

**Irvington Town Council
Regular and Public Meeting
December 12, 2013**

The regular and public meeting of the Irvington Town Council was held at the Irvington Town Office on December 12, 2013, at 7:30 pm.

Present:

Mayor	Ralph D. Ransone
Vice-Mayor	Kathleen Pollard
Council	Gene Edmonds Jerry Latell (arrived after call to order) R. Wayne Nunnally Robert S. Westbrook
Zoning Administrator	Robert A. Hardesty

Absent:

Council	Michael Merrill
Legal Counsel	Wesley Charlton

Guests:

William Newborg – Local Manager of Metrocast
Crystil – Marketing Coordinator with Metrocast
Patrice Richards

The Mayor called the meeting to order at 7:30 pm and asked for a moment of silence.

Public Comment: None

Minutes and Treasurer's Report:

Gene Edmonds made a motion to approve the minutes and treasurer's report and Wayne Nunnally seconded the motion. Vote – Yea: Edmonds, Nunnally, Pollard, and Westbrook. Nay: 0.

Zoning Administrator:

Mr. Hardesty reported that he had received a letter from American Legal Publishing that the ordinances had been received for codification.

Legal Counsel: No report.

Planning Commission: No report.

Committee Report:

Volunteerism: Mr. Edmonds reported that there are new chairs for the following committees:

Farmers' Market: Deb Lockhart

VIA President, 2014: Bill Spiccuza

Beautification: Susan Edmonds continues

The Mayor said that the Carts and Carols on December 7, 201, went well.

Old Business:

Planning Commission Vacancy: After receiving a letter from Mrs. Jacquelyn Brown, saying that she would like to be reappointed to the planning commission council, Mr. Edmonds moved that she be reappointed to the commission and Wayne Nunnally seconded the motion. Vote – Yea: Edmonds, Nunnally, Pollard, and Westbrook. Nay:0.

Licensing Agreement for Use of Commons: Mr. Charlton wants to meet with the VIA . He will do agreements with requesting persons or organizations, wanting to use the Commons, and that agreement will be kept on file for future use.

New Business:

Sign at Gallery 15: Patrice Richards, owner of Gallery 15, requested permission to use her banner that she had made for the front of her business at the Local/Trick Dog shops, because her existing sign is not very prominent. The new banner is 2'X5' for a total measurement of 10 square feet. (Jerry Latell arrived.) The size allowed in the ordinance is 2'x4' or 8 square feet. After suggestions that she trim her existing banner to 8 square feet, she agreed to do so and come in for a sign permit from Mr. Hardesty.

Metrocast's Sign Request: Mr. William Newborg and Metrocast's marketing coordinator for Virginia, from Metrocast, explained that they had launched a hotspot near The Local shopping area to be available to their customers only and would like to erect a sign to tell Metrocast customers of this hotspot. It is not open to the public. Mr. Newborg estimated that he had 100 customers in the town and 700 in the county. Metrocast also plans to create a hotspot in Kilmarnock. In answering a question about making the hotspot available to everyone, Mr. Newborg said that they would like to partner with some other cable company. Gene Edmonds asked if he would be interested in partnering with the town, but it would have to be available to the public. Mr. Newborg said he would have to ask at Metrocast. He does not know when Metrocast customers will be informed of the available Metrocast hotspot. He said they are creating the hotspot whether or not they can do the sign. The Mayor told him to submit the information to Mr. Hardesty.

Roundtable:

Thomas Property Roundtable: Jerry Latell has met with Ralph Higgins and Randal Kipp, who have said that they will provide the town with a basic concept (but not details) to develop the Thomas Property and it may be available by the next meeting. The council discussed whether or not to have another public meeting, but did not come to a conclusion.

Announcements: The Mayor announced upcoming holiday events in town.

Planning Commission: Mr. Edmonds reported that one planning commission member was concerned about not having commission meetings when he thought there was work that could be done. The Mayor said he would speak with Bob (Morrison).

Aqua Water: Mr. Nunnally said that he used some of the water in Kilmarnock and he did think that the water in that town had as much salt as does the Irvington water. Gene Edmonds said that he would ask a chemist to test the Irvington water and the Kilmarnock water.

Adjournment:

Wayne Nunnally made a motion to adjourn the meeting.


Ralph D. Ransone, Mayor

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF LANCASTER

IN RE: TOWN OF IRVINGTON – PETITION FOR WRIT OF ELECTION

CL13-49

AMENDED WRIT OF ELECTION

This matter came to be heard upon petition for Writ of Election by the town of Irvington, Virginia (the "Town") pursuant to Va. Code§ 24.2-226 (the "Code") requesting the Court to issue a Writ of Election to fill a vacancy on the town of Irvington, Virginia Town Council (the "Town Council").

It appearing to the Court that at the May, 2012 general election in the Town, Edward J. Sulick, a citizen of the Town ("Mr. Sulick"), was properly elected as a council member of the Town for a term to expire on the second Wednesday in September, 2016; that Mr. Sulick resigned from the Town Council, which resignation was accepted by the Town Council on July 11, 2013 at its regular and public meeting; that the Town wishes to hold its special election at its next scheduled general election, which is set to occur on May 6, 2014 (the "May, 2014 General Election"), see Va. Code § 24.2-226(A); and that the Town further wishes to have the special election term be set for a two ("2") year term, to start, pursuant to Va. Code§ 24.2-201 on the first Thursday in June, 2014 and end on the second Wednesday in September, 2016, as that is the remaining time left in Mr. Sulick's original term.

After considering the petition and the relevant provisions of the Code, the Court finds that the vacancy in the position of the Town Council should be filled during the May, 2014 General Election.

It appearing to the Court that it is proper to do so, it here by **ORDERED, ADJUDGED,** and **DECREED** that a special election shall be held, pursuant to Va. Code§§ 24.2-681 et seq.,

concurrently with the May, 2014 General Election to fill the vacancy on the Town Council created by the resignation of Mr. Sulick, whose term expires on the second Wednesday in September, 2016.

It is further **ORDERED** that the General Registrar, the Secretary of the Electoral Board of the County of Lancaster, and the state Board of Elections of the Commonwealth of Virginia take those actions necessary to modify the ballots so that the voters of the Town will be permitted to vote for a candidate for Town Council to fill the unexpired term of Mr. Sulick.

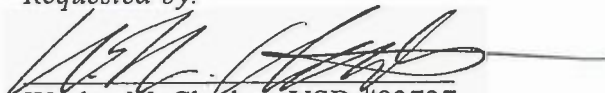
The Clerk of this Court is hereby directed to send certified copies of this Order to the General Registrar, the Secretary of the Electoral Board of the County of Lancaster, the State Board of Elections of the Commonwealth of Virginia, and Wesley M. Charlton, legal counsel for the Town (the "Town Attorney").

There being nothing left to be done in the action, it shall be stricken from the docket and placed with the ended causes.

ENTERED this the 25 day of October, 2013.


JUDGE

Requested by:


Wesley M. Charlton VSB #83737
Town Attorney, Town of Irvington
Hubbard, Terry & Britt, P.C.
P.O. Box 340, Irvington, Virginia 22480
(804) 438-5522, Ext. 205
wes@irvingtonlaw.com

A TRUE COPY

TESTE:

DIANE H. MUMFORD, CLERK

BY  D.C.

LANCASTER COUNTY CIRCUIT COURT

Certified copies mailed: 12/06/13
Counsel Listed & ordered

**Irvington Town Council
Regular and Public Meeting
November 13, 2013**

The regular and public meeting of the Irvington Town Council was held on November 14, 2013, at the Irvington Town Office, at 7:30 pm.

Present:

Mayor	Ralph D. Ransone
Vice-Mayor	Kathleen F. Pollard
Council	Gene Edmonds Jerry Latell Mike Merrill Wayne Nunnally Robert Westbrook
Legal Counsel	Wesley Charlton

Absent:

Zoning Administrator	Robert A. Hardesty
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Guests:

Luther Ghorley-Aqua
Sam Frere-Aqua
Dean Dort-President of Vineyard Grove Homeowners' Association

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

Public Comment:

Aqua Virginia, Inc. Gene Edmonds addressed Mr. Ghorley, Manager of the Eastern Area for Aqua Virginia, acknowledging that the water belonged to them, but when they sold the water to other companies, then the lowering of the water pressure during the time of the draw affected the residents of Irvington, their customers. He asked if the persons drawing the water could come during the overnight hours. Aqua usually asks that the water be drawn from the hydrant closest to the well. Mr. Ghorley told the council, that Aqua has established a protocol for advance notice when water is going to be drawn that they will either let the town office know or do an "aqua notify." He has also asked those drawing the water to restrict the flow to 150 gallons per minute to prevent a negative impact on the system and it be drawn between off peaks hours of 8-11 am or 2-4 pm. He said that the typical hauler is Bruce & Son, with whom they have a good working relationship. In the future, they will monitor water drawing situations more closely.

Mr. Ghorley said that Sam Frere, who lives in White Stone, is now the local representative for Aqua.

Vineyard Grove:

Dean Dort, President of the Vineyard Grove Homeowners' Association, spoke of the coyote problem that they are having at Vineyard Grove. There are 19 families, one of which lives there permanently and the remaining families use the homes for vacations. The coyotes are now a pack of coyotes and they are thought to have killed one dog and mauled another. He considers this a public safety issue. Coyotes are considered a nuisance animal and they can be hunted anytime. But Irvington Ordinance/Code does not allow hunting within 1000 yards of a residence or place of business. What to do will have to be researched by the town attorney. The council did not take any action.

Minutes and Treasurer's Report:

Gene Edmonds made a motion to approve the minutes and Mike Merrill seconded the motion. Vote – Yea: Edmonds, Latell, Merrill, Nunnally, Pollard, and Westbrook. Nay: 0.

Zoning Administrator: Absent, no report.

Legal Counsel: No report.

Planning Commission Report: No report.

Committee Reports:

Emergency/Disaster: Dr. Westbrook reported that he needed younger, enthusiastic people to serve on the Emergency Response Team committee and to spread the word. Two block captains have said that they will be unavailable in hurricanes.

Thomas Property Plan for Development: Jerry Latell is trying to schedule a meeting to discuss development plans with the architects. Mike Merrill asked about wider public involvement. He thinks that the oak tree needs trimming.

Old Business:

Planning Commission Vacancy: Ms. Jackie Brown's term on the planning commission will expire at the end of November. Mike Merrill will contact her to see if she wants to serve another and according to procedure, a legal notice will be published in the Rappahannock Record to ask anyone who is interested in serving on the council to submit a letter.

Thomas Property Entrance: The new entrance to the Thomas Property has been completed at the intersection of Tavern Road and Chesapeake Drive. It served greatly at the Farmers' Market. The Town will send a thank you letter to the VIA, who paid for the work.

New Business:

Licensing Agreement for Users of Commons: Mr. Charlton, the attorney, recommends that the town have a licensing agreement for the use of the Commons that would include a disclaimer of liability. Mr. Nunnally made a motion to have the town attorney to draft a licensing agreement that can be modified for specific users. Robert Westbrook seconded the motion. Vote— Yea: Edmonds, Latell, Merrill, Nunnally, Pollard, and Westbrook. Nay: 0

Animal Welfare League: Wayne Nunnally made a motion to grant The Animal Welfare League requested permission to use the Commons for their "Gone to the Dogs" dog show on October 18, 2014, with a rain date of October 25, 2014. Gene Edmonds seconded the motion. Vote: Yea: Edmonds, Latell, Nunnally, Pollard, and Westbrook. Nay: 0.

Executive Session:

Kathleen Pollard read the following motion: "I hereby move that the town council of the town of Irvington go into closed or executive session to discuss personal matters not related to public business pursuant to the *CODE OF VIRGINIA*, SECTION 2.2-3711 (A) (4). Wayne Nunnally seconded the motion. Vote –Yea: Edmonds, Latell, Merrill, Nunnally, Pollard, and Westbrook. Nay: 0. Kathleen Pollard made a motion to come out of executive session and Gene Edmonds seconded the motion. Vote – Yea: Edmonds, Latell, Merrill, Nunnally, Pollard, 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, R. Wayne Nunnally, so certify.
I, Jerry Latell, so certify.
I, Gene Edmonds, so certify.
I, Bob Westbrook, so certify.
I, Michael Merrill, so certify.
I, Ralph D. Ransone, so certify.

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

Christmas Decorations: The Mayor read when lights would be installed on the tree. Gene Edmonds reported that Gordon Slatford said that the gate at the Tartan Golf Course had been left open. The Mayor said he would talk with the grounds supervisor about its being left open.

Mr. Ransone read the announcements of the coming events in the Town of Irvington.

Council Roundtable:

Robert Westbrook made a motion to give the \$500.00 budgeted amount to the "Carts and Carols." Wayne Nunnally seconded the motion. Vote _ Yea: Edmonds, Latell, Merrill, Nunnally, Pollard, and Westbrook. Nay: 0. The decorated golf carts will be judged by: David and Ann Cheek, Ann Meekins, and Ralph and Theresa Ransone. The judges will be at the gazebo.

Steven Reiss' book on Houses in Irvington: Architecture of an American Village has been published. There will be book signing December 5th at Jimmy and Sook and at the "Taste By the Bay". The cost of the book will be \$26.00. The VIA had 250 copies published.


Rebecca Nunn of the Kilmarnock Town Council has invited Gene Edmonds and anyone else who wants to go to see the Kilmarnock Sewage Treatment Plant on Thursday, November 21st.

Metrocast, the cable provider, has erected an antenna in front of Susan Smith's Needlepoint Shop for its customers to have WiFi service and has written the zoning administrator about a permit for a sign to inform their customers of the available service. The consensus of the council members was that it could be on the December agenda.

Wayne Nunnally asked about installing drainage tiles at the Commons. The Mayor said that it would be a big expense to provide a "crown" for the area to facilitate the drainage and would shut down the Commons for 8-10 months.

Adjournment:

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


Ralph D. Ransone, Mayor

LAW OFFICES
HUBBARD, TERRY & BRITT

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

OF COUNSEL:
WILLIAM J. KOPCSAK

MATSON C. TERRY, II
B. H. B. HUBBARD, III
RAYMOND L. BRITT, JR., PLLC
WILLIAM B. HUBBARD
WESLEY M. CHARLTON

October 22, 2013

Hon. Diane Mumford, Clerk
Lancaster County Circuit Court
8265 Mary Ball Road
Lancaster, Virginia 22503
Via Hand Delivery

Re: Amended Writ of Election to Fill Vacancy in Town Council of Irvington, Virginia

Dear Madame Clerk:

Please find enclosed the above referenced amended writ. If you have any questions, please do not hesitate to contact me. With best regards, I am

Very truly yours,



Wesley M. Charlton

Enclosure

Cc: Ralph D. Ransone, Mayor of Irvington, Virginia

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF LANCASTER

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After considering the petition and the relevant provisions of the Code, the Court finds that the vacancy in the position of the Town Council should be filled during the May, 2014 General Election.

It appearing to the Court that it is proper to do so, it here by **ORDERED, ADJUDGED,** and **DECREED** that a special election shall be held, pursuant to Va. Code§§ 24.2-681 et seq.,

concurrently with the May, 2014 General Election to fill the vacancy on the Town Council created by the resignation of Mr. Sulick, whose term expires on the second Wednesday in September, 2016.

It is further **ORDERED** that the General Registrar, the Secretary of the Electoral Board of the County of Lancaster, and the state Board of Elections of the Commonwealth of Virginia take those actions necessary to modify the ballots so that the voters of the Town will be permitted to vote for a candidate for Town Council to fill the unexpired term of Mr. Sulick.


The Clerk of this Court is hereby directed to send certified copies of this Order to the General Registrar, the Secretary of the Electoral Board of the County of Lancaster, the State Board of Elections of the Commonwealth of Virginia, and Wesley M. Charlton, legal counsel for the Town (the "Town Attorney").

There being nothing left to be done in the action, it shall be stricken from the docket and placed with the ended causes.

ENTERED this the 9 day of August, 2013.


JUDGE

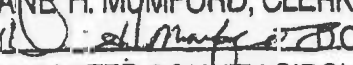
Requested by:


Wesley M. Charlton VSI #83737
Town Attorney, Town of Irvington
Hubbard, Terry & Britt, P.C.
P.O. Box 340, Irvington, Virginia 22848/13
(804) 438-5522, Ext. 205
wes@irvingtonlaw.com

A TRUE COPY

TESTE:

DIANE H. MUMFORD, CLERK

BY  D.C.

LANCASTER COUNTY CIRCUIT COURT

**Irvington Town Council
Regular and Public Meeting
October 10, 2013**

The regular and public meeting of the Irvington Town Council was held at the Irvington Town Office on October 10, 2013, at 7:30 pm.

Present:

Mayor	Ralph D. Ransone
Vice-Mayor	Kathleen Pollard
Council	Gene Edmonds Michael Merrill Robert Westbrook
Legal Counsel	Wesley Charlton
Zoning Administrator	Robert A. Hardesty

Absent:

Council	Jerry Latell R. Wayne Nunnally
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Guests:

Terry Smith
Cindy Huey

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

Public Comment:

Lancaster by the Bay Chamber: Cindy Huey, Executive Director: Ms. Huey was present to inform the council of the chamber's "Taste By the Bay", planned for November 23, 2013, at the Tides Inn, from 11:00 am to 5:00 pm. Parking will be along King Carter Drive, with shuttle service provided to the Inn. They expect 10 wineries, 4 local chefs, 12+ artisans, live music, buy boat, "Objects", "Jimmy & Sook", and "River & Creek". There will also be roasted oysters at the beach. Tickets will be \$30.00 in advance and \$35.00 the day of the event.

Ms. Huey said that the Chamber would like to build a relationship with Irvington, and they would be glad to promote other events in Irvington. Mr. Edmonds asked if the Chamber could promote the Halloween Costume Contest and the "Carts and Carols", which she said they could.

Terry Smith: Terry Smith, who does not live in Irvington, but said he had an Irvington business address and lives on the fringe of Irvington, was present to make comments about the sign ordinance not being content neutral, but overly broad to appear neutral. He said that it had been developed as a reaction to the corkscrews being erected. Wesley Charlton, the town attorney, said that the intent of the ordinance was to be content neutral. Michael Merrill said that the corkscrews, to which Mr. Smith made a reference, were not a part of discussion when the sign ordinance was being developed. Public hearings were held for the sign ordinance and Mr. Smith had not attended them to express concern. It was determined that Mr. Smith had not read the sign ordinance.

Mr. Smith expressed concern about the town's spending money on Christmas lights, but not funding events related to other religions, many of which he named.

He also said that the County's building code is not used in Irvington, but the Mayor said that the County building inspector does inspect building projects in Irvington.

Public Hearing:

Removal and Abatement of Nuisances: Gene Edmonds made a motion to go into a public hearing and Kathleen Pollard seconded the motion. Vote- Yea: Edmonds, Merrill, Pollard, and Westbrook. Nay: 0. Mike Merrill expressed concern about the notification to residents and the need to set a time limit for correcting the problem. The town suggested a thirty day limit for the property owner to repay the town for any cost in excess of \$200.00 incurred if they should have to have the problem corrected. Afterwards it will constitute a lien against the property (10.d). Robert Westbrook wanted to know if the boat that has been left on the Phillip Thomas property would be considered preexisting and Mr. Hardesty said there were no preexisting conditions. Kathleen Pollard made a motion to come out of the public hearing and Gene Edmonds seconded the motion. Vote- Yea: Edmonds, Merrill, Pollard, and Westbrook. Nay: 0. Robert Westbrook made a motion to accept the ordinance with the 30 day time limit. Michael Merrill seconded the motion. Vote - Yea: Edmonds, Merrill, Pollard, and Westbrook. Nay: 0.

Minutes and Treasurer's Report:

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

Zoning Administrator:

Mr. Hardesty reported that the ordinance has been divided into Book 1, Book 2, and the Subdivision Ordinance and they were at the typist. When the ordinances come back, they will be sent to American Legal Publishing Corporation for codification.

Legal Counsel:

Writ of Election: Mr. Charlton said that he had been notified that the person who is elected to fill Mr. Sullick's remaining term on the council will have to take his seat within 30 days instead of waiting to September, to be sworn into office. Persons, who will be elected in May for four year terms, will take their office in September. This rule applies only in special elections. Therefore, Mr. Charlton will amend his writ of election that he had previously submitted.

Thomas Property: Mr. Charlton said that he would write a consent agreement for Ransone's Nursery to install the culvert at the new entrance to the Thomas Property.

Planning Commission Report: No report.

Committee Reports:

Website: Ms. Pollard reported that to maintain the website would cost \$80.00 per hour and it would take approximately 3 hours per month. The first bill is in the amount of \$240.00, Mrs. Pollard asked council members to consider how to list the businesses. Dr. Westbrook said that he thought the business would want to link to it and could be willing to pay a fee to do so. Ms. Pollard is working on seasonal pictures for the website. Gene Edmonds made a motion to pay the bill for the website's monthly maintenance and Robert Westbrook seconded the motion. Vote - Yea: Edmonds, Merrill, Pollard, and Westbrook. Nay: 0.

Old Business:

Thomas Property Entrance: Obtaining the permit from VDOT is in progress. The town will have to complete a W-9 form and file it with VDOT.

Town WiFi: Mr. Edmonds reported that the reason that the town's wifi was not working well was that the router needed to be reset and it was inside the Hope & Glory Inn. The bill for the current year is \$1099.89.

New Business:

Planning Commission Vacancies: The town received two letters from persons, Katya Spicuzza and William Young, interested in serving on the commission. Kathleen Pollard made a motion to appoint the two persons and Gene Edmonds seconded the motion, but the motion was withdrawn to discuss the appointments in executive session.

Lights for the Holiday Season: The tree lights will be installed on Saturday, November 16th, at 9:00 am, with a rain date of November 23rd.

Aqua Water Sales: Mr. Ransone will talk with Aqua about their selling water and drawing it from a hydrant in Irvington. It causes the water pressure to be lower in the homes around town while it is being drawn.

Executive Session:

Robert Westbrook read the following motion "I hereby move that the Town Council of the Town of Irvington go into closed or executive session, to discuss the disposition of publicly held real property, pursuant to the CODE OF VIRGINIA, Section 2.2-3711 (A)(3); and to discuss the award of public contracts involving the expenditure of public funds, pursuant to the CODE OF VIRGINIA, Section 2.2-3711 (A)(29), and to discuss personnel matters, that is the appointment of specific appointees, pursuant to the CODE OF VIRGINIA, Section 2.2-3711 (A)(1)." Gene Edmonds seconded the motion. Vote – Yea: Edmonds, Merrill, Pollard, and Westbrook. Nay: 0.

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

I, Bob Westbrook, so certify.

I, Gene Edmonds, so certify.

I, Kathleen Edmonds, so certify.

I, Michael Merrill, so certify.

I, Ralph D. Ransone, so certify.

Gene Edmonds made a motion to appoint Katya Spicuzza to complete Suzanne Mattingly's term, which will be completed November 2015, and William Young to complete Michael Merrill's term which will end January, 2016.

Kathleen Pollard made a motion to consent to the disposition of the Thomas property project in regards to the culvert being installed to create a new entrance to the property at the intersection of Chesapeake Drive and Tavern Road. The VIA selected Ransone's Nursery to install the culvert and will pay for them to do the work. Michael Merrill seconded the motion. Vote – Yea: Edmonds, Merrill, Pollard, and Westbrook. Nay: 0.

Adjournment:

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



Ralph D. Ransone, Mayor

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

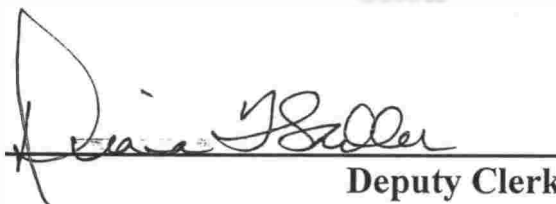
I, Albert Pollard, Jr., do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the Commonwealth of Virginia, and that I will faithfully and impartially discharge all the duties incumbent upon me as member of the **Board of Zoning Appeals for the Town of Irvington** for the term beginning August 1, 2013 and ending May 1, 2018, according to the best of my ability, (So help me God.)



I, Diane H. Mumford, Clerk of the Circuit Court in and for the County of Lancaster, in the Commonwealth of Virginia, do certify that Albert Pollard, Jr., this 30th day of OCTOBER, 2013 personally appeared before me in my County aforesaid and took and subscribed the above oath.

Diane H. Mumford

Clerk



Deputy Clerk

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

I, Michael Merrill 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 Member of the Town Council for the Town of Irvington, for a term ending September 2014. according to the best of my ability, (So help me God.)

Michael E. Merrill

I, Diane H. Mumford, Clerk of the Circuit Court in and for the County of Lancaster, in the Commonwealth of Virginia, do certify that Michael Merrill this 22nd day of August, 2013 personally appeared before me in my County aforesaid and took and subscribed the above oath.

DIANE H. MUMFORD

Clerk

Diane H. Mumford
Clerk

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

I, Shirley B. Crockett, 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 member of the **Board of Zoning Appeals for the Town of Irvington for the term beginning August 1, 2013 and ending May 1, 2018**, according to the best of my ability, (So help me God.)

Shirley B. Crockett

I, Diane H. Mumford, Clerk of the Circuit Court in and for the County of Lancaster, in the Commonwealth of Virginia, do certify that Shirley B. Crockett, this 12th day of September, 2013 personally appeared before me in my County aforesaid and took and subscribed the above oath.

Diane H. Mumford

Clerk

Linda J. Miller, D.C.
Deputy Clerk

ARTICLE TBA – REMOVAL AND ABATEMENT OF NUISANCES

10.a. Pursuant to the Code of Virginia, 1950, as amended, § 15.2-1115, the Town of Irvington may compel

- i) the abatement or removal of all nuisances, including but not limited to trash, garbage, refuse, litter, lumber, junk, debris, implements, equipment or other personal property including but not limited to furniture, appliances, boats and other watercrafts, and similar personal property which is unused or unusable and is in view, unsheltered, uncovered or unhoused;
 - ii) the removal of weeds from private and public property and snow from sidewalks;
 - iii) the covering or removal of offensive, unwholesome, unsanitary or unhealthy substances allowed to accumulate in or on any place or premises;
 - iv) the raising or draining of grounds subject to be covered by stagnant water;
- and
- v) the razing or repair of all unsafe, dangerous or unsanitary public or private buildings, walls or structures which constitute a menace to the health and safety of the occupants thereof or the public.

10.b. Whenever there exists any such condition or nuisance upon any property or premises in the Town of Irvington as set forth hereinabove, the Code Enforcement Officer shall serve notice on the owner or occupant of the property or premises that such condition or nuisance must be abated or obviated within seven (7) days of the receipt of such notice. If the owner or occupant of such property or premises is a resident, notice shall either be served on him or her personally or by certified mail. If the owner or occupant is a nonresident, notice shall be served upon the owner's or occupant's agent in charge thereof in person or by certified mail, or upon the owner or occupant by either publishing such notice in at least two (2) issues of a newspaper published or having general circulation in the Town of Irvington. The cost of such publication shall be collected from the owner or occupant of such property or premises.

10.c. If after seven (7) days of the receipt of such reasonable notice, as described in paragraph 10.b. above, the owner or occupant of the property or premises affected by the provisions of this ordinance fails to abate or obviate the condition or nuisance, the Code Enforcement Officer shall cause any such condition or nuisance to be abated or obviated at the expense of the owner or occupant of such property or premises, and the Town of Irvington may charge and collect the cost thereof from the owner or occupant of the affected property in any manner provided by law for the collection of state or local taxes, including making said charges a lien upon the affected property.

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Irvington Town Council
Regular and Public Meeting

September 12, 2013

The regular and public meeting of the Irvington Town Council was held at the Irvington Town Office on September 12, 2013, at 7:05 pm, when the Mayor arrived.

Present:

Mayor	Ralph D. Ransone
Vice-Mayor	Kathleen F. Pollard
Council	Gene H. Edmonds
	Jerry Latell
	Mike Merrill
	R. Wayne Nunnally
	Robert S. Westbrook
Legal Counsel	Wesley M Charlton
Zoning Administrator	Robert A. Hardesty
Guests:	
George Edward Hutchings	Dudley Patteson
Robert Morrison	John McConnico
Karen Scherberger, Fest Event Manager	Deborah Cook

The Mayor called the meeting to order and apologized for being late. He asked for a moment of silence.

Public Comment:

Mr. John McConnico, talked about the Turkey Shoot Regatta, which will be held in Irvington, for the first time, the weekend of October 12, 2013. Originally, it was for old sailboats or ones, whose designs were 25 years or older. Now, younger boats are allowed. The race will benefit the Northern Neck Hospice or the Riverside Hospice. There will be a Friday night cocktail party that will be open to everyone. Tickets can be purchased at the Steamboat Era Museum. Tickets to go out on the spectator boat, a 66 foot schooner, can be purchased for \$50.00 each. The boat will be docked at the Tides Inn. He said that their reception in Irvington, has been great. He presented a cup to each council member.

Public Hearing: Sign Ordinance:

Robert Westbrook made a motion to go into a public hearing and Wayne seconded the motion. Vote – Yea: Edmonds, Latell, Merrill, Nunnally, Pollard, and Westbrook. Nay: 0. Mrs. Deborah Cook, headmistress at Chesapeake Academy, questioned how long would approval take for her no-fee permit application for a sign to advertise a fundraising event at the academy after she applied for it. The reply was ten business days. A sign for a nonprofit, church, or school fundraising event can be displayed for 120 days. The reason for the no fee permit is to create a paper trail. Kathleen Pollard made a motion to come out of the public hearing and Gene Edmonds seconded the motion. Vote – Yea: Edmonds, Latell, Merrill, Nunnally, Pollard, and Westbrook. Nay: 0.

Council Discussion: Mr. Ransone welcomed Mr. Merrill to the town council. Mr. Merrill stated the residential business (home occupation sign) maximum size is 4 square feet. The council decided to make it six (6) square feet. On page 4, 13-5-b last sentence – for acts of affirmative negligence shall be worded: for acts of wilful negligence. In discussion, Bob Westbrook said that he does not think that the town needs a sign ordinance. He said it is over regulation. Wayne Nunnally agrees with Dr. Westbrook. Jerry Latell thinks that there should be a reasonable sign ordinance. Gene Edmonds agrees with Jerry Latell and Bob Hardesty thinks that one is definitely needed. The town attorney said that it is his role to say whether or not the ordinances comply with the law. He said if you regulate one type of sign, you have to regulate all signs. The mayor said that there are some things that he likes and some things that he does not like. Kathleen made a motion to accept the ordinance with the changes and Gene Edmonds seconded the motion. Vote – Yea: Edmonds, Latell, Merrill, and Pollard. Nay: Nunnally and Westbrook. It was decided that the sign ordinance would be effective immediately: September 12, 2013.

Minutes and Treasurer's Report:

Robert Westbrook made a motion to approve the minutes with the correction that "Jr." was added to Albert Pollard's name (appointment to the BZA) and the treasurer's report and Wayne Nunnally seconded the motion. Vote – Yea: Edmonds, Latell, Merrill, Nunnally, Pollard, and Westbrook. Nay: 0.

Zoning Administrator:

Odd Fellows Lodge: Mr. Hardesty said that the sign at the Odd Fellows Lodge Hall meets the sign ordinance requirement. Mr. Hutchings said that they were trying to improve the appearance of their building with shutters on the front. Wayne Nunnally made a motion to approve the sign application for the Odd Fellows Building and Gene Edmonds seconded the motion. Vote – Yea: Edmonds, Latell, Merrill, Nunnally, Pollard, and Westbrook. Nay: 0.

Legal Counsel:

Mr. Charlton said that the nuisance ordinance is being reformatted. The town council public hearing will be in October.

He has met with the Mayor and Mr. Hardesty regarding the contract with American Legal Publishing.

The orders for the BZA appointments have been signed.

One of the council members has asked if only property owners, who are not homesteaders, can be taxed by Irvington and he said that they could not be as it was not constitutional.

Planning Commission Vacancies: Michael Merrill has been appointed to the town council. Even though he will be the representative to the Planning Commission from the town council, it will create a vacancy on the Planning Commission in addition to the one created by Suzanne Mattingly's moving to Kilmarnock.

Committee Reports:

Website: Mrs. Pollard reported that the website was working, but some tweaking is still needed. Council members were to contact her if they had suggestions.

Old Business:

Wine & Oyster Classic: Mr. Patteson of the Hope and Glory was present with Ms. Karen Scherberger (from Norfolk and Irvington), who will manage their November 2nd event at the winery. Top chefs, including the Chef from the Country Club of Virginia and top winemakers will be invited to participate in the culinary event. Ms. Scherberger explained her plans for the event. It will take place Saturday, 11:00 am to 5pm, after the Farmers' Market. They have had good response to their marketing of the event and they hope to have 3000 attendees. They hope that it can become their signature event. Political candidates have been invited as well as the past governors, who have made a contribution to the wine and oyster industries. The event will benefit the Animal Welfare League, Richmond SPCA, the Watermen's Association Scholarship Fund, and the Positive Vibe Café, which trains disabled persons for the food service industry. Mr. Nunnally asked if they had thought of using a trolley to transport persons. Mr. Patteson said that they would need rooms for people who are visiting the event. The event will be held rain or shine.

Wireless Hot Spot: Gene Edmonds said to table the decision about the current bill, in the amount of \$1099.89, from Northern Neck Wireless until he has talked with them as it needs to be working better. The bill will be discussed again in October. The Mayor asked about monthly bills instead of an annual bill.

Thomas Property Proposal: Mr. Latell proposed that a committee, composed of Randall Kipp, Ralph Higgins, council representative, VIA representative, 2 community representatives, and perhaps someone from the Planning Commission, be formed to plan for the use of the Thomas Property. Mr. Nunnally said he thinks that there should be more representatives from the public to promote better reception and to include people, who want to serve on it. The Mayor suggested that a sign up sheet could be placed in the post office. Robert Westbrook moved that Jerry Latell proceed with his vision. Wayne Nunnally seconded the motion. Vote —Yea: Edmonds, Latell, Merrill, Nunnally, Pollard, and Westbrook. Nay: 0.

New Business:

Letters to Short term Renters: The clerk announced that letters were ready to be sent to homeowners, who were renting to short term renters, regarding the 2% occupancy tax they should be collecting from renters.

Codifying the Ordinance: American Legal Publishing, who is going to codify the ordinance, has agreed to a payment schedule of \$3000.00 paid at the beginning of the project and a final payment of \$3000.00 when the codification is completed.

Baptist Church Picnic: Hazel Farmer has requested use of the Commons for a Baptist Youth Group Picnic, on October 27th from 3 pm to 5 pm, with a maximum of approximately 45 youth and the youth leaders in attendance. They have been informed they will need to provide a certificate of insurance from the church and from Mr. Dozier, owner of the Bouncy Ball that will be available for play. Gene Edmonds made a motion to allow this and Robert Westbrook seconded the motion. Vote – Yea: Edmonds, Latell, Merrill, Nunnally, Pollard, and Westbrook. Nay: 0.

Triangle Trolley Appropriation: Robert Westbrook moved that the town appropriate the \$250.00 to the Triangle Trolley that was allocated in the 2013-14 budget. Wayne Nunnally seconded the motion. Vote – Yea: Edmonds, Latell, Merrill, Nunnally, Pollard, and Westbrook. Nay: 0.

Planning Commission: There are two vacancies or will be as Mike Merrill has been elected to the Planning Commission and Suzanne Mattingly has moved to Kilmarnock. The council needed to decide if they want 5 or 6 members. In recent years, the commission members had six members when one of the members was ill. It was decided that a six member commission allowed them to function better. Jackie Brown's term will expire in November. The council decided to advertise for persons interested rather than specific a number needed.

Thomas Property Entrances: Kathleen Pollard and Mike Merrill have talked with VDOT regarding installing a culvert into the ditch between the Thomas Property and Chesapeake Drive. The current entrance leads directly to the large Oak tree and the culvert is in need of repair, which could be the cause of damage to a car going into the Thomas Property. Mr. Merrill said that the VIA was willing to finance the project in order to have safe entrances. There was a brief discussion of where to locate the new entrance. Mentioned were using the current entrance for a walkway for pedestrian traffic and creating an entrance opposite the intersection of Chesapeake Drive and Tavern Road. A permit and a bond will be required. The area near the 90 degree turn of Chesapeake Drive is often wet when there are heavy rains making that area not suitable parking.

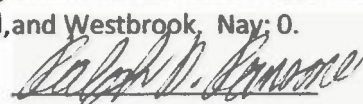
Mr. Merrill said that the large oak tree on the Thomas property needs pruning.

Time of Council Meetings: Wayne Nunnally made a motion that the time to begin council meetings return to 7:30 pm. Jerry Latell seconded the motion. Vote – Yea: Edmonds, Latell, Merrill, Nunnally, Pollard, and Westbrook. Nay: 0.

Council Roundtable: There was a brief discussion about the benefits of the Classic Oyster and Wine event.

Adjournment:

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



Ralph D. Ransone, Mayor

Article 13 – Signs


13-1 PURPOSE AND INTENT

The purpose of this article is to regulate the size, design and use of signs in keeping with the culture, history, architecture, character, and environment of the Town of Irvington, with the intention of promoting safety, aesthetics, general welfare and adequate vision within the town.

13-2 SIGN DEFINITION AND SIGN STRUCTURE DEFINITION

- (a) **AREA OF SIGN:** The area of the largest single face of the sign within a perimeter which forms the outside shape, including any frame, or forms an integral part of the display, including the supporting or accompanying sign structure; if the sign consists of more than one section or module, all areas will be totaled; for a sign in a window, the area shall be the perimeter which forms the outside shape of the sign in the window.
- (b) **SIGN:** A sign shall be defined as a name, identification, description, emblem, display or device which is affixed to, printed on, or represented directly or indirectly upon a building, structure, residence or parcel of land; which is illuminated or non-illuminated; visible or intended to be visible from any public place; and, which directs or calls attention to a person, place, residence, product, institution, business, organization, activity or service. Certain categories of signs are defined as follows.
1. **ABANDONED:** A sign which for a period of 90 consecutive days has not correctly directed or exhorted any person, advertised a bona fide business, lessor, owner, product or activity conducted or product available on the premises where such sign is displayed.
 2. **BUSINESS:** A lighted or unlighted sign which directs attention to a product, commodity, or service available on the premises.
 3. **DIRECTIONAL & IDENTIFYING:** A Directional or Identifying sign is one giving the name only of the business responsible for the erection of same, but may also indicate the direction toward said business.
 4. **HOME OCCUPATION:** A sign directing attention to a product or service available on the premises, but which product, commodity, or service is clearly a secondary use of the dwelling. Sign shall be unlighted and not to exceed four (4) feet above grade.
 5. **STRUCTURE:** Includes the supports, uprights, bracing and framework of any structure, be it single-faced, double-faced, v-type or otherwise, exhibiting a sign.

6. TEMPORARY: A sign applying to a seasonal or other brief activity such as but not limited to: summer camps, auctions or bazaars, vacation bible schools, election poll locations, Farmers' Markets, car washes, yard sales or anything not classified as permanent.
7. SNIPE: A small sign made of a scrap of wood, metal or plastic.
8. HISTORIC: A sign located in the town's historic district identifying an historic landmark, building, structure or area.
9. RESIDENTIAL: A sign located in R-1 or R-2, which is lawfully positioned on or within private property.
10. BANNER: A canvas or vinyl cloth or otherwise flexible sign.
11. BILLBOARD: Any outdoor advertising board, junior board advertising medium, structure or device which advertises, directs or calls attention to any business, article, substance, service or anything which is painted, printed, pasted or affixed to any building, structure, wall, fence, pole, railing, natural object or structure of any kind on real property or upon the ground itself and which advertises services, products or commodities not available on the premises on which the "Billboard" is located.
12. REAL ESTATE: Temporary for sale, rent or lease sign by realtor or owner.
13. REAL ESTATE SUB-DIVISION: A sign advertising a parcel of land divided into individual home sites.
14. ROOF: A sign attached to the outside top covering of a house or building.
15. MOTION OR ROTATION: A sign which involves motion or rotation of any part of the structure or display (such as a flag) or a sign containing intermittent lights or animation, except a time and temperature unit which is part of a sign permitted in the business and commercial district.
16. FLASHING LIGHTS, LETTERS OR SYMBOLS: a sign that calls attention to an event, product or service by radiant energy acting on the retina of the eye.
17. PORTABLE SIGNS WHICH ARE TRAILER-MOUNTED: Signs which are designed to be relocated or are constructed on a chassis or a carriage with permanent or removable wheels.
18. VEHICLES: Signs with lettering, symbols or graphics affixed to, or painted on a vehicle.


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19. "A" FRAME OR "SANDWICH": Signs (one or two-sided) which are designed to be placed on sidewalks, parking lots or worn by a person to call attention to an event, product or service.
 20. ARCHITECTURALLY-INCORPORATED: Lettering or symbols which are parts of the architecture of the building.

13-3 PROHIBITED SIGNS AND SIGN STRUCTURES

It shall be unlawful for any person to erect, place or use any of the following within the Town of Irvington:

- (a) Billboards
- (b) A sign which involves motion or rotation of any part of the structure or display or a sign containing intermittent lights or animation, such as Prism, Bow flag, or Feather Flags or the like, except in B1 or B2.
- (c) Roof Signs.
- (d) Flashing lights or flashing signs of any type.
- (e) Portable signs which are trailer-mounted or otherwise designated to be relocated or are constructed on a chassis or carriage with permanent or removable wheels.
- (f) Long-term parked vehicles with signs erected upon or applied are not allowed if parked for greater than two weeks duration per occurrence.
- (g) Signs placed or erected on property not owned by the sign owner, without written consent of the property owner.
- (h) Signs painted directly on a building without written approval from the building owner and the Town Council.
- (i) Any other type of sign except those permitted by special written exemption by the Town Council.
- (j) Signs that come into existence after the enactment of this ordinance that are not in conformity with this ordinance must be removed unless their existence and use is approved by the Town Council.

13-4 EXEMPT SIGNS

- 
- (a) The following temporary signs shall require permits, but shall not require permits fees, and must conform to the requirements set forth in this Article:

1. Signs erected by a church on the church's property;
2. Signs erected by a governmental agency regarding information concerning its services at the location;
3. Signs erected by a school on the school's property; and
4. Signs erected by a nonprofit organization on the nonprofit organization's property.

13-5 ILLEGAL SIGNS

(a) The following signs are deemed illegal signs and in violation of this Article:

- (1) Abandoned signs.
- (2) Any sign erected for which no sign permit was issued by the Town or which has had its permit revoked.
- (3) Any sign not properly maintained, such as but not limited to signs that are structurally unsound or are hazardous or unsafe.

(b) The Zoning Administrator shall cause a notice of such violation to be served on the owner of the building, structure or lot where said sign is located or the lessee or tenant of the part of or the entire building, structure or lot where said sign is located, requiring the owner or lessee or tenant to remove the illegal sign within 10 business days. The notice may be served personally or by certified mail, return receipt requested. Upon failure of said owner or lessee or tenant to remove the sign within 10 business days after notice is provided, the Zoning Administrator shall be authorized to enter upon said property and remove from there any said illegal sign at costs to the owner, lessee or tenant. No liability shall attach to the Town or any officers, employees or agents of the Town, except for acts of willful negligence in connection with the removal of any such illegal sign.

(c) In cases of emergency, the Zoning Administrator may cause the immediate removal of a dangerous or defective sign without notice, at the direction of the Town Council.

13-6 PERMITS

(a) It shall be unlawful for any person to post, display, change, or erect a permanent sign or structure in the Town without having first obtained a permit and paying said permit fee, except that temporary signs with (30) day limits shall pay no fee.. All applications for sign permits shall be filed and the fee paid by the owner, or his agent, with the Administrator, upon forms furnished by the Zoning Administrator.

(b) Said permit applications shall describe and set forth the following:

- (1) Type of sign detailing design and architecture in keeping with the intent of this article.

- (2) Street address of the property upon which said sign is to be located and the proposed location of said sign on said property. In the absence of a street address, a method of location acceptable to the Administrator shall be used.
- (3) Square foot area per sign face and the aggregate square foot area of the sign in conformity with this Ordinance.
- (4) Name, address and signature of the owner or lessee in control or possession of the real property upon which said sign is to be located.
- (5) Sketch, blueprint, blueline print or similar presentation drawn to scale, showing all pertinent structural details and display materials in accordance with the requirements of the Lancaster County Building Code. The design is to be approved by the Town Council
- (6) Provided that provisions of this Article have first been complied with, and the signs do not violate any of the terms, conditions or provisions of this Article, or of any other law or ordinance, within 10 business days after receipt by the Zoning Administrator, a permit for such sign and structure shall be issued and the Zoning Administrator shall retain a copy thereof for his records.
- (7) If a sign authorized by a permit is not completed and in place within 6 months after the date the permit was issued, said permit shall become null and void, except that the Zoning Administrator may grant one extension for a period not to exceed 6 months.
- (8) Design, size, construction and placement of a sign shall not deviate from the plans approved for issuance of the permit.
- (9) After the issuance of any permit for a sign under this Article and within 10 days after the installation of such sign, the applicant shall submit a photograph of the sign as completely installed, which shall be filed with the original application, along with written certification from the owner, applicant or designer whose name appears on the approved plans, that the sign has been constructed according to the approved plans.

13-7 ADMINISTRATION & ENFORCEMENT

- (a) The provisions of this article shall be administered and enforced by the Zoning Administrator, who shall have the power to make necessary inspections.
- (b) No sign permit shall be approved by the Zoning Administrator except in compliance with the provisions of this article.

13-8 SIGNS – Size, Time and Duration

TYPE	SIZE	DURATION OF DISPLAY
(a) Directional	2 sq. ft.	As authorized by Town Council
(b) Event, Special	16 sq. ft.	30 days per event
(c) Historical, Residential	14" x 10" or 2 sq. ft.	No limit
(d) Home Occupations or Residence, Owner's or Property Name	6 sq. ft.	No limit
(e) Fixed Business Signs, Professional; Business, Store	8 sq. ft.	No limit
(f) For Sale or For Lease Signs by Owner or Agent	6 sq. ft.	Until sold or leased
(g) Legal Notices	1 sq. ft.	As needed
(h) No Trespassing	1 sq. ft.	No limit
(i) Private Property	1 sq. ft.	No limit
(j) Temporary	1 sq. ft.	14 days
(k) Window, Business	30% of window area	No limit
(l) Architecturally-Incorporated Signs	by special permit only	No limit
(m) "A" Frame or Sandwich Signs in areas zoned B1 and B2	8 sq. ft.	During business hours
(n) Flags in areas zoned B1 and B2 that announce the business is open.	8 sq.ft.	During business hours
(o) Contractor signs during new construction or renovation projects.	6 sq.ft.	Until Completion of work.
(p) Exempt Signs (see 13-4(a)(1)-(4))	16 sq. ft.	120 days

13-9 OTHER LIMITATIONS

- (a) Overall heights of signs shall not exceed 96" for business signs and 48" for residential signs.
- (b) Temporary Real Estate signs are limited to two (2) per lot.
- (c) Real estate signs must be removed no later than two (2) weeks after property sale or lease.
- (d) No sign shall have PVC pipe framing.
- (e) No sign shall have Day-Glo fluorescent colors.
- (f) Any sign not specifically authorized in this ordinance must be approved by the Town Council.

13-10 NONCONFORMING SIGNS

- (a) Legal signs in existence prior to the enactment of this ordinance that are not in compliance with this ordinance are considered to be a "non-conforming" sign and may be continued and maintained.
- (b) Any change in design, size, or color of an existing non-conforming sign or structure requires a special exception by the Town Council for continued use.

13-11 EXCEPTIONS

Exceptions to the criteria herein stated must be approved by the Town Council.

13-12 REINSPECTION OF ALL SIGNS

- (a) The Zoning Administrator shall inspect, or cause to be inspected, all permanent signs located within the Town at least once a year and, upon such inspection, shall require the owner of any sign found to be in defective condition, or which does not comply with the terms, conditions and provisions of this Chapter, to be repaired or removed within thirty (30) days from the date of notice of such defect; provided, however, that if the Zoning Administrator shall ascertain and determine that the maintenance or use of such sign shall adversely affect the public safety, he may require immediate removal at the owner's expense or prohibit the use of said sign until such defects have been remedied.
- (b) The right to inspect on the part of the Town shall in no way relieve or release the owner or person responsible for such sign to inspect and properly maintain it and the duties, obligations and liabilities of such person or persons responsible for such sign shall in no way be reduced or diminished by the actions or failure to act on the part of the town.

13-13 VIOLATION PROCEDURES

- (a) If the Zoning Administrator shall find that any of the provisions of this Article are being violated, he shall give written notice to the person responsible for such violation, and/or the owner of said premises on which the sign is displayed, indicating the nature of the violation, ordering the action necessary to correct it, and the time limit for correction of the violation. The Administrator shall order discontinuance or alteration, including removal at owner's expense, or take any other action necessary to correct violation to insure compliance with all provisions of this Article.
- (b) The issuance of a permit upon plans and specifications shall not prevent the Zoning Administrator from thereafter requiring the correction of errors in said plans and specifications or preventing the erection of any sign thereunder when in violation of this Article.

13-14 PENALTY FOR VIOLATION

Any person found guilty of violating any of the provisions of this Ordinance shall be guilty of a misdemeanor subject to a fine not to exceed one hundred dollars (\$100.00). Each day during which such

violation shall continue shall constitute a separate violation and shall be subject to a separate one hundred dollar (\$100.00) fine for each and every day that the violation shall continue and may be sued by the town to force compliance.

LAW OFFICES
HUBBARD, TERRY & BRITT

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B. H. B. HUBBARD, III
RAYMOND L. BRITT, JR., PLLC
WILLIAM B. HUBBARD
WESLEY M. CHARLTON

August 26, 2013

The Honorable David H. Beck
Chief Judge
15th Judicial Circuit
P. O. Box 96
9107 Judicial Center Lane
Spotsylvania, VA 22553-0096

RE: Board of Zoning Appeals-Town of Irvington

Dear Judge Beck:

Enclosed, please find an Order reappointing one member of the Board of Zoning Appeals for the Town of Irvington, and appointing another individual for the first time. I believe the statutory reference is contained in that Order giving you authority to sign without the necessity of all the other Judges in the Circuit signing.

If you would be so kind as to review this order, and sign it, I would be most grateful. Please then return it to me so that I can have it formally entered by the Clerk of Lancaster County.

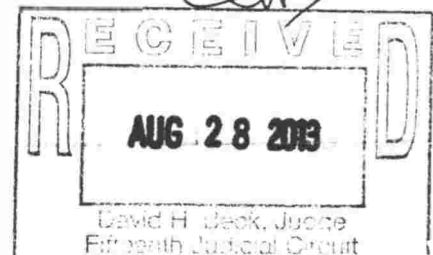
Thank you for your cooperation.

Very truly yours,



Wesley M. Charlton

Enclosures



VIRGINIA: IN THE CIRCUIT COURT OF LANCASTER COUNTY

**RE: APPOINTMENT OF MEMBERS OF THE BOARD OF ZONING
APPEALS FOR THE TOWN OF IRVINGTON**

ORDER

WHEREAS, it appears to the Court that the term of one of the present members of the Board of Zoning Appeals for the Town of Irvington, Lancaster County, Virginia, Shirley B. Crockett, has expired, and that another member of the Board of Zoning Appeals, Richard Newlon, whose term has also expired, is now deceased; and

WHEREAS, it is appropriate to appoint members to the Town of Irvington Board of Zoning Appeals; and

WHEREAS, pursuant to *Code of Virginia*, 1950, as amended, Section 15.2-2308, the Town Council for the Town of Irvington, Virginia, has concurred in the said appointments by the Chief Judge of the Fifteenth Judicial Circuit;

It is, therefore, ADJUDGED, ORDERED and DECREED as follows:

1. That the following individuals be and they hereby are appointed as members of the Board of Zoning Appeals for the Town of Irvington, for the term beginning on August 1, 2013, and expiring as set forth next to their names:

Shirley B. Crockett	P.O. Box 147 Irvington, Virginia 22480	Term expiring May 1, 2018
Albert Pollard, Jr.	48 Steamboat Road Irvington, Virginia 22480	Term expiring May 1, 2018

2. That before assuming the duties of the office, each appointee shall appear before the Clerk of this Court to take oath as prescribed by law.

3. That the Clerk of this Court shall deliver an attested copy of this order to each of the members of the Board of Zoning Appeals for the Town of Irvington, and to Wesley M. Charlton, Attorney for the Town of Irvington.

ENTER-LAW

August 28, 2013

David L. Suh
Chief Judge, Fifteenth Judicial Circuit

WE ASK FOR THIS:

Wesley M. Charlton, Esq.
c/o Hubbard, Terry & Britt, P.C.
Counsel for the Town of Irvington
293 Steamboat Road
P.O. Box 340
Irvington, Virginia 22480
VSB # 83737

By: G. M. A.
Of Counsel
1-804-438-5522
wes@irvingtonlaw.com

A TRUE COPY
TESTE:
DIANE H. MUMFORD, CLERK
BY: Diane H. Mumford D.C.
LANCASTER COUNTY CIRCUIT COURT

August 26, 2013

The Honorable David H. Beck
Chief Judge
15th Judicial Circuit
P. O. Box 96
9107 Judicial Center Lane
Spotsylvania, VA 22553-0096

RE: Board of Zoning Appeals-Town of Irvington

Dear Judge Beck:

Enclosed, please find an Order reappointing one member of the Board of Zoning Appeals for the Town of Irvington, and appointing another individual for the first time. I believe the statutory reference is contained in that Order giving you authority to sign without the necessity of all the other Judges in the Circuit signing.

If you would be so kind as to review this order, and sign it, I would be most grateful. Please then return it to me so that I can have it formally entered by the Clerk of Lancaster County.

Thank you for your cooperation.

Very truly yours,

Wesley M. Charlton

Enclosures

VIRGINIA: IN THE CIRCUIT COURT OF LANCASTER COUNTY

**RE: APPOINTMENT OF MEMBERS OF THE BOARD OF ZONING
APPEALS FOR THE TOWN OF IRVINGTON**

ORDER

WHEREAS, it appears to the Court that the term of one of the present members of the Board of Zoning Appeals for the Town of Irvington, Lancaster County, Virginia, Shirley B. Crockett, has expired, and that another member of the Board of Zoning Appeals, Richard Newlon, whose term has also expired, is now deceased; and

WHEREAS, it is appropriate to appoint members to the Town of Irvington Board of Zoning Appeals; and

WHEREAS, pursuant to *Code of Virginia*, 1950, as amended, Section 15.2-2308, the Town Council for the Town of Irvington, Virginia, has concurred in the said appointments by the Chief Judge of the Fifteenth Judicial Circuit;

It is, therefore, ADJUDGED, ORDERED and DECREED as follows:

1. That the following individuals be and they hereby are appointed as members of the Board of Zoning Appeals for the Town of Irvington, for the term beginning on August 1, 2013, and expiring as set forth next to their names:

Shirley B. Crockett	P.O. Box 147 Irvington, Virginia 22480	Term expiring May 1, 2018
Albert Pollard, Jr.	48 Steamboat Road Irvington, Virginia 22480	Term expiring May 1, 2018

2. That before assuming the duties of the office, each appointee shall appear before the Clerk of this Court to take oath as prescribed by law.

3. That the Clerk of this Court shall deliver an attested copy of this order to each of the members of the Board of Zoning Appeals for the Town of Irvington, and to Wesley M. Charlton, Attorney for the Town of Irvington.

ENTER-LAW

_____, 2013

Chief Judge, Fifteenth Judicial Circuit

WE ASK FOR THIS:

Wesley M. Charlton, Esq.
c/o Hubbard, Terry & Britt, P.C.
Counsel for the Town of Irvington
293 Steamboat Road
P.O. Box 340
Irvington, Virginia 22480
VSB # 83737

By: _____
Of Counsel
1-804-438-5522
wes@irvingtonlaw.com

Commonwealth of Virginia

FIFTEENTH JUDICIAL CIRCUIT

JUDGES

Harry T. Taliaferro, III
Gordon F. Willis
David H. Beck
Joseph J. Ellis
J. Overton Harris
Charles S. Sharp
Sarah L. Heneke
Michael E. Levy
Patricia Kelly

J. Peyton Farmer, Retired
Joseph E. Spruill, Jr., Retired
William H. Ledbetter, Jr., Retired
H. Harrison Braxton, Jr., Retired
Ann Hunter Simpson, Retired
John R. Alderman, Retired
Horace A Revercomb, III, Retired
J. Martin Bass, Retired



David H. Beck
Post Office Box 1179
Spotsylvania, Virginia 22553-1179
(540) 507-7623
FAX (540) 582-7973

August 29, 2013

COURTS

Northumberland County
Westmoreland County
Spotsylvania County
King George County
Lancaster County
Caroline County
Richmond County
Stafford County
Hanover County
Essex County
City of Fredericksburg

Diane H. Mumford, Clerk
Circuit Court of Lancaster County
P.O. Box 99
Lancaster, Virginia 22503-0099

Dear Clerk Mumford:

Enclosed is the original Order entered by Chief Judge Beck on August 28, 2013 regarding the appointment of Shirley B. Crockett and Albert Pollard, Jr. to the Board of Zoning Appeals for the Town of Irvington.

Thank you for your assistance in this regard.

Sincerely yours,

Cathy D. Doggett, Judicial Assistant
to Chief Judge Beck

Enclosure — as stated

cc: The Honorable Harry T. Taliaferro, III (with enclosure)
Judge, 15th Judicial Circuit of Virginia
Post Office Box 69
Warsaw, VA 22572-0069

✓ Wesley M. Charlton, Esquire (with enclosure)
Hubbard, Terry & Britt, P.C.
Post Office Box 340
Irvington, VA 2480-0340

VIRGINIA: IN THE CIRCUIT COURT OF LANCASTER COUNTY

**RE: APPOINTMENT OF MEMBERS OF THE BOARD OF ZONING
APPEALS FOR THE TOWN OF IRVINGTON**

ORDER

WHEREAS, it appears to the Court that the term of one of the present members of the Board of Zoning Appeals for the Town of Irvington, Lancaster County, Virginia, Shirley B. Crockett, has expired, and that another member of the Board of Zoning Appeals, Richard Newlon, whose term has also expired, is now deceased; and

WHEREAS, it is appropriate to appoint members to the Town of Irvington Board of Zoning Appeals; and

WHEREAS, pursuant to *Code of Virginia*, 1950, as amended, Section 15.2-2308, the Town Council for the Town of Irvington, Virginia, has concurred in the said appointments by the Chief Judge of the Fifteenth Judicial Circuit;

It is, therefore, ADJUDGED, ORDERED and DECREED as follows:

1. That the following individuals be and they hereby are appointed as members of the Board of Zoning Appeals for the Town of Irvington, for the term beginning on August 1, 2013, and expiring as set forth next to their names:

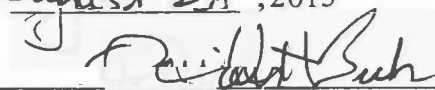
Shirley B. Crockett	P.O. Box 147 Irvington, Virginia 22480	Term expiring May 1, 2018
Albert Pollard, Jr.	48 Steamboat Road Irvington, Virginia 22480	Term expiring May 1, 2018

2. That before assuming the duties of the office, each appointee shall appear before the Clerk of this Court to take oath as prescribed by law.

3. That the Clerk of this Court shall deliver an attested copy of this order to each of the members of the Board of Zoning Appeals for the Town of Irvington, and to Wesley M. Charlton, Attorney for the Town of Irvington.

ENTER-LAW

August 29, 2013



Chief Judge, Fifteenth Judicial Circuit

WE ASK FOR THIS:

Wesley M. Charlton, Esq.
c/o Hubbard, Terry & Britt, P.C.
Counsel for the Town of Irvington
293 Steamboat Road
P.O. Box 340
Irvington, Virginia 22480
VSB # 83737

By 

Of Counsel

1-804-438-5522
wes@irvingtonlaw.com

**Irvington Town Council
Regular and Public Meeting
August 8, 2013**

The regular and public meeting of the Irvington Town Council was held at the Irvington Town Office on August 8, 2013, at 7:00 pm.

Present:

Mayor

Ralph D. Ransone

Vice-Mayor

Kathleen Pollard

Council

Gene H. Edmonds
Jerome S. Latell
Robert S. Westbrook

Legal Counsel

Wesley M. Charlton

Absent:

Council

R. Wayne Nunnally

Zoning Administrator

Robert Hardesty

Guests:

Robert Morrison
Jimmie Lee Crockett
Michael Merrill
Anne Meekins and Kristin Knull

The Mayor called the meeting to order and asked for a moment of silence.

Public Comment:

Anne Meekins, representing the Graham Family, was present to request permission that two horses belonging to Kristin Knull, who was also present, could be put on the open lot (Lot# 5) of the Graham Family subdivision that is at the end of Virginia Road. This lot has trees on two sides and they would put a fence on the other sides. There would be a portable Amish shelter. The owner of the horses is renting one of the nearby homes from the Graham family. Ms. Meekins said that they had not talked with the neighbors. Mr. Edmonds and Dr. Westbrook said that they did not have a problem with her pasturing her horses on the lot. All the council members advised Ms. Meekins and Ms Knull to talk with the neighbors and Mr. Hardesty when he returns from vacation. Ms. Meekins said that she will send a letter to the neighbors.

Ingress/Egress-Thomas Property: Mr. Merrill stated that the entrance to the Thomas Property is 14'2" wide with a deep swale on both sides which is in need of attention before there is a problem. He recommends that the entrance be made as wide as the entrance into the Commons. Groups rely on the property for parking for events at the Commons. Mr. Ransone said that he would have to talk with VDOT.

Gene Edmonds and Mike Merrill said that they would not mind asking the VIA to pay the cost of widening the entrance.

Minutes and Treasurer's Report:

Gene Edmonds made a motion to approve both reports and Kathleen Pollard seconded the motion. Vote – Yea: Edmonds, Latell, Pollard, and Westbrook. Nay: 0.

Zoning Administrator: Absent.

Legal Counsel: No report.

Planning Commission:

Robert Morrison reported that the nuisance ordinance will go back to the town attorney for formatting, refinement, and the new version will be reviewed at the next planning commission meeting.

Committee Reports:

Website: It is hoped that the website will be operating by Labor Day. Mrs. Pollard will be the contact for the website.

Signs: Mrs. Pollard had VDOT repair and replace signs in town.

Legal Counsel:

Mr. Charlton said that the writ of election for an election in May, 2014, to fill the council seat of Mr. Ed Sulik, who had two years remaining for his term, has been approved.

Old Business:

Occupancy Tax for Short term Rentals in Town: The clerk is to write Mr. Dean Dort and the real estate agents handling home rentals regarding the occupancy tax due for rental of homes for 90 days or less.

New Business:

Public Hearing for Sign Ordinance: The public hearing for the sign ordinance will be in September.

Cardinal Trash Collection: The clerk is to write Mr. Brian Thacker that he should resubmit his garbage collection proposal in February, when town contracts are reviewed.

Office Computer: Robert Westbrook made a motion to approve the expenditure of \$868.00+ for a new computer plus the cost of transferring files from the old computer to a new computer. Jerry Latell seconded the motion. Vote – Yea: Edmonds, Latell, Pollard, and Westbrook. Nay: 0.

Board of Zoning Appeals: Albert Pollard was appointed to the Board of Zoning Appeals and Shirley Crockett was reappointed. The terms are five year terms. Their names will be submitted to the Chief Judge of the Circuit Court for his approval.

Executive Session:

Robert Westbrook read the following motion to go into executive session: "I hereby move that the town council of the Town of Irvington go into closed or executive session, to discuss personnel matters, that is the appointment of specific appointees, pursuant to CODE OF VIRGINIA, Section 2.2-3711, A.(1)." Kathleen Pollard seconded the motion. Vote – Yea: Edmonds, Latell, Pollard, and Westbrook. Nay: 0.

After discussion of two candidates, Jimmie Lee Crockett and Michael Merrill, both of whom had expressed a desire to serve on the Irvington Town Council for the vacant seat on the Town Council caused by Ed Sulik's resignation, Robert Westbrook made a motion to come out of executive session and Gene Edmonds seconded the motion. Vote— Yea: Edmonds, Latell, Pollard, and Westbrook. Nay: 0.

Robert Westbrook 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, Bob Westbrook, so certify.

I, Jerry Latell, so certify.

I, Gene Edmonds, so certify.

I, Kathleen Pollard, so certify.

I, Ralph D. Ransone, so certify.

Kathleen Pollard made the motion to appoint Mike Merrill. Robert Westbrook seconded the motion. Vote – Yea: Edmonds, Latell, Pollard, and Westbrook. Nay: 0. Mr. Merrill is go to the Clerk of the Circuit Court to take the oath of the office. Gene Edmonds made a motion that Mike Merrill represent the Town Council on the Planning Commission. Jerry Latell seconded the motion. Vote— Yea: Edmonds, Latell, Pollard, and Westbrook. Nay: 0.

Council Roundtable:

Irvington Welcome Sign: Mr. Bill Mitchell submitted a proposal to do some needed maintenance on the Irvington Welcome Sign for \$48.00. Kathleen made a motion to approve this expenditure and Gene Edmonds seconded the motion. Vote – Yea: Edmonds, Latell, Pollard, and Westbrook. Nay: 0. The Clerk is to notify Mr. Mitchell.

Lee Capps asked that a letter be written to Ms. Michelle Lybarger recognizing her for having competed in 100 marathons and be read at a tribute to her at a surprise reception on August 19th, at the Trick Dog Restaurant.

Adjournment:

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

Ralph D. Ransone, Mayor

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF LANCASTER

CL13000049

IN RE: TOWN OF IRVINGTON – PETITION FOR WRIT OF ELECTION

WRIT OF ELECTION

This matter came to be heard upon petition for Writ of Election by the town of Irvington, Virginia (the “Town”) pursuant to Va. Code§ 24.2-226 (the “Code”) requesting the Court to issue a Writ of Election to fill a vacancy on the town of Irvington, Virginia Town Council (the “Town Council”).

It appearing to the Court that at the May, 2012 general election in the Town, Edward J. Sulick, a citizen of the Town (“Mr. Sulick”), was properly elected as a council member of the Town for a term to expire on the second Wednesday in September, 2016; that Mr. Sulick resigned from the Town Council, which resignation was accepted by the Town Council on July 11, 2013 at its regular and public meeting; that the Town wishes to hold its special election at its next scheduled general election, which is set to occur on May 6, 2014 (the “May, 2014 General Election”), see Va. Code§ 24.2-226(A); and that the Town further wishes to have the special election term be set for a two (“2”) year term, to start on the Second Thursday in September, 2014 and end on the second Wednesday in September, 2016, as that is the remaining time left in Mr. Sulick’s original term.

After considering the petition and the relevant provisions of the Code, the Court finds that the vacancy in the position of the Town Council should be filled during the May, 2014 General Election.

It appearing to the Court that it is proper to do so, it here by **ORDERED, ADJUDGED,** and **DECREED** that a special election shall be held, pursuant to Va. Code§§ 24.2-681 et seq.,

concurrently with the May, 2014 General Election to fill the vacancy on the Town Council created by the resignation of Mr. Sulick, whose term expires on the second Wednesday in September, 2016.

It is further **ORDERED** that the General Registrar, the Secretary of the Electoral Board of the County of Lancaster, and the state Board of Elections of the Commonwealth of Virginia take those actions necessary to modify the ballots so that the voters of the Town will be permitted to vote for a candidate for Town Council to fill the unexpired term of Mr. Sulick.


The Clerk of this Court is hereby directed to send certified copies of this Order to the General Registrar, the Secretary of the Electoral Board of the County of Lancaster, the State Board of Elections of the Commonwealth of Virginia, and Wesley M. Charlton, legal counsel for the Town (the "Town Attorney").

There being nothing left to be done in the action, it shall be stricken from the docket and placed with the ended causes.

ENTERED this the 9 day of August, 2013.


JUDGE

Requested by:


Wesley M. Charlton VSB #83737
Town Attorney, Town of Irvington
Hubbard, Terry & Britt, P.C.
P.O. Box 340, Irvington, Virginia 22948-0340
(804) 438-5522, Ext. 205
wes@irvingtonlaw.com

A TRUE COPY

TESTE:

DIANE H. MUMFORD, CLERK

BY  D.C.

LANCASTER COUNTY CIRCUIT COURT

Commonwealth of Virginia

FIFTEENTH JUDICIAL CIRCUIT

JUDGES

Harry T. Taliaferro, III
Gordon F. Willis
David H. Beck
Joseph J. Ellis
J. Overton Harris
Charles S. Sharp
Sarah L. Deneke
Michael E. Levy
Patricia Kelly

J. Peyton Farmer, Retired
Joseph E. Spruill, Jr., Retired
William H. Ledbetter, Jr., Retired
H. Harrison Braxton, Jr., Retired
Ann Hunter Simpson, Retired
John R. Alderman, Retired
Horace A. Revercomb, III, Retired
J. Martin Bass, Retired



David H. Beck
Post Office Box 1179
Spotsylvania, Virginia 22553-1179
(540) 507-7623
FAX (540) 582-7973

COURTS

Northumberland County
Westmoreland County
Spotsylvania County
King George County
Lancaster County
Caroline County
Richmond County
Stafford County
Hanover County
Essex County
City of Fredericksburg

August 8, 2013

Diane H. Mumford
Clerk of Circuit Court of Lancaster County
Post Office Box 99
Lancaster, Virginia 22503-0099

Dear Clerk Mumford:

Enclosed is the original order entered by Chief Judge Beck regarding the appointment of members of the Board of Zoning Appeals for the town of Irvington.

If you have any questions please do not hesitate to contact us.

Sincerely,

Cathy D. Doggett
Judicial Legal Assistant to
Chief Judge David H. Beck

Ccs: See page 2.

Cc:

Judge Harry T. Taliaferro, III

Post Office Box 69

Warsaw, Virginia 22572-0069

Copy of order enclosed

Cc:

✓ Wesley M. Charlton, Esq.

c/o Hubbard, Terry & Britt, P.C.

Counsel for the Town of Irvington

293 Steamboat Road

Post Office Box 340

Irvington, Virginia 22480

Copy of order enclosed

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF LANCASTER

CL13000049

IN RE: TOWN OF IRVINGTON – PETITION FOR WRIT OF ELECTION

WRIT OF ELECTION

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concurrently with the May, 2014 General Election to fill the vacancy on the Town Council created by the resignation of Mr. Sulick, whose term expires on the second Wednesday in September, 2016.

It is further **ORDERED** that the General Registrar, the Secretary of the Electoral Board of the County of Lancaster, and the state Board of Elections of the Commonwealth of Virginia take those actions necessary to modify the ballots so that the voters of the Town will be permitted to vote for a candidate for Town Council to fill the unexpired term of Mr. Sulick.

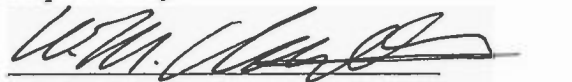
The Clerk of this Court is hereby directed to send certified copies of this Order to the General Registrar, the Secretary of the Electoral Board of the County of Lancaster, the State Board of Elections of the Commonwealth of Virginia, and Wesley M. Charlton, legal counsel for the Town (the "Town Attorney").

There being nothing left to be done in the action, it shall be stricken from the docket and placed with the ended causes.

ENTERED this the 9 day of August, 2013.


JUDGE

Requested by:


Wesley M. Charlton VSB #83737
Town Attorney, Town of Irvington
Hubbard, Terry & Britt, P.C.
P.O. Box 340, Irvington, Virginia 22830/13
(804) 438-5522, Ext. 205
wes@irvingtonlaw.com

A TRUE COPY

TESTE:

DIANE H. MUMFORD, CLERK

BY  D.C.

LANCASTER COUNTY CIRCUIT COURT

VIRGINIA: IN THE CIRCUIT COURT OF LANCASTER COUNTY

**RE: APPOINTMENT OF MEMBERS OF THE BOARD OF ZONING
APPEALS FOR THE TOWN OF IRVINGTON**

ORDER

WHEREAS, it appears to the Court that the terms of two of the present members of the Board of Zoning Appeals for the Town of Irvington, Lancaster County, Virginia, Robert H. Fleet, Jr. and Jeffrey A. Schroeder, have expired; and

WHEREAS, it is appropriate to appoint members to the Town of Irvington Board of Zoning Appeals; and

WHEREAS, pursuant to *Code of Virginia*, 1950, as amended, Section 15.2-2308, the Town Council for the Town of Irvington, Virginia, has concurred in the said appointments by the Chief Judge of the Fifteenth Judicial Circuit;

It is, therefore, ADJUDGED, ORDERED and DECREED as follows:

1. That the following individuals be and they hereby are appointed as members of the Board of Zoning Appeals for the Town of Irvington, for the term beginning on August 1, 2013, and expiring as set forth next to their names:

Robert H. Fleet, Jr.	P.O. Box 481 Irvington, Virginia 22480	Term expiring May 1, 2018
----------------------	---	---------------------------

Jeffrey A. Schroeder	P.O. Box 451 Irvington, Virginia 22480	Term expiring May 1, 2018
----------------------	---	---------------------------

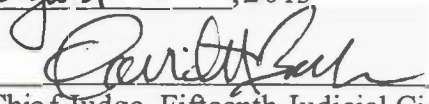
2. That before assuming the duties of the office, each appointee shall appear before

the Clerk of this Court to take oath as prescribed by law.

3. That the Clerk of this Court shall deliver an attested copy of this order to each of the members of the Board of Zoning Appeals for the Town of Irvington, and to Wesley M. Charlton, Attorney for the Town of Irvington.

ENTER-LAW

August 7, 2013


Chief Judge, Fifteenth Judicial Circuit

WE ASK FOR THIS:

Wesley M. Charlton, Esq.
c/o Hubbard, Terry & Britt, P.C.
Counsel for the Town of Irvington
293 Steamboat Road
P.O. Box 340
Irvington, Virginia 22480
VSB # 83737

By: 
Of Counsel
1-804-438-5522
wes@irvingtonlaw.com

LAW OFFICES
HUBBARD, TERRY & BRITT

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

MATSON C. TERRY, II
B. H. B. HUBBARD, III
RAYMOND L. BRITT, JR., PLLC
WILLIAM B. HUBBARD
WESLEY M. CHARLTON

OF COUNSEL:
WILLIAM J. KOPCSAK

July 25, 2013

The Honorable David H. Beck
Chief Judge
15th Judicial Circuit
P. O. Box 96
9107 Judicial Center Lane
Spotsylvania, VA 22553-0096

RE: Board of Zoning Appeals-Town of Irvington

Dear Judge Beck:

Enclosed, you will please find an Order reappointing two members of the Board of Zoning Appeals for the Town of Irvington. I believe the statutory reference is contained in that Order giving you authority to sign without the necessity of all the other Judges in the Circuit signing.

If you would be so kind as to review this order, and sign it, I would be most grateful. Please then return it to me so that I can have it formally entered by Clerk of Lancaster County.

Thank you for your cooperation.

Very truly yours,



Wesley M. Charlton

Enclosures

cc : R. Ransae-Mayer

the Clerk of this Court to take oath as prescribed by law.

3. That the Clerk of this Court shall deliver an attested copy of this order to each of the members of the Board of Zoning Appeals for the Town of Irvington, and to Wesley M. Charlton, Attorney for the Town of Irvington.

ENTER-LAW

_____, 2013

Chief Judge, Fifteenth Judicial Circuit

WE ASK FOR THIS:

Wesley M. Charlton, Esq.
c/o Hubbard, Terry & Britt, P.C.
Counsel for the Town of Irvington
293 Steamboat Road
P.O. Box 340
Irvington, Virginia 22480
VSB # 83737

By: 
Of Counsel

1-804-438-5522
wes@irvingtonlaw.com



OFFICIAL RECEIPT
COUNTY OF LANCASTER CIRCUIT COURT
CIVIL

DATE: 07/17/13 TIME: 13:38:10 ACCOUNT: 103CL13000049-00 RECEIPT: 13000003802

CASHIER: DTS REG: LQ21 FILING: PET TYPE: FULL PAYMENT

CASE COMMENTS: TOWN COUNCIL OF IRVINGT V. NONE

ACCT OF: TOWN COUNCIL OF IRVINGTON RECD: TOWN OF IRVINGTON

CHECK: \$80.00 11675

DESCRIPTION 1: PLAINTIFF: TOWN COUNCIL OF IRVINGTON

2: NO HEARING SCHEDULED

CODE	DESCRIPTION	PAID	CODE	DESCRIPTION	PAID
304	CLERK CIVIL FEE	50.00	049	WRIT TAX - CIVIL	5.00
106	TECHNOLOGY TRST FND	5.00	123	LEGAL AID SERVICES	9.00
147	INDIGENT ASSISTANCE	1.00	170	COURT TECH FUND	10.00
219	LAW LIBRARY	.00	229	CHMF	.00

TENDERED :	80.00
AMOUNT PAID:	80.00
CHANGE AMT :	.00

CLERK OF COURT: DIANE H. MUMFORD

COURT COPY
RECEIPT COPY 2 OF 2

LAW OFFICES
HUBBARD, TERRY & BRITT

A PROFESSIONAL CORPORATION

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

OF COUNSEL:
WILLIAM J. KOPCSAK

MATSON C. TERRY, II
B. H. B. HUBBARD, III
RAYMOND L. BRITT, JR., PLLC
WILLIAM B. HUBBARD

WESLEY M. CHARLTON

July 17, 2013

Hon. Diane Mumford, Clerk
Lancaster County Circuit Court
8265 Mary Ball Road
Lancaster, Virginia 22503
Via Hand Delivery

Re: Petition for Writ of Election to Fill Vacancy in Town Council of Irvington, Virginia

Dear Madame Clerk:

Please find enclosed the above referenced petition, as well as a check for \$80.00 for filing fees. If you have any questions, please do not hesitate to contact me. With best regards, I am

Very truly yours,



Wesley M. Charlton

Enclosures

Cc: Ralph D. Ransone, Mayor of Irvington, Virginia

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF LANCASTER

INRE: TOWN OF IRVINGTON – PETITION FOR WRIT OF ELECTION

**PETITION FOR WRIT OF ELECTION TO FILL VACANCY IN
TOWN COUNCIL OF IRVINGTON, VIRGINIA**

NOW COMES the Town of Irvington, Virginia (“Petitioner”), and hereby petitions this Court for a Writ of Election to fill the vacancy caused by the resignation of Edward J. Sulick as council member of the Town Council of Irvington, Virginia in accordance with Va. Code § 24.2-226. In support of this petition, Petitioner states as follows:

1. At the May, 2012 general election in the Town of Irvington, Virginia, Edward J. Sulick, a citizen of the Town, was properly elected as a council member of the Town for a four (“4”) year term beginning on the second Thursday in September, 2012 and ending on the second Wednesday in September, 2016.
2. On the second Thursday in September, 2012, Edward J. Sulick took and subscribed the oath required by Va. Code § 49-1 and Va. Code § 15.2-1512.
3. Mr. Sulick, since his election, has participated as a member of the Town Council and has recently resigned from his office, which resignation was accepted by The Town Council on July 11, 2013 at its regular and public meeting.
4. Since the vacancy created by Mr. Sulick’s resignation has not existed for more than forty-five days, the Town Council is in a position to make an interim appointment for a new member, and it intends to do so within the forty-five day period prescribed by law. Va. Code § 24.2-288(A).

5. The Town wishes to hold its special election at its next scheduled general election, which is set to occur on May 6, 2013. Va. Code § 24.2-226(A).
6. The Town further wishes to have the special election term be set for a two ("2") year term, to start on the Second Thursday in September, 2014 and end on the second Wednesday in September, 2016, as that is the remaining time left in Mr. Sulick's original four ("4") year term.

WHEREFORE, the Petitioner respectfully requests that this Court issue a Writ of Election in accordance with Va. Code § 24.2-226 to fill the vacancies created by the resignation of Edward J. Sulick, a Town of Irvington Council member, said special election to be held at the May, 2014 general election.

TOWN OF IRVINGTON

By 
Counsel for Petitioner

TOWN OF IRVINGTON

P.O. BOX 174
IRVINGTON, VA. 22480

11675

Will Ed. Dupladi
position until May 2003
solution

PAY
AMOUNT
OF *Eighty & 00/100*

DOLLARS

CHECK
AMOUNT

\$ *80.00*

DATE	TO THE ORDER OF	DESCRIPTION	CHECK NUMBER
7/17/03	Chesapeake Bank	Will Ed. Dupladi - Position until May 2003	11675

CHESAPEAKE BANK
IRVINGTON, VIRGINIA

TOWN OF IRVINGTON

James H. Russell
TREASURER
MAYOR OR AUTHORIZED SIGNATURE

011675 051403779051100653

**Irvington Town Council
Regular and Public Meeting
July 11, 2013**

The regular and public meeting of the Irvington Town Council was held at the Irvington Town Office on July 11, 2013, at 7:00 pm.

Present:

Mayor	Ralph D. Ransone
Vice-Mayor	Kathleen F. Pollard
Council	Gene Edmonds R. Wayne Nunnally Robert Westbrook
Zoning Administrator	Robert A. Hardesty

Absent:

Council	Jerry Latell
Legal Counsel	Wesley M. Charlton

The Mayor called the meeting to order and requested a moment of silence.

Minutes and Treasurer's Reports:

In the minutes of the June meeting, Gene Edmonds said that he "proposed" rather than "said" that the town's 2013-2014 \$500.00 contribution to the Steamboat Era Museum should be directed to a Crab Festival sponsorship, in the name of the Town of Irvington. Wayne Nunnally made a motion to approve the corrected minutes and treasurer's report. Kathleen Pollard seconded the motion. Vote – Yea: Edmonds, Nunnally, Pollard, and Westbrook. Nay: 0.

Zoning Administrator:

Grasscutting: Mr. Hardesty reported that the Thomas Property grass is being cut. Mr. Nunnally asked about the property of Frank Wood, both on Irvington Road and back at the woodline. That property is rental property. The grass needs to be cut. Mr. Hardesty said that he will send a reminder.

Legal Counsel: No report. Mr. Charlton absent.

Planning Commission:

Mr. Hardesty reported that the Planning Commission met on July 9, 2013, and reviewed the nuisance ordinance. It is now ready to go to a public hearing. The nuisance ordinance will address the trailer issue, which has been a concern to some residents. Dr. Westbrook asked if the nuisance ordinance will cover some of the visible items on the Thomas property. The reply was it would.

Committee Reports:

1. Website: Work in progress

Old Business:

Sign Ordinance: The Mayor has met with the attorney regarding the temporary signs for churches, schools, and nonprofits. After discussion, Gene Edmonds made a motion that temporary signs for events at churches, schools, and nonprofit organizations could be posted for a period not to exceed 120 days, but a no fee permit must be obtained before posting the sign to create a paper trail. Kathleen Pollard seconded the motion. Vote— Yea: Edmonds, Pollard, and Westbrook. Nay: 0. Abstain: Nunnally. Other business signs would be restricted as written.

Irvington Brochure: Dr. Westbrook said that his current idea was that the turkey shoot regatta would use maps such as you see in restaurants and give them to visitors and participants. This would alleviate the town's financing a brochure with out of date information.

Fourth of July Parade: Dr. Westbrook said that the one of the Knights of Columbus commented on their walking in the parade from 902 King Carter Drive to the Commons in wool uniforms in the heat. One of the members of the Bagpipe Band had a problem with the heat in this year's parade. It is the consensus of the council that these two groups need to start their walking at the Tides Inn Gate in future parades. The Mayor thanked the staff and the parade committee for its work on the parade.

New Business:

VDOT: VDOT has not done the safety improvements, such as the slip lane, the reflectors in the double lines, and rumble strips at the 25 mph sign/flashing lights in Irvington that they said that they would do. Wayne Nunnally said that he would call David Brown, the Northern Neck VDOT administrator about their progress.

Raffle Permit: Robert Westbrook made a motion to approve the request by Chesapeake Academy to hold a raffle in October, with their Oyster Roast and Gene Edmonds seconded the motion. Vote— Yea: Edmonds, Nunnally, Pollard, and Westbrook. Nay: 0.

Resignation of a Council Member: The Mayor read a letter of resignation from Ed Sulick. Mr. Sulick is resigning from the council for health reasons. Robert Westbrook made a motion to accept Mr. Sulick's resignation with regrets. Gene Edmonds seconded the motion. Vote— Yea: Edmonds, Nunnally, Pollard, and Westbrook. Nay: 0. The clerk will call the county registrar about the procedure for filling the vacancy. Council members were instructed to think about whom to appoint, if that is the procedure the council follows.

Council Roundtable:

Occupancy tax from short term home rentals: Council members agreed that every effort should be made to collect occupancy tax from homes that may be rented for 90 or less days. One homeowner sends in occupancy tax regularly. Another has advertised that her house is available for rent and she has been notified about occupancy tax being due. It was questioned whether or not occupancy tax is collected from the homeowners that may rent the "tents" in Vineyard Grove. Dean Dort, President of the Homeowners Association will be contacted regarding this matter.


Registration for Businesses in town: The question was posed about persons, who set up roadside vegetable stands, lemonade stands, etc. Robert Hardesty said that in Crew, Virginia, they had a peddler's license. Dr. Westbrook said that he would hate to pay \$25.00 so that his grandchildren could sell lemonade in front of his home.

Underground Service: Wayne Nunnally asked about replacing the utility poles with underground service. The newspaper reporter told him how much it had cost in Kilmarnock, even when the streets were torn up for another purpose.

New Office Computer: Mrs. Pollard asked about a new office computer. The clerk will shop for the computer.

Adjournment:

Wayne Nunnally made a motion to adjourn the meeting and Gene Edmonds seconded the motion. Vote— Yea: Edmonds, Nunnally, Pollard, and Westbrook. Nay: 0.


Ralph D. Ransone, Mayor

LAW OFFICES
HUBBARD, TERRY & BRITT

A PROFESSIONAL CORPORATION

ATTORNEYS AND COUNSELORS AT LAW

293 STEAMBOAT ROAD POST OFFICE BOX 340

IRVINGTON, VIRGINIA 22480

TELEPHONE (804) 438-5522

TELECOPIER (804) 438-5003

OF COUNSEL:

WILLIAM J. KOPCSAK

MATSON C. TERRY, II
B. H. B. HUBBARD, III
RAYMOND L. BRITT, JR., PLLC
WILLIAM B. HUBBARD

WESLEY M. CHARLTON

July 17, 2013

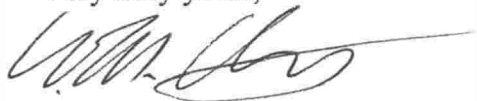
Hon. Diane Mumford, Clerk
Lancaster County Circuit Court
8265 Mary Ball Road
Lancaster, Virginia 22503
Via Hand Delivery

Re: Petition for Writ of Election to Fill Vacancy in Town Council of Irvington, Virginia

Dear Madame Clerk:

Please find enclosed the above referenced petition, as well as a check for \$80.00 for filing fees. If you have any questions, please do not hesitate to contact me. With best regards, I am

Very truly yours,



Wesley M. Charlton

Enclosures

Cc: Ralph D. Ransone, Mayor of Irvington, Virginia

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF LANCASTER

INRE: TOWN OF IRVINGTON – PETITION FOR WRIT OF ELECTION

**PETITION FOR WRIT OF ELECTION TO FILL VACANCY IN
TOWN COUNCIL OF IRVINGTON, VIRGINIA**

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TOWN OF IRVINGTON

By 
Counsel for Petitioner

Irvington Town Council
Special Meeting- Second Reading of the Propose Budget 2013-2014
June 27, 2013

The Irvington Town held a special meeting on June 27th at 7:00 p.m., at the Irvington Town Office for the purpose of having a second reading of the proposed budget for 2013-2014.

Present:

Mayor

Ralph D. Ransone

Council

Gene Edmonds

Jerry Latell

Wayne Nunnally

Ed Sulick

Robert Westbrook

Legal Counsel

Wesley Charlton

Zoning Administrator

Robert A. Hardesty

Absent:

Vice-Mayor

Kathleen F. Pollard

The Mayor called the meeting to order at 7:01 p.m. Mr. Nunnally praised Dr. Westbrook for the amount of work that he had done in the preparation of the budget.

Gene Edmonds made a motion to approve the proposed budget for 2013-2014 and Wayne Nunnally seconded the motion. Vote – Yea: Edmonds, Latell, Nunnally, Sulick, and Westbrook. Nay: 0.

Robert Westbrook made a motion to take \$29,006.06 from the Community Partnership CD at Bank of Lancaster to pay off the loan at Chesapeake Bank for the Thomas Property and to take money from the checking account to repay the county for the overpayment of the sales tax. Wayne Nunnally seconded the motion. Vote – Yea: Edmonds, Latell, Nunnally, Sulick, and Westbrook. Nay: 0.

Wayne Nunnally made a motion to purchase from Nobledds a second air conditioning window unit for the town office at an amount of \$494.00. Gene Edmonds seconded the motion. Vote – Yea: Edmonds, Latell, Nunnally, Sulick and Westbrook. Nay: 0.

Adjournment:

Wayne Nunnally moved that the meeting be adjourned. Gene Edmonds seconded the motion.
Vote – Yea: Edmonds, Latell, Nunnally, Sulick, and Westbrook. Nay: 0.

A handwritten signature in dark ink, appearing to read "Ralph D. Ransone", is written over a horizontal line.

Ralph D. Ransone, Mayor

Irvington FY2013-2014 Proposed Budget

3/10
w/min

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, 2011- June 30, 2012)	Received or Expended the Preceding Year	Appropriated for the Current Year (July 1, 2012 - June 30, 2013)	Appropriated for Next Year (July 1, 2013 - June 30, 2014)	Comparisons of Budgets for Next Year vs. Current Year
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Revenue	\$115,060	\$120,483	\$115,305	\$105,298	(\$10,007)
Occupancy Tax	\$57,000	\$58,043	\$58,775	\$59,784	\$1,009
Sales Tax	\$37,080	\$41,280	\$36,000	\$22,341	(\$13,659)
Auto Tags	\$8,000	\$9,040	\$8,800	\$9,678	\$878
Bank Franchise	\$9,623	\$8,404	\$8,400	\$8,400	\$0
Cable TV/ Communications	\$2,000	\$2,489	\$2,000	\$3,664	\$1,664
Zoning Permits	\$700	\$615	\$700	\$700	\$0
Ground Rent	\$480	\$480	\$480	\$600	\$120
Miscellaneous & Other Income	\$100	\$92	\$100	\$100	\$0
Interest Income	\$77	\$39	\$50	\$30	(\$20)

84,933.00

Operating Expenses	\$97,430	\$97,055	\$94,440	\$83,473	(\$10,967)
Gross Wages	\$37,050	\$37,686	\$39,540	\$39,540	\$0
Payroll Associated Taxes	\$2,835	\$3,016	\$3,195	\$3,195	\$0
Town Utilities	\$13,500	\$10,713	\$13,500	\$11,723	(\$1,777)
Town Maintenance	\$0	\$0	\$3,000	\$11,366	\$8,366
Thomas Property Loan	\$14,280	\$16,956	\$11,280	\$0	(\$11,280)
Office Expenses	\$7,615	\$9,612	\$7,000	\$7,363	\$363
VML Associated Expenses	\$5,400	\$4,500	\$4,525	\$4,586	\$61
Codification of Ordinances	\$0	\$0	\$0	\$3,000	\$3,000
Map Record Public Notices	\$1,500	\$1,199	\$1,500	\$1,600	\$100
Disaster Preparedness	\$0	\$693	\$500	\$500	\$0
Professional Services	\$300	\$600	\$300	\$300	\$0
Miscellaneous Expenses	\$350	\$353	\$300	\$300	\$0
Grounds	\$8,700	\$6,459	\$8,700	\$0	(\$8,700)
Auto Tags	\$800	\$409	\$1,100	\$0	(\$1,100)
Municipal Audit	\$3,500	\$3,500	\$0	\$0	\$0
Election Expenses	\$1,600	\$1,359	\$0	\$0	\$0

*9507.00

1460.00

1460.00

Community Support and Tourism Promotion	\$17,630	\$17,918	\$18,365	\$17,550	(\$815)
Community Events	\$8,675	\$10,291	\$9,300	\$9,300	\$0
Website Technical Support	\$1,200	\$1,540	\$2,500	\$2,500	\$0
Fire Department	\$1,805	\$1,805	\$1,800	\$1,800	\$0
Wi-Fi	\$0	\$0	\$1,100	\$1,100	\$0
Misc. Community Support	\$3,325	\$2,962	\$625	\$625	\$0
Steamboat Era Museum	\$500	\$500	\$1,215	\$500	(\$715)
Christmas Parade & Tree Lighting	\$0	\$0	\$500	\$500	\$0
Mayor's Discretionary Fund	\$325	\$21	\$325	\$325	\$0
Rescue Squad	\$300	\$300	\$300	\$300	\$0
Lancaster Community Library	\$250	\$250	\$250	\$250	\$0
Trolley	\$250	\$250	\$250	\$250	\$0
Maintenance Code Enforcement	\$500	\$0	\$200	\$100	(\$100)
Lights on the Creek Boat Parade	\$500	\$0	\$0	\$0	\$0

§ 15.2-2505. Any locality may include in its budget a reasonable reserve for contingencies and capital improvements.

Dedicated Capital Improvements	\$0	\$0	\$2,500	\$4,275	\$1,775
Christmas Tree Electrical Upgrade	\$0	\$0	\$2,500	\$0	(\$2,500)
Future Improvements to Town Property	\$0	\$0	\$0	\$4,275	\$4,275

2815.00

315.00

2815.00

2815.00

Total Revenue	\$115,060	\$120,483	\$115,305	\$105,298	
Total Expenditures	\$115,060	\$114,973	\$115,305	\$105,298	
	\$0	\$5,510	\$0	\$0	

Irvington Town Council
Regular and Public Meeting
June 13, 2013

The regular and public meeting of the Irvington Town Council was held at the Irvington Town Office on June 13, 2013, at 7:00 pm.

Present:

Mayor	Ralph D. Ransone
Vice-Mayor	Kathleen F. Pollard
Council	Gene Edmonds Jerry Latell Wayne Nunnally Edward Sulick Robert S. Westbrook
Legal Counsel	Wesley M. Charlton
Zoning Administrator	Robert A. Hardesty

Guests:

Richard Fronmeyer: American Publishing
Allison Drake
Jarrett Stephens

The mayor called the meeting to order and requested a moment of silence.

Public Comment:

River & Creek: Alison Drake and Jarrett Stephens, who are moving their business from Kilmarnock to Irvington, presented the design for the sign for their business. Mr. Hardesty said that their sign complies with the current sign requirements. Wayne Nunnally made a motion to approve the sign and Gene Edmonds seconded the motion. Vote: Yea: Edmonds, Nunnally, Pollard, Sulick, and Westbrook. Nay: O. Latell, who arrived at the end of the discussion, did not vote.

Codifying the Ordinance:

Richard Fronmeyer, one of the owners of the American Publishing, was present to explain codifying ordinances and the process. Their charge to codify Irvington's ordinances would be \$6500.00 which would include performing a research report in which they describe what is right, wrong, against the Constitution, inconsistent, against the state and federal laws, and if there should be other ordinances. They index by subject. They provide model ordinances. They are flexible in the payment schedule. A search and retrieval system would cost \$400.00-\$600.00. To have it online would cost \$1000.00. He explained the fee schedule for other services. Ten copies are available, but additional copies are available at \$65.00 each. One copy goes to VML.

Public Hearing:

Proposed 2013-2014 Budget: Kathleen Pollard made a motion to go into a public hearing for the budget. Wayne Nunnally seconded the motion. Vote – Yea: Edmonds, Latell, Nunnally, Pollard, Sulick, and Westbrook. Nay: 0. In discussion, Dr. Westbrook stated that the reimbursement for the overpayment of the sales tax distribution by the county would come from the checking account and the payoff of the Thomas Property loan would come from the CD at the Bank of Lancaster. Gene Edmonds said that this was a good use of the reserve. Wayne Nunnally made a motion to come out of the public hearing and Jerry Latell seconded the motion. Vote – Yea: Edmonds, Latell, Nunnally, Sulick, and Westbrook. Nay: 0. Wayne Nunnally complimented Dr. Westbrook on his budget preparations. The second reading of the budget will be June 27, 2013, at which time a vote will be taken. Gene Edmonds said that there should be a cost of living increase for the staff in the next budget cycle.

Minutes and Treasurer's Report:

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

Zoning Administrator:

Phillip Thomas' Property: A relative of Phillip Thomas has been making an effort to cut the grass on Phillip Thomas' property. Mr. Hardesty's recommendation was to have Tyler Barksdale cut the grass on Monday (June 17th). He was instructed to take pictures. Mr. Charlton cautioned in taking action without going through the due process because of the danger of going on private property. The town can go to court and obtain a lien on the property as well as judgment interest.

Christmas Tree Electrical Upgrade: Chris Hanley has completed the upgrade of the Christmas Tree electricity. The plugs are on the ground rather than further up the tree as Mr. Ransone requested. Mr. Ransone will talk with Mr. Hanley about this.

Legal Counsel:

Sign Ordinance: Mr. Charlton explained that the new version of the sign ordinance will need to go through the public hearing process. He provided two new sign definitions that were specific rather than being part of the "catch all" definitions. There was a discussion about church and school signs which were exempt in one section and regulated in another section. Mrs. Pollard wants a regulated period of display. Mr. Nunnally does not think that they should be regulated. In later discussion, it was stated that non profits should be included with church and schools. Mr. Charlton will provide a new draft for the council's contemplation.

Planning Commission Report:

The planning commission will have a workshop on June 27th.

Committee Reports:

Website: Mrs. Pollard reported that work is progressing on the website and said that she needed a tag line. Suggestions were given.

Emergency/Disaster: Dr. Westbrook said that he is working on plans for a program on what to do until the rescue squad arrives.

Old Business:

Irvington Brochure: Dr. Westbrook said "no worry" at this time.

New Business:

Appropriations: Wayne Nunnally made a motion to make the following appropriations:

Kilmarnock-Lancaster Rescue Squad:	\$300.00
White Stone Volunteer Fire Department:	\$1200.00
Air Force Band Dinner:	\$700.00
Lancaster County Community Library	\$250.00

Gene Edmonds seconded the motion. Vote – Yea: Edmonds, Latell, Nunnally, Pollard, Sulick, and Westbrook. Nay: 0.


Roundtable:

Crab Festival: Gene Edmonds said that the town should restrict the town's contribution of \$500.00 to the Steamboat Era Museum for 2013-2014 to be used as a sponsorship for the crab festival. The listing on the T-shirt should be "Town of Irvington" which would give representation to everyone in town. The check for that will be written after July 1, 2013.

Contributions by Non-residents: Mr. Nunnally is concerned that 48% of the property owners (non residents) in town do not purchase decals, pay any vehicular fees, or make any contributions, monetary, or otherwise to the towns.

Adjournment:

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


Ralph D. Ransone, Mayor

Irvington Town Council
Regular and Public Meeting
May 9, 2013

The regular and public meeting of the Irvington Town Council was held at the Irvington Town Office on May 9, 2013, at 7:30 pm.

Present:

Mayor
Vice-Mayor
Council

Ralph D. Ransone
Kathleen F. Pollard
Gene Edmonds
Jerry Latell
Wayne Nunnally
Edward Sulick
Robert S. Westbrook

Legal Counsel
Zoning Administrator

Wesley M. Charlton
Robert A. Hardesty

Guests:

Terri Thaxton
Susan Cockrell

The Mayor called the meeting to order and asked for a moment of silence.

Public Comment:

Terri Thaxton presented the application for a sign permit for "Objects," the art gallery that Terri Wesselman and Julien Patterson are opening in Irvington. Wayne Nunnally made a motion to approve the application for the sign and Bob Westbrook seconded the motion. Vote Yea: Edmonds, Latell, Nunnally, Pollard, Sulick, and Westbrook. Nay: 0.

Minute and Treasurer's Report:

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

Zoning Administrator:

Phillip Thomas' Grass: Mr. Hardesty reported that Steve Barksdale will cut the grass on the property of Phillip Thomas. Wayne Nunnally moved that the town authorize Mr. Hardesty to have Mr. Barksdale cut the Phillip Thomas property grass. He questioned how high the grass needs to be to trigger the town's having it cut. Mr. Charlton said that he thought that they would have to go through the legal process each time to have it cut because then they could defend it, if there were to be a problem. Bob Westbrook asked if they could get judgement interest and Mr. Charlton said "yes." Wayne Nunnally moved that that Mr. Hardesty publish a notice in the paper each month when the grass needs to be cut. Gene Edmonds seconded the motion. Vote – Yea: Edmonds, Latell, Nunnally, Pollard, Sulick, and Westbrook. Nay: 0. Mr. Hardesty will send a certified letter to Mr. Thomas.

Meeting with Dave Brown, VDOT: Mr. Hardesty reported that on May 1, 2013, he met with David Brown of VDOT regarding street issues, including backing out onto Route 200 at the curve in front of "Objects" and the convenience store. The slip turn at King Carter Drive and Route 200 will be installed at an undetermined date as will be the installation of reflective devices in the center line of the curve at the same intersection. The sidewalk on the north side of Route 200 at the post office will be installed 2 years hence. Mr. Brown would like the Mayor to send him a letter telling him exactly where he wants the second 25 mph sign/flashing light in the vicinity of the insurance office on Irvington Road.

Mr. Brown evaluated cars parking in front of the "Objects" store and subsequently backing out onto Route 200. Originally Mr. Foote, the contractor, requested permission to cut down the curb in the center front of the business, but he withdrew that request.

Codifying Ordinances: Mr. Hardesty reported Mr. Fronmyer can be here for the June town council meeting to explain codifying the ordinances. This will be at no expense to the town. Mr. Morrison wants to give him a disc with a clean copy of the Ordinances.

Christmas Tree Upgrade: Chris Hanley will work on the Christmas Tree upgrade the week of May 19th.

Approval of Bruce Sanders' Project: The Wetland Board met on this date and approved the 117 slips for Bruce Sanders, which is part of his plan for the former Irvington Marina property.

Legal Counsel: Will work on the Sign Ordinance.

Planning Commission: NO meeting, no report.

Committee Reports:

Emergency/Disaster: Robert Westbrook reported that he will do the CERT exercise in Newport News, on May 18th. He said that they need volunteers to be victims.

Flags: Jerry Latell needs help assembling the poles, flags, and sleeve/spinners on Thursday, May 16th. The banners will be put up this weekend.

Planting: Gene Edmonds reported that Susan Edmonds had planted the planters and mulch had been spread. The Mayor will write her a thank you note for her beautification efforts.

Old Business:

Sign Ordinance: Mr. Charlton explained the changes that he had made to the sign ordinances and the reasons. He asked the council members to read his revisions and be prepared to discuss them at the June meeting. In response to a question about political signs, he said that most states are striking down restrictions on political signs. Near "Trick Dog" a farm truck is parked and the owner sells vegetables. There is a large sign on the side of the truck. Mr. Hardesty thinks that the owners need a permit. Mr. Sulick made a motion to table the sign ordinance discussion until the June meeting. Wayne Nunnally seconded the motion. Vote- Yea: Edmonds, Latell, Nunnally, Pollard, Sulick, and Westbrook. Nay: 0. Questions should be submitted to Mr. Charlton in advance of the meeting.

Irvington Brochures: The Turkey Shoot Regatta Committee would like Irvington Brochures to distribute to the participants. Mrs. Pollard reported that no brochures are available and the information in it is not current. Jeff Bishop, whose company provided them, can provide them electronically and the committee can scan and distribute them. She is to find out the cost of his printing 200 brochures with no changes being made.

Traffic: Mr. Brown, from VDOT, had said that Middleburg, VA had settled some of its traffic issues. Mr. Nunnally has learned that Middleburg has 650 businesses in the community.

New Business:

Mrs. Cockrell, from the Town of Kilmarnock, was present to request that the Town of Irvington contribute to the support of the Triangle Trolley which makes hourly trips through the towns of Irvington, White Stone, and

Kilmarnock during the May - October season. Passengers are picked up at the Tides Inn and Hope and Glory and other locations in town. This year the trolley is air conditioned.

Appropriation to the Kilmarnock Volunteer Fire Department: Wayne Nunnally made a motion to release the allocation of \$600.00 to the Kilmarnock Volunteer Fire Department. Kathleen Pollard seconded the motion. Vote – Yea: Edmonds, Latell, Nunnally, Pollard, Sulick, and Westbrook. Nay: 0.

Mr. Nunnally left the meeting, saying that he supported Mrs. Pollard's request for a new website.

Roundtable:

Mrs. Pollard reported that she had met with Tori Bogardus Tansill, who has a company, Webworx, Inc.. Ms. Tansill can redo the town's website for \$4200.00. She will need a deposit and will work out a payment plan for the balance. She would manage the site for \$80.00 an hour. Gene Edmonds made a motion to start it this year with a down payment of \$2100.00 and then pay the balance in next year's budget. Ed Sulick seconded the motion. Vote – Yea: Edmonds, Latell, Pollard, Sulick and Westbrook. Nay: 0. Mrs. Pollard will proceed with the website. Mr. Charlton suggested that a high school student could enter information that needs to go on the website. Dr. Westbrook suggested that a scout might be working on a badge and would be able to enter data for the town.

Adjournment:

Gene Edmonds 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
Regular and Public Meeting
April 14, 2013**

The regular and public meeting of the Irvington Town Council was held at Memorial Hall, Irvington Baptist Church, at 7:00 pm, On April 14, 2013.

Present:

Mayor	Ralph D. Ransone
Vice-Mayor	Kathleen F. Pollard
Council	Jerry Latell (arrived late) R. Wayne Nunnally Edward J. Sulick Robert S. Westbrook
Legal Counsel	Wesley M. Charlton
Zoning Administrator	Robert A. Hardesty

Absent:

Council	Gene H. Edmonds
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Guests and Visitors:

Diane Cook Tench	Fran Westbrook
Charles Pruitt	Fran Nunnally
David Brown	Barbara Newlon
Snowy and June McGeorge	Albert Pollard
Mary Louisa Pollard	Kathy Jenkins
Mary Headley	

The Mayor called the meeting to order.

Public Heading: Subdivision Application – Ms. Diane Cook-Tench: 915 King Carter Drive:

Mr. Wayne Nunnally moved that the council go into a public hearing and Dr. Westbrook seconded the motion. Vote - Yea: Nunnally, Pollard, Sulick, and Westbrook. Nay: 0.

Ms. Diane Cook-Tench, who owns a 4.52 parcel at 915 King Carter Drive, is seeking to subdivide it into three one acre parcels on the water and one and one-half acre parcel on King Carter Drive. The site plan was prepared by Mr. Charles Pruitt. Mr. Hardesty stated that the notices had been published and given to the neighbors, fees had been paid, and the subdivision meets the R-1 requirements. The subdivision will have a private gravel road, rather than be part of the VDOT system. The Planning Commission recommended approval. Mr. Pruitt explained the aspects of the site plan. Wayne Nunnally made a motion to come out of the public hearing and Kathleen Pollard seconded the motion. Yea: Nunnally, Pollard, Sulick, and Westbrook. Robert Westbrook moved to approve Mrs. Cook-Tench's application to subdivide her property and Kathleen Pollard seconded the motion. Vote – Nunnally, Pollard, Sulick, and Westbrook. Nay: 0.

VDOT Presentation: David Brown, P.E., Administrator, Northern Neck Residency

The town council and residents of Irvington have been concerned about the speed of drivers in Irvington and have expressed their concern to VDOT. Mr. Brown has said that he can install rumble strips at the flashing lights/25 mph speed signs on both ends of Rt. 200 after entering Irvington from White Stone and Kilmarnock.

Mr. Brown presented VDOT's guidelines for traffic calming for local streets by projecting them on a screen. He said that they were available online and he distributed some copies. These were developed by the VDOT's Traffic Engineering Division in 2002 and revised in 2008. The objective for the guidelines was to slow speed without restricting access to neighborhoods. The guidelines were presented with the advantages, disadvantages, costs, and the process for achievement. (Jerry Latell arrived during the early part of this presentation.) The county has to be involved because it can help provide the funding. Secondary road funds that the county receives can be used. The cost for speed humps which have been mentioned for King Carter and Steamboat Road would cost between \$5000 and \$10,000. The humps are designed for 25 mph speeds. There would be an increase in the noise factor. Mr. Brown has proposed installing a bump-out near the post office with appropriate pavement markers. Rumble strips were not recommended in the double lines of the curve, but they could do raised pavement markers.

Mr. Nunnally said that our little town has a speeding problem, but it does not meet the criteria of the big city. He asked if VDOT has a resource to tell Irvington what it should do. Mr. Brown said that they had their engineering division. Mr. Brown said drivers are going to drive at a speed at which they are comfortable. Enforcement is haphazard. The sheriff has said that he tries to have deputies here at least 2 hours a day. June McGeorge asked if the flashing lights could be moved closer to the White Stone bridge such as near the insurance office. Mr. Brown said that he would ask. VDOT would do a survey and would apply the 85% rule. Albert Pollard said that the county could use secondary road money on primary roads. He said Middleburg, Virginia did a traffic calming study and used methods on private property that gave the impression of visually narrowing the roads. Snowy McGeorge expressed concern about the blind curve that obstructs his vision of traffic coming from White Stone when he is going out of his driveway, especially when the vegetation grows in the spring. The town is to provide Mr. Brown with the address of the insurance office.

Ms. Diane Cook-Tench expressed concern about the specific crossing requirements in the area of school crossing as she had observed the small children going to Chesapeake Academy. Kilmarnock has stopped allowing trucks, not making deliveries in Kilmarnock or coming from Burgess Road, from driving through Kilmarnock. They must use the Jones bypass. Instead of continuing across to Rt. 200 and entering Harris Road with its curves to Rt. 200 (the Kilmarnock-White Stone Road), they turn and continue through Irvington to go to White Stone. (Wayne Nunnally left the meeting.)

Regular Meeting:

Minutes and Treasurer's Report:

Robert Westbrook made a motion to approve the treasurer's report and the minutes with the following two corrections:

1. During the process, Dr. Westbrook said he thought the entire ordinances needed to be reviewed.
2. Jerry Latell and Wayne Nunnally would like to take savings and pay off the sales tax replacement rather than the Thomas Property loan as was stated in the minutes.

Kathleen Pollard seconded the motion. Vote – Yea: Latell, Pollard, Sulick, and Westbrook. Nay: 0

Zoning Administrator:

Mr. Hardesty reported that the front yard of the Thomas property was mowed.

Legal Counsel: No report.

Planning Commission Report: No new report.

Committee Reports:

Emergency/Disaster Preparedness: Dr. Westbrook said that he would be going over his emergency/disaster preparedness budget. If he teaches a class on what a spouse should do if something happens to the other spouse before the Rescue Squad arrives, the books will cost \$16.00. Edward Sulick made a motion to buy the material for the class and Jerry Latell seconded the motion. Vote – Yea: Latell, Pollard, Sulick, and Westbrook. Nay: 0. The class should be about 2 hours in length.

Flags/Banners: Mr. Latell reported that most flags and banners are being repaired. He was directed by consensus of council to buy 20 one piece flag poles and 10 flags.

Website: The council discussed the cost associated in updating the website and having someone maintain it for a monthly fee such as Urbanna does. Dr. Westbrook said that the first step is to have a commitment from the community that they will support having someone maintain the site. Mrs. Pollard will check with Mrs. Rachel Pugliese

Old Business:

Codifying the Ordinances: Mr. Hardesty said that it is a long process. He said that Pat Frere, Town Manager of White Stone, is willing to come and speak to the town council.

Revenue Sources: Revenue Sources for the town will be discussed during the budget process.

Turkey Shoot Regatta: Dr. Westbrook had attended a meeting and said that it was mentioned said that it would be nice to have Irvington brochures for the Irvington Regatta. A reprinting is probably necessary. Mrs. Pollard will check on this.


New Business:

Ordinance Development or Review: In clarifying the steps in ordinance development, process, or review, it was decided that after the ordinances have been codified, they would be reviewed by the attorney, planning commission and then they would be presented to the town council.

Budget Workshop: The council decided that the budget workshop will be Wednesday, May 15th, at 6:00 pm.

Adjournment:

Jerry Latell made a motion to adjourn the meeting.


Ralph D. Ransone, Mayor

**Irvington Town Council
Workshop
March 27, 2013**

The Irvington Town Council held a workshop on March 27, 2013, at 7:00 pm, at the Irvington Town Office, to discuss the ordinance revision and the process to accomplish the task.

Present:

Mayor	Ralph D. Ransone
Vice-Mayor	Kathleen F. Pollard
Council	Jerry Latell R. Wayne Nunnally Edward J. Sulick Robert Westbrook
Legal Counsel	Wesley M. Charlton
Zoning Administrator	Robert A. Hardesty

Absent:

Council	Gene H. Edmonds
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Guests:

Robert Morrison

The Mayor called the meeting to order. He complimented the Planning Commission for the work that they had done on the sign and historic district ordinance. Ed Sulick asked if there is a formal process for developing the ordinances.

Process of Revising Ordinances:

The Mayor said that once the ordinance has been revised, then it would be necessary to review it every few years. The Planning Commission acts as an advisory body for the town council and can give recommendations. The question of who is responsible for drafting an ordinance was discussed. The town council can start it, but the process has to finish with the town council, which has the final approval of an ordinance. Mr. Charlton, the town attorney, said that the town attorney should get involved in the drafting stage.

Mr. Charlton and Dr. Westbrook, both thought that the town should have the ordinances codified. The ordinances will be checked against the enabling legislation. There is a company, (American Publishing in Ohio) which will codify the ordinances and check them against enabling legislation. White Stone had theirs done a few years ago. Dr. Westbrook said that the town could pay part of the cost out of this year's budget and part out of next year's budget.

Dr. Westbrook stated that the boathouse ordinance has needed to be reviewed and revised.

Bob Morrison does not think the process is the problem. Some of the ordinances needed to be streamlined and duplication needed to be eliminated. He said the problem is in trying to bring the ordinances in compliance with the comprehensive plan.

Historic District Ordinance:

Mr. Nunnally asked what is the historic district ordinance designed to fix. Dr. Westbrook said that he did not want a dome shaped house, but he does not know whether or not the town can restrict what a person builds. He thought that the council needs to look at the appeal process. Mr. Morrison explained how the Planning Commission arrived at the Historic District Ordinance. Mr. Nunnally asked if the Planning Commission can serve as the Architectural Review Board. Kathleen Pollard and Robert Westbrook do not think that the Planning Commission should serve as the Architectural Review Board. Robert Morrison said that in good faith, having the Planning Commission serve in that capacity was the only way that they thought it could work. Mr. Nunnally thinks that the Historic District ordinance should be tabled for now.

Mr. Charlton said that he will contact the company about codifying the ordinances before doing the historic district.

Sign Ordinance:


Mr. Charlton was concerned about cross referencing the sign ordinance provisions. Mrs. Pollard said that there was another sign at the Dog & Oyster. Dr. Westbrook said that businesses need to inform people know when they are open. He is concerned about definition of signs, residential signs and billboard signs. Examples of signs that gave council members problems were given.

Wes Charlton said that more extensive definitions must be given to cover future problems. He said it was necessary not to violate the First Amendment because a person without standing can bring a suit. Wayne Nunnally said that new signs should conform to other signs that are already here. Ed Sulick would like Mr. Charlton to look at for what is minimally adequate. Mr. Charlton said the ordinances have to be consistent. If the sign ordinance is substantially changed, then a public hearing is required. Robert Westbrook wants there to be differentiation between business and resident signs. Jerry Latell thinks the problem is brevity. Robert Westbrook wants the sign ordinance to be legally defensible.

The council discussed how it would be handled when one is guilty of violating the sign ordinance. The Town would file a complaint with the sheriff and the court would determine guilt.

Adjournment:

The Mayor thanked the Planning Commission for the work that they had done revising the ordinance and closed the meeting.


Ralph D. Ransone, Mayor

**Irvington Town Council
Regular and Public Meeting
March 14, 2013**

The regular and public meeting of the Irvington Town Council was held at the Irvington Town Office on March 14, 2013, at 7:00 p.m.

Present:

Mayor	Ralph D. Ransone
Vice-Mayor	Kathleen F. Pollard
Council	Gene H. Edmonds Jerome S. Latell R. Wayne Nunnally Edward J. Sulick Robert S. Westbrook
Legal Counsel	Wesley M. Charlton
Zoning Administrator	Robert A. Hardesty

Guests/Visitors

Charles Sanders
Frank Tetrick
Eric Nost
Snowy & June McGeorge

Call to Order:

The Mayor called the meeting to order and asked for a moment of silence.

Public Comment:

Use of Commons: Charles Sanders was present to request the use of the Commons for an after wedding rehearsal barbecue party on May 10th, between the hours of 6:00 pm to 10:00 pm. He said that he was aware of the rules regarding the use of the Commons; that he would have a tent, ABC license, band, and insurance for the occasion. He will notify the neighbors. He asked if he could use the electricity at the gazebo, so that he would not have to rent a generator. Gene Edmonds, made a motion to permit the Sanders the use of the Commons and Mr. Nunnally amended the motion to allow the use of the electricity at the gazebo on May 10th. Ed Sulick seconded the motion. Vote – Yea: Edmonds, Latell, Nunnally, Pollard, Sulick, and Westbrook. Nay: 0. The Mayor told him to have a roped off area where the alcohol would be served

Traffic Issues and Flashing Lights: When Mr. Brown, VDOT Administrator for Northern Neck Residency, was at the February council meeting he said that he could install rumble strips at the flashing lights on Rt. 200 on the roads to White Stone and Kilmarnock to increase drivers' awareness of the 25mph speed limits in Irvington. Mr. and Mrs. McGeorge, who live near the 25 mph flashing light/speed limit sign on the east side, said that installing the rumble strips at the flashing lights would be a maintenance problem and would create noise. He asked that law enforcement rather than VDOT take care of the problem. He thinks that the traffic just needs to slow down. Dr. Westbrook asked if the sheriff could attend the April town council when it is hoped that Mr. Brown will attend. June McGeorge said that the traffic needs to slow down at the bridge. Mr. Sanders, who lives next

door to the McGeorges asked if the flashing 25 mph sign could be moved further east. Mr. Mc George asked if through traffic could be prohibited from driving through Irvington. Mrs. McGeorge said the portable speed limit sign was effective. The Mayor asked them to attend the April council meeting when hopefully Mr. Brown will attend.

Minutes and Treasurer's Report:

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

Zoning Administrator:

Legal Notice for Grasscutting on Phillip Thomas and Eleanor Bowen Property : Mr. Hardesty distributed copies of the legal notice that will be published in the Rappahannock Record on March 21, 2013, giving Mr. Thomas and his sister one week to get the grass cut on their property or the town will have it cut and place a tax lien on the property.

Diane Cook-Tench Subdivision: Ms. Diane Cook-Tench, who owns a 4.5 acre parcel now wants to sub divide it into 4 parcels (3 one acre lots and one 1.5 acre lot), one of which she plans to give or sell to her daughter. Her attorney, John Hodges of Dunton, Simmons, Dunton, has told her that this would qualify as a family sub division, which is allowed in the State Code because it is less than 5 acres. Mr. Charlton clarified the State Code provision saying that it is mandatory that family subdivisions be allowed for town and cities, and discretionary for towns. He will discuss it further with the county to see if there are other provisions. A family subdivision would not require that she meet the VDOT entrance requirements.

Mr. Edmonds noted that she meets the R-1 requirements to subdivide. Mr. Charlton will check to see if the town needs to enact an ordinance for a family subdivision. Mr. Hardesty will see that the notices for a public hearing for Ms. Cook-Tench are published in the newspaper.

Legal Counsel: Mr. Charlton thanked the council members for selecting him to be the town attorney.

Planning Commission Report:

Mr. Sulick noted that the town council is at different levels in the ordinance revision and he thinks that they need to focus on the process and how to accomplish the revision. He said that there were 4 bodies involved: Planning Commission, Town Attorney, Public, and Town Council. Dr. Westbrook thinks that ^{processes will} ~~the council needs to~~ review the entire ordinance. It was decided to hash it out in a workshop, which was scheduled for Wednesday, March 27th, at 6:30 pm.

New Business:

Steamboat Era Museum: Mr. Eric Nost, President of the Steamboat Era Museum and Mr. Frank Tetrick, Chairman of the Crab Festival, were present. Mr. Nost said the museum board has been working on SEM's financial position. SEM's operating budget of approximately \$83,000.00 is based approximately half on funds raised from donations, dues, and memberships and half from fundraising events. A bequest of \$60,000.00 helped them to end the year in the black.

Mr. Eric Nost and Mr. Frank Tetrick presented their plans for the Crab Festival to be held July 27th, 2013. Their festival last year was successful with 500 tickets sold and they would like to plan a larger festival (selling 750 tickets) this year as their major fundraising event for the year. They plan to have a band and a 60 x 130 tent. They would like to cover much of their expenses with sponsorships. Food will be served from 5:00 pm to 8:00 pm. They are planning to have a beer truck and maybe this year they will sell wine. They want a profit of \$20,000.00. For

\$500.00, sponsors can have their name printed on T-shirts to be sold. They said that they hoped the town could be a sponsor. They would like a link to the town website.

The museum has had successful mah jongg events and they want to build on them. Four mah jongg events are planned for this year.

Robert Westbrook said that the museum needs to be more visible in the community. He suggested that the museum might do a survey asking what can the museum do for you (community residents). Eric Nost said that the museum was open for any comments, criticism, etc.

Committee Reports:

Disaster/Emergency: Robert Westbrook said that he will deplete the disaster preparedness budget this year. The block captains met the Saturday previous to this meeting. He hopes to do training in the future, such as spousal training if something happens to the other spouse.

Mr. Edmonds said that the yacht club will do a two hour couples' sailing safety class on April 19th, 6:30-8:30 pm, that will be open to the public. Cost will be for teaching materials. Wayne Nunnally made a motion to use the town's name in the PSA's for promotional purposes for the class. Jerry Latell seconded the motion. Vote – Yea: Edmonds, Latell, Nunnally, Pollard, Sulick, and Westbrook. Nay: 0.

Street Flags: Jerry Latell has the flags and will determine which ones need replacing.

Website: Mrs. Pollard has talked with David Lipscombe in Urbanna, about upgrading the town's website. He did West Point's website. He would need to redo the website for a minimum of \$6500.00 to \$7500.00. Mrs. Pollard thinks that if the town is going to upgrade its website, it should be done right or not at all. He would like to provide the server also. He is head of the Urbanna Business Association. Businesses advertise on the website for \$30.00 per month. He manages the website and makes the changes for \$150.00 per month. Mrs. Pollard feels that they need an organization to be involved for this and she will talk to Rachel Pugliese about involvement in this organization.

Old Business:

Aqua Information on Reverse Osmosis: The council decided to ask Aqua to release a press release on the research on costs for Reverse Osmosis. Ed Sulick said he would contact Aqua.

Codifying Ordinances: Dr. Westbrook has talked with Rich Fromeyer of American Publishing in Ohio, which codifies ordinances and did White Stone's. Codifying Irvington's ordinances will cost about \$6000.00 and payments of ½ at the beginning and ½ at the completion of the project are allowed. Wayne Nunnally made a motion to approve codifying the ordinances by American Publishing and the motion was seconded by Dr. Westbrook, but later withdrawn. Then motion died for lack of a second. Robert Westbrook made a motion to get the ball rolling by contacting Rich Fromeyer. Kathleen Pollard seconded the motion. Vote – Yea: Edmonds, Latell, Nunnally, Pollard, Sulick, and Westbrook. Nay: 0.

Contingency Plan for Revenue: In his handout that Dr. Westbrook prepared, he identified four sources for additional revenue in town: increasing the occupancy tax, BPOL, meal tax, and real estate tax. The county software can do real estate tax in increments of 1%, 1.5%, or 2% etc for calculating real estate tax. The State will allow a contingency fund dedicated to improvements. The real estate property values in Irvington, have decreased by \$44,000,000 in the last three years.

Dr. Westbrook and Mr. Ransone have evaluated payback scenarios for the overpaid sales tax to the towns by the county and think that the best method for Irvington is to pay \$715.14 per month for 31 months by the

county's reducing each month's sales tax distribution to Irvington. Bob Westbrook would like to keep as much in reserve as possible. Wayne Nunnally and Jerry Latell would like to take savings to pay off the Thomas property.

Sales tax repayment

The mayor questioned that if the occupancy tax is raised, what would the town do with the money. Wayne Nunnally thought that starting real estate tax would be "once you get the camel's nose under the tent. Dr. Westbrook said that the state only allows certain ways to assess. Ed Sulick suggested that the plan for real estate tax be ready, but to increase the occupancy tax to 2.5%. He does not want to put a tax on residents. The tax ordinance will take 1-3 months to write, and then it has to be presented to the town residents in the form of a public hearing. Jerry Latell does not want to raise tax, not until the town has a project that needs the additional revenue. He would like to pay off the county and codify the ordinances? Robert Westbrook would like to pay an architect to come up with a plan for the Thomas property. Wayne Nunnally asked if each home could be assessed a fee. Dr. Westbrook said "no."

Preference at this time for creating a real estate tax was: for real estate tax: Edmonds, Pollard, and Westbrook. Against real estate tax: Nunnally, Latell, Sulick, and Ransone. Mr. Ransone said that he would prefer increasing the occupancy tax and asked Dr. Westbrook to calculate the occupancy tax at 2.5%.

New Business:

Chesapeake's Academy using tennis courts: Edward Sulick made a motion that Chesapeake Academy be allowed to use the tennis courts for their spring tennis lesson. They have provided a certificate of insurance. Wayne Nunnally seconded the motion. Vote - Yea: Edmonds, Latell, Nunnally, Pollard, Sulick, and Westbrook. Nay: 0.

Council Roundtable:

Jerry Latell asked if the council members as individuals (not town) could be a sponsors for the Steamboat Museum Crab Feast. There was discussion, but no action was taken.

Executive Session:

Robert Westbrook read the following motion: "I hereby move that the Town Council of the Town of Irvington go into closed or executive session, to discuss personnel matters, that is the appointment of specific appointees, pursuant to *CODE OF VIRGINIA*, Section 2.2-3711,A. (1); and to discuss the award of public contracts involving the expenditure of public funds, pursuant to *CODE OF VIRGINIA*, Section 2.2-3711,A.(29)." Wayne Nunnally seconded the motion. Vote - Yea: Edmonds, Latell, Nunnally, Pollard, Sulick, and Westbrook. Nay: 0.

Robert Westbrook read the 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." Wayne Nunnally seconded the motion. Vote - Yea: Edmonds, Latell, Nunnally, Pollard, Sulick, and Westbrook. Nay: 0.

- I, Wayne Nunnally, so certify.
- I, Jerry Latell, so certify.
- I, Gene Edmonds, so certify.
- I, Kathleen Pollard, so certify.
- I, Ralph D. Ransone, so certify.
- I, Ed Sulick, so certify.
- I, Bob Westbrook. So certify.

Wayne Nunnally made a motion to grant the three year grasscutting contract to Steve Barksdale, the street cleaning contract for one year to Keith Lowery (The Lawn Pro), and to reappoint Bob Fleet and Jeff Schroeder to the Board of Zoning Appeals. Jerry Latell seconded the motion. Vote - Yea: Edmonds, Latell, Nunnally, Pollard, Sulick, and Westbrook. Nay: 0.

Adjournment:

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


Ralph D. Ransone, Mayor

**Irvington Town Council
Regular and Public Meeting
February 14, 2013**

On February 14, 2013, the Town Council held an executive session at 6:30 p.m., at the Irvington Town Office before its regular and public meeting at 7:30 p.m.

Present:

Mayor
Vice-Mayor
Council

Ralph D. Ransone
Kathleen F. Pollard
Gene Edmonds
Jerry Latell
R. Wayne Nunnally
Edward R. Sulick
Robert S. Westbrook

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

Mrs. Pollard read the following motion for the executive session: "I move that the Town Council of the Town of Irvington go into closed or executive session, to discuss personnel matters, that is the appointment of specific appointees, pursuant to *CODE OF VIRGINIA*, Section 2.2-3711, A. (1); and to discuss the award of public contracts involving the expenditure of public funds, pursuant to *CODE OF VIRGINIA*, Section 2.2-3711, A. (29)." Wayne Nunnally seconded the motion. Vote – Yea: Edmonds, Latell, Nunnally, Pollard, Sulick, and Westbrook. Nay: 0.

Executive Session:

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

Edward Sulick 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, Ed Sulick, so certify.
I, Bob Westbrook, so certify.
I, Wayne Nunnally, so certify.
I, Gene Edmonds, so certify.
I, Jerry Latell, so certify.
I, Kathleen Pollard, so certify.
I, Ralph D. Ransone, so certify.

Regular and Public Meeting:

Guests and Visitors:

David Brown
Joe Forrester
David Headley
Kathy Jenkins
Fran Nunnally

Bob Morrison
Ruth Whay
Suzanne Mattingly
Larry Worth

Motions from the Executive Session:

Wayne Nunnally made a motion to award the contract for the Christmas decorations, banners, and flags to Paul Elbourn and Gene Edmonds seconded the motion. Vote – Yea: Edmonds, Latell, Nunnally, Pollard, Sulick, and Westbrook. Nay: 0. The contract was in the amount of \$2500.00.

Robert Westbrook made a motion to award the contract for the upgrade of the Christmas lighting to Chris Hanley and Gene Edmonds seconded the motion. Vote – Yea: Edmonds, Latell, Nunnally, Pollard, Sulick, and Westbrook. Nay: 0. The contract was for \$1798.00. (The amount stated in the meeting was \$1790,00 but the correct amount was \$1798.00.)

Edward Sulick made a motion that the council appoint Wesley Charlton as the town attorney. Gene Edmonds seconded the motion. Vote - Yea: Edmonds, Latell, Nunnally, Pollard, Sulick, and Westbrook. Nay: 0.

Wayne Nunnally made a motion that the town council table the following items of business: appointment of BZA members, grasscutting contract, and street cleaning contract. Robert Westbrook seconded the motion. Vote – Yea: Edmonds, Latell, Nunnally, Pollard, Sulick, and Westbrook. Nay: 0.

David Brown: VDOT Administrator of the Northern Neck:

Mr. Brown was present to discuss traffic issues in Irvington, especially the intersection of King Carter Drive and Route 200 (Irvington Road). Mr. Nunnally had discussed a three way stop sign at the intersection with highway officials. Mr. Brown said that his 3 year records do not show a history of any accidents at the intersection during that time and according to their traffic studies, 85% of the drivers are driving at 25 mph or close to the speed limits. He made two proposals that can be done immediately or when weather permits: rumble strips, using thermoplastic paint (requires warm weather for application) and a slip lane with appropriate pavement markers on the King Carter Drive side of the intersection. The slip lane would help drivers turning north from King Carter Drive vs those that are going straight to Steamboat Road, White Stone, or in that direction. The rumble strips would be placed at the two flashing lights on Irvington Road on the way to White Stone and Kilmarnock.

In response to Mr. Brown's question regarding what was the town's position on the three way stop sign at the intersection of King Carter Dr. and Irvington Road, the answer was "not at this time."

Other measures discussed were installing speed humps on King Carter Drive and Steamboat Road and creating bump outs similar to those in White Stone and Kilmarnock and rumble strips in the yellow line of the curve at the King Carter/Irvington Road intersection. Mr. Brown's proposed solution to facilitate pedestrian movement in town was to create a sidewalk on the north side of Irvington Road

between the convenience store and the east end of Select Property. The sidewalk would be 5 feet wide. He is proposing a midway crosswalk at the post office with a possible bump out at this location. Mr. Brown said bump outs can help calm traffic. Mr. Latell told Mr. Brown that he would prefer the bump outs to look more like the Kilmarnock design than those in White Stone. Mr. Nunnally made a motion to support VDOT's installing a 5 foot sidewalk on the north side of Irvington. VDOT will need assistance from the town in contacting the residents about the sidewalk. Ed Sulick seconded the motion. Vote - Vote – Edmonds, Latell, Nunnally, Pollard, Sulick, and Westbrook. Nay: 0. VDOT will need to talk with the convenience store about closing an entrance.

Mr. Brown needs an official letter requesting rumble strips at the flashing 25 mph speed limit signs, the slip lane at the King Carter Dr. and Irvington Road intersection, stating the town's position on the 3 way stop at the same intersection and support of the sidewalks. Mr. Brown will have to ask the engineers about putting speed humps on King Carter Drive and Steamboat Road. Mrs. Pollard asked about a possibility of a sidewalk from the bank to the north end of the tennis courts. Mr. Ransone said the shoulders of Tavern Road from the bank to tennis courts need to be regraded as there is a drainage problem. No response was given to these two requests.

The mayor said that the council could have a public hearing to solicit public comment on the humps on Steamboat and King Carter and other proposed changes at the April meeting. Mr. Brown or another VDOT representative can be present at the meeting.

Public Hearing:

Sign Ordinance: Kathleen Pollard made a motion to go into a public hearing and Jerry Latell seconded the motion. Vote – Yea: Edmonds, Latell, Nunnally, Pollard, Sulick, and Westbrook. Nay: 0. Mrs. Kathy Jenkins asked if yard signs were going to be allowed. Dr. Westbrook said that he did not want the council to vote on the sign ordinance at this meeting because he finds that there are inconsistencies in the ordinance and he thinks that it is not defensible. He wants the new town attorney to look at the ordinance. Mr. Edmonds expressed appreciation to the Planning Commission for the work on the sign ordinance. Gene Edmonds made a motion to come out of the public hearing and Wayne Nunnally seconded the motion. Vote – Yea: Edmonds, Latell, Nunnally, Pollard, Sulick, and Westbrook. Nay: 0. No action was taken on the sign ordinance at this time as it will be sent to the town attorney.

Public Comment:

Mrs. Kathy Jenkins said that speed bumps on King Carter could cause problems for cars.

Minutes and Treasurer's Report:

Wayne Nunnally made a motion to approve the minutes and the treasurer's report and Jerry Latell seconded the motion. Robert Westbrook said that the sales tax was behind budget by \$7512.00. Vote - Yea: Edmonds, Latell, Nunnally, Pollard, Sulick, and Westbrook. Nay: 0.

Zoning Administrator:

Mr. Hardesty said that Phillip Thomas's son had deposited brush on his father's property. He told Mr. Hardesty that he would try to start the lawn mower to cut the grass. Also Mr. Hardesty has

received a message on his telephone from Phillip Thomas that he will have someone cut his grass and he does not want anyone on his property. Mr. Hardesty said that Mr. Thomas's cell phone is not working now. The Mayor asked Mr. Hardesty to speak with the town attorney. The Mayor does not want to trespass on the property.

Mr. Hardesty said that he has written an ordinance on debris and abatement of nuisances. There is concern about his boat on the trailer in the yard of Phillip Thomas. The ordinance will be given to Mr. Charlton, the town attorney, for his review.

Planning Commission Report:

Historic Ordinance: The Historic Ordinance has been completed by the Planning Commission.

Aqua's Research of Reverse Osmosis System: Aqua has completed its research into the cost of reverse osmosis system and sent the results to the council members. The Mayor said that a system-wide system would be too expensive and would need to be done on an individual basis.

Committee Reports:

Disaster/Emergency: Dr. Westbrook said that the emergency/disaster radio needs to be reprogrammed to be compatible with the county emergency, disaster radio frequency and he will send it back to California to the manufacturer from whom he bought it for it to be reprogrammed.

Town's Thomas Property: Mrs. Pollard said that Randall Kipp and Ralph Higgins were very busy right now, but they will do the Thomas Property plan pro bono when they have the time. That will give the town an opportunity to discuss alternate sources of revenue. That could be a project for the discussion.

Irvington Architectural Book: This project by Steven Reiss is continuing.

Irvington Car Tags: Gene Edmonds has found that Irvington can sell Irvington tags to the residents that would want them.

Old Business:

Alternate Sources of Revenue: Dr. Westbrook wants a discussion of the alternate sources of revenue which will include legal requirement of paying back the overpaid sales tax.

New Business:

Time of Council Meeting: Ed Sulick made a motion that the new time of the council meeting will be at 7:00 p.m., beginning with the March, 2013, meeting. Wayne Nunnally seconded the motion. Vote – Yea: Edmonds, Latell, Nunnally, Pollard, Sulick, and Westbrook. Nay: 0.

VIA Calendar: Wayne Nunnally made a motion to approve the VIA calendar that Larry Worth presented to the town council. Jerry Latell seconded the motion. Vote – Yea: Edmonds, Latell, Nunnally, Pollard, Sulick, and Westbrook. Nay: 0.

Chesapeake Academy Raffle Application: Wayne Nunnally made a motion to approve the application for Chesapeake Academy's raffle in May, 2013. Jerry Latell seconded the motion. Vote – Yea: Edmonds, Latell, Nunnally, Pollard, Sulick, and Westbrook. Nay: 0.

Lancaster By The Bay Chamber Renewal: Kathleen Pollard made a motion to approve the annual membership renewal to the Lancaster By the Bay Chamber. Wayne Nunnally seconded the motion. Vote – Yea: Edmonds, Latell, Nunnally, Pollard, and Sulick. Nay: 0. Abstain: Westbrook.

Council Roundtable:

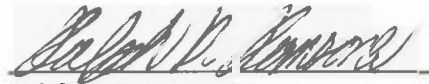
Stormwater Management: Robert Hardesty reported that he will attend a stormwater management meeting. Each town in the county and the county are required to provide a stormwater management program. He said that it is the consensus of the towns in the county that the county do it for the county and the towns.

Annual Budget: Dr. Westbrook and Ralph D. Ransone will work on the annual budget.

Website: Mrs. Pollard wants to redesign the website.

Adjournment:

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


Ralph D. Ransone, Mayor

**Irvington Town Council
Regular and Public Meeting
January 10, 2013**

The regular and public meeting of the Irvington Town Council was held at the Irvington Town Office on January 10, 2013, at 7:30 P.M.

Present:

Mayor	Ralph D. Ransone
Vice-Mayor	Kathleen F. Pollard
Council	Gene Edmonds Jerry Latell Wayne Nunnally Edward Sulick

Also Present:

Zoning Administrator	Robert A. Hardesty
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Visitors

Robert Morrison
Henry Latell, son of Jerry Latell

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

Public Comment: None.

Minutes and Treasurer's Report:

Wayne Nunnally made a motion to approve the minutes and treasurer's report and Edward Sulick seconded the motion. Vote – Yea: Edmonds, Latell, Nunnally, and Sulick. Nay: 0. Mr. Edmonds will check to see if an Irvington tag (not legally required) can be mounted on the state tag.

Zoning Administrator:

Grasscutting of Phillip Thomas and Eleanor Bauer: Mr. Hardesty showed the ad that he is placing in the Rappahannock Record about uncut grass on the Thomas Property. Mr. Edmonds asked about the boat that was on the property. Mr. Hardesty said that derelict boats were not covered in the ordinance. Mr. Hardesty said that the town would have to pass an ordinance. He will write an ordinance.

Planning Commission Report:

Historic District Ordinance: A preliminary draft of the Historic District Ordinance (Article 10) is now completed and will be presented to the town council at the next meeting.

Committee Reports:

Christmas Decorations: The storage place has been selected and work has been done to be able to be able to hang the Christmas decorations. The decorations have been moved and are hanging.

Old Business:

Contracts: Annual contracts for grasscutting and street cleaning will be discussed at the February meeting. Ads to solicit bids will be published in the records. The bids for street cleaning and grasscutting can either be separate or combined.

(Henry Latell left)

New Business:

Turkey Shoot Regatta: Mr. Latell said that the Hospice of the Northern Neck wants to move the Turkey Shoot Regatta to Irvington. It is usually held Columbus Day Weekend and involves a cocktail party on Friday night and a Saturday night dinner. The Hospice of the Northern Neck is responsible for the food, but they would like to have donated and prepared food. Approximately 500 people would be involved. It was mentioned that the Irvington Commons could be needed, but the plans are just in the tentative stage at this time.

BZA Appointments: The Mayor mentioned that there were some positions on the Board of Zoning Appeals, whose appointments had expired. An ad will be placed in the record asking that residents, who are interested in serving, to write a letter to the town office.

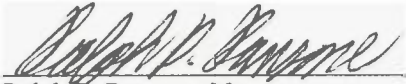
Roundtable:

Mr. Hardesty announced that Dave Brown, the administrator for the Northern Neck VDOT office will be present at the February meeting. Residents will be encouraged to attend.

Mr. Nunnally asked about changing the time of the council meeting. That subject will be discussed at the February meeting.

Adjournment:

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


Ralph D. Ransone, Mayor