

**Irvington Town Office
Regular and Public Meeting
December 11, 2014**

The regular and public meeting of the Irvington Town Council was held at the Irvington Town Office on December 11, 2014, at 7:30 pm.

Present:

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

Guests/Visitors

Chris Stamm –Attorney for Pattesons	Mr. and Mrs. Dudley Patteson
Andy Mosher – Richmond Multiple Sports	Mr. Randall Kipp
Robert Westbrook	Ms. Debbie Cook
Mr. and Mrs. Fred Minton	Mr. and Mrs. Bob Sikora
Mrs. Jackie Brown	Mr. Bob Morrison
Mr. Bruce Sanders	Mr. John Walker, contractor
Mrs. Martha Little	Ms. Michelle Lybarger
Mrs. Lockerman	

Ralph D. Ransone called the meeting to order at 7:35 pm, and asked for a moment of silence.

Public Comment:

Triathlon – September 2015: Mr. Andy Moser, the operations coordinator from Richmond Multisports, (owned by Laurie Householder Mehler), presented to the council, his company's desire to produce a triathlon in Irvington, on Saturday, September 19, 2015. The event would include a 750 meter swim in Carters Creek, 20 mile bike ride to Windmill Point, and a 5k run in Irvington and will benefit charity. The course will need to be determined. His promotional material included a letter of intent stating that Gordon Slatford has agreed to host the event. For the first year they would expect to have 400-500 participants, and to have a total of 1000-1200 persons here to either participate,

sponsor, volunteer, or to be spectators. With the town's support and blessing, they would like to begin registration in January, 2015. Their needs from the community include children to support the event, 100 volunteers plus a coordinator, persons to spot, persons to hand out water, and local business support. Participants are usually 40 plus years in age. They will enlist support from White Stone and Kilmarnock. The event will need to be promoted through the Virginia Tourism Council. Ms. Lybarger mentioned that the River Bike Ride is the 3rd week in September. Mr. Nunnally expressed appreciation for the "Spirit of Irvington Event" and the Mayor also expressed appreciation.

Thomas Property Cleanup: Robert Westbrook, who had previously requested that the town take action to have the Thomas Property cleaned up, inquired about the status of the cleanup and noted that the grass had been cut. Mr. Charlton said that the required notification process to the property owner has been completed and work will be started Tuesday, December 16, 2014.

Public Hearing:

Andrew Hornung: CUP Application for a Home Occupation at 26 Steamboat Road: Mrs. Pollard made a motion to go into a public hearing and Wayne Nunnally seconded the motion. Vote –Yea: Edmonds, Latell, Merrill, Nunnally, Pollard, and Westbrook. Nay: 0. Mr. and Mrs. Andrew Hornung, who own property at 26 Steamboat Road, are applying for a home occupation to be operated at their property by a prospective buyer of the property. Mr. Hardesty read the definition of a home occupation. He said the notices had been published and there was one objection to an ordinance change but this CUP for a home occupation will not necessitate an ordinance change. The Planning Commission held a public hearing and recommended that the application be withdrawn as it would be the buyer, who would conduct the home occupation and they said the buyer would have to reapply for the home occupation permit. Mr. and Mrs. Hornung did not wish to withdraw. Mr. Hardesty recommends that the application be approved. Jerry Latell made a motion go out of the public hearing and Wayne Nunnally seconded the motion. Vote - Yea: Edmonds, Latell, Merrill, Nunnally, Pollard, and Westbrook. Nay: 0. Gene Edmonds made a motion to approve the application and Mike Merrill seconded the motion. Vote –Yea: Edmonds, Latell, Merrill, Nunnally, Pollard, and Westbrook. Nay: 0. A permit must be obtained to display a sign for the home occupation.

Hope & Glory: CUP Application for Single Family Residence and Swimming Pool at 65 Tavern Road: Wayne Nunnally made a motion to go into a public hearing and Jerry Latell seconded the motion. Vote – Yea: Edmonds, Latell, Merrill, Nunnally, Pollard, and Westbrook. Nay: 0. Mr. and Mrs. Dudley Patteson are applying for a CUP to construct a single family residence business and a swimming pool on the property of their bed and breakfast, The Hope and Glory. This entire one parcel of .742 acres is zoned B-1. Mr. Hardesty said that all structures permitted in R-1 are permitted in B-1 zoning. The neighbors have been notified, fees have been paid, and there was only one objection from Dr. Westbrook. The setback requirements are met and the health department has approved their using the large remote septic system on the property formerly owned by William Westbrook at the vineyard. This system also serves Hope & Glory. Mr. Chris Stamm, the attorney representing the Hope & Glory, said that the proposed construction fits into the Irvington Code. The residence would be part of the Hope & Glory business, cannot be subdivided and sold separately as a residence, not affected by the Bay Act and it is a grandfathered use for the property. There can be a residence in business (B-1) zoning. Mr. Bruce Sanders said the residence should be permitted in business zoning and does not think that a conditional use permit should be required for the residence, but a CUP should be required for the pool. Mr.

