staff report no later than September 30, 2009; and

WHEREAS in the Spring and Summer of 2009, the Town provided staff with information relating to the Town's actions to address the six conditions which were evaluated in a staff report; and

WHEREAS after considering and evaluating the information presented on this date, the Board agrees with the recommendation in the staff report; now,

THEREFORE BE IT RESOLVED that the Chesapeake Bay Local Assistance Board finds the implementation of the Town of Irvington's Phase I program to be in compliance with §§ 10.1-2109 and 2111 of the Act and §§ 9 VAC 10-20-231 and 250 of the Regulations.

The Director of the Department of Conservation and Recreation certifies that this resolution was adopted in open session on December 14, 2009 by the Chesapeake Bay Local Assistance Board.


Joseph H. Maroon
Director

Department of Conservation and Recreation