Charlton said that it is unnecessary to require acreage in this issue. Mr. Stamm said that this would be an on site residence for the owners and it can be available for guests. The Pattesons can also stay in the Hope & Glory Inn. There is a recorded easement for use of the septic system. The issue is the CUP for the pool. Michael Merrill said there is a need to address construction activities in small areas. John Walker, the contractor, said one area is 35'X35' and another is 35'X70' and that is more space than he usually has. Fred Minton, a resident of Irvington, asked if construction traffic is an issue on King Carter Drive, he needs to know as he is going to have a home constructed at 692 King Carter Drive. He was told that there were no ordinances to enforce. Fran Westbrook said that Bill Westbrook needed to know about their using the septic system that the Hope & Gory uses. Chris Stamm said that the septic system usage is not up to 50% of its capacity. Wayne Nunnally made a motion to come out of the public hearing and Kathleen Pollard seconded the motion. CUP for Swimming Pool: Wayne Nunnally made a motion to approve the CUP for the swimming pool and Gene Edmonds seconded the motion. Vote – Yea: Edmonds, Latell, Merrill, Nunnally, Pollard, and Westbrook. Nay: 0. Michael Merrill commented on the sign for a private event that had been displayed during the previous weekend, but Mrs. Patteson said that it had been posted for another event which Mary Ellen Tetrack requested.

Minutes and Treasurer's Report:

Kathleen Pollard made a motion to approve the minutes and Wayne Nunnally seconded the motion. Vote –Yea: Edmonds, Latell, Merrill, Nunnally, Pollard, and Westbrook. Nay: 0. When asked if the certificate of insurance had been received, the clerk stated that she would check on whether or not the insurance certificate had been received from Garner's Produce Company, which is delivering winter vegetables for customers to pick up at the gazebo.

Zoning Administrator:

Mr. Hardesty reported the following:

1. Merritt Foster's renovation of the lean-to at the oyster house is in progress.
2. Clean-up at the Phillip Thomas' property will start on December 16th.

Legal Counsel:

Mr. Charlton said that he will start the file for the (US Department of Treasury) Offset Program to recover the cost of grasscutting and cleanup on the Thomas property.

He will research information for the discussion about Chesapeake Academy and the electricity for the school.

In January, there will be a public hearing at the January Town Council meeting at 7:30 pm to adopt the codification of the town ordinances. The public hearing to adopt the codification by the Planning Commission will be January 8th, at 6:30 pm. In response to the question, whether or not the ordinances the planning commission revised but were not approved by the town council, were included in the codified ordinances, the reply was that they were not. Mr. Charlton distributed a copy of the adoption ordinance for the newly codified ordinances. Wayne Nunnally will modify the opening statement of the adoption ordinance.

Planning Commission: None.

Committee Reports:

The Mayor will work on these committee assignments.

Old Business: None.

New Business:

Christmas Decorations: Decorations will be removed on January 10th, at 9:00 a.m. The rain date will be January 17th.

Street Lights: Kathleen Pollard has found a place to store the street lights that Ralph is willing to donate to the town, but she has not heard back from him.

Constitution Week Resolution: Wayne Nunnally made a motion to adopt the resolution proclaiming the week of September 17th as Constitution Week. Jerry Latell seconded the motion. Vote – Yea: Edmonds, Latell, Merrill, Nunnally, Pollard, and Westbrook. Nay: 0. The letter requesting this was written September 6th, 2017, but the clerk was not certain when it was received as it had not come by mail.

Roundtable:

Planning Commission: Mr. Merrill said that it appears to him the Planning Commission will need a new member as the Spicuzzas are going to relocate to Charlottesville, VA. It is uncertain when they will move.

Code Violations: The Mayor asked the council members to report code violations to Mr. Hardesty as that is his job and let him investigate the problem and report back to the council as he is the code enforcement officer. Mr. Charlton said that the council legislates and Mr. Hardesty polices. Mr. Nunnally said that as a member of the council, he should be able to inform a resident when he or she is violating the ordinance, but Mr. Charlton said that would be a conflict of interest in his role as a council member.

Adjournment:

Mike Merrill made a motion to adjourn the meeting.


Ralph D. Ransone, Mayor

**Irvington Town Council
Regular and Public Meeting
November 13, 2014**

The regular and public meeting of the Irvington Town Council was held at the Irvington Town Office on November 13, 2014, at 7:30 pm.

Present

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

Absent:

Council	Jerry Latell
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Guests/Visitors

Karen Feurman	Mary Ellen Tetrick
Deb Lockhart	Anne Papparella and her guest

Mr. Ransone, the Mayor called the meeting to order and led the group in prayer.

Public Comment

"Taste By the Bay:" Anne Paparella, with the Lancaster County Chamber of Commerce, was present to invite all the members of the council to attend the "Taste By the Bay" to be held at the Tides Inn on November 22, 2014. She said that 10 vineyards, 7 local restaurants, some local stores, 7 craft breweries, and the buy boats will be represented. The Steamboat Era Museum will be there. Approximately 500 tickets have been sold and they will be available at the door.

Christmas Activities: Mary Ellen Tetrick and Karen Feurman were present to discuss activities that they were proposing to have in the town to promote the holiday spirit. These events would already coincide with the Irvington United Methodist Church bazaar and SEM Christmas members' party on December 6th. Events planned are the Blessing of the Animals, Santa Claus at the Gazebo, Lighting of

the Tree and holiday street lights, and caroling. Merchants will be encouraged to stay open to 8:00 pm and to provide shopping incentives. Santa will be at the gazebo for children. There will be no formal photography, but pictures can be taken with cell phones. The tree and street lights will be lit at 6:00 p.m. by the Mayor.

Judging of Christmas Decorations for the Home and Businesses: Business should be decorated in time for judging on Sunday, November 30th, and the homes should be decorated before the judging on December 14, 2015. The committee plans to publicize the activities through banners, flyers, social media, and the town website. Wayne Nunnally moved that the town approve the proposed Christmas activities. Gene Edmonds seconded the motion. Vote – Yea: Edmonds, Merrill, Nunnally, Pollard, and Westbrook. Nay: 0. Mrs. Pollard read to the council the letter that will be sent to the merchants in town.

“Christmas Eve Under the Tree” on the 24th will be at 6:00 p.m.

Public Hearing:

Kathleen Pollard made a motion to go into a public hearing and Wayne Nunnally seconded the motion. Vote – Yea: Edmonds, Merrill, Nunnally, Pollard, and Westbrook. Nay: 0.

Cup: Application for a Swimming Pool -Mr. and Mrs. Albert Carter: 157 Chases Cove: Mr. and Mrs. Albert Carter are building a home in Irvington and are requesting a CUP to build a swimming pool. The Planning Commission had a public hearing and recommended approval of their application to build the swimming pool. Gene Edmonds made a motion to come out of the public hearing and Kathleen Pollard seconded the motion. Vote – Yea: Edmonds, Merrill, Nunnally, Pollard, and Westbrook. Nay: 0. Wayne Nunnally made a motion to approve the CUP for the swimming pool and Gene seconded the motion. Vote – Edmonds, Merrill, Nunnally, Pollard, and Westbrook. Nay: 0.

Minutes and Treasurer’s Report:

Wayne Nunnally made a motion to approve the minutes and treasurer’s report and Kathleen Pollard seconded the motion. Vote – Yea: Edmonds, Merrill, Nunnally, Pollard, and Westbrook. Nay: 0. Mrs. Westbrook requested that minutes be sent earlier than they are currently being sent – one week in advance of the meeting. They will now be sent two weeks after the meeting.

Zoning Administrator:

Mr. Hardesty, the zoning administrator, reported:

1. The grass at the vineyard development has been cut.
2. Mariah Pollard’s grass has been mowed.
3. The Thomas property grass should be mowed one more time this fall. The charge will be \$75.00
4. Mr. Charlton will review the grasscutting ordinance.

Thomas Property: Mr. Sherwood Banks will get rid of the boats and debris and bushhog on the Thomas Property for \$1200.00. This will include getting rid of the engines. Arrowhead could cut the grass, but that does not include doing anything with the metal. Wayne Nunnally made a motion to authorize awarding the \$1200.00 contract to Sherwood Banks for clearing the Thomas Property. Mr. Hardesty previously prepared a notice to be published May 13th, 2013, but did not do it because Gene Ruperti, a relative, started cutting Phillip Thomas' grass. Mr. Hardesty will run an ad twice regarding the debris under the nuisance ordinance and the need for grasscutting under the grasscutting ordinance. Mr. Nunnally's motion was seconded by Mr. Edmonds. Vote –Yea: Edmonds, Merrill, Nunnally, Pollard, and Westbrook. Nay: 0. Mr. said that Charlton said that under the current grasscutting ordinance, notices will need to be published and given each time the grass needs to be cut. The Mayor said to send notice to the Thomases by certified mail and one by regular mail.

Boathouse: Mr. Hardesty said that Merritt Foster, Jr. said that he would have the oyster house lean-to roof repaired by December 31st and hoped to have it done by November 30th. Mrs. Deb Lockhart, a neighbor, said the work will start Monday, November 17th.

Andrew Hornung: Mr. Andrew Hornung who owns the home at 26 Steamboat Road, would like to apply for a CUP for a home occupation as he has a prospective buyer, who wants to live in the home and operate a real estate business from the home. He said the public hearing will be in December.

Hope and Glory Public Hearing: There will also be a public hearing for a CUP for swimming pool and carriage house to be built at the Hope and Glory at the back of the property.

Planning Commission:

Mr. Merrill stated that the Planning Commission recommended approval for the CUP for the pool at the new home of Mr. and Mrs. Albert (Jaime) Carter.

Committee Reports: None

Old Business:

It was noted that the water meter cover for Randy Stephens has been uncovered for three months. Mr. Hardesty had previously talked with Mr. Ghorley at the Richmond Aqua office. He had said he would take care of it. Mr. Merrill wants an updated description of the water system to be used when revising the Comprehensive Plan.

New Business:

Fran Westbrook made motion for the town to be listed in The Local Scoop at a price of \$75.00 for three issues in 2015, and Wayne Nunnally seconded the motion. Vote –Yea: Edmonds, Merrill, Nunnally, Pollard, and Westbrook. Nay: 0.

Garner's Produce Winter Community Supported Agricultural Vegetable Products: Mr. Edmonds stated that Mr. Garner, one of the vendors at the Farmers' Market, would like to use the gazebo for a dropoff site for vegetables that he is selling to his customers by prior arrangement. Mr. Ransone said

that Mr. Garner would have to provide the town with a certificate of insurance. Wayne Nunnally made a motion to allow Mr. Garner to use the gazebo for a dropoff site for the vegetables and Gene Edmonds seconded the motion. Vote – Yea: Edmonds, Merrill, Nunnally, Pollard, and Westbrook. Nay: 0.

Tree Maintenance: The Christmas Tree is being pruned by The Magic Tree and they will do the old oak tree on North Commons in January.

Future Town Revenue: Mrs. Pollard wants to open a dialogue on additional revenue for the town after the first of the year (2015). Mr. Charlton said that the ordinance has to be enacted by December 31, before the year it will be assessed to take effect. Mr. Ransone wants a town hall meeting so that the residents are informed.

Roundtable:

Mrs. Pollard said that Ralph Higgins will give the town 9 Victorian street lights. Mr. Nunnally said that he had found that the posts for these lights are \$3200.00 each.

(Mr. Nunnally left the meeting.)

There was a brief discussion of the proposed VDOT work on the north side of the Rt. 200 curve at the post office and convenience store in Irvington. Part of the plan is to do bumpouts across the street from the post office. Pavers will be used. Fran Westbrook recommended doing a second bumpout at by Dr. Westbrook's office to help slow the traffic.

Adjournment:

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



Ralph D. Ransone, Mayor

**Irvington Town Council
Special Closed Meeting
October 21, 2014**

The Irvington Town Council held a special closed or executive session meeting on October 20, 2014, at the Irvington Town Office, at 5:30 pm. to discuss bids and to vote on to whom to award the contract for pruning the Christmas Tree. The Rappahannock Record was notified about the meeting and a notice was posted in the post office.

Present:

Vice-Mayor	Kathleen F. Pollard
Council	Jerry Latell Michael Merrill Fran Westbrook

Absent:

Mayor	Ralph D. Ransone
Council	Gene Edmonds R. Wayne Nunnally
Legal Counsel	Wesley M. Charlton
Zoning Administrator	Robert A. Hardesty

The special meeting was called to order by Kathleen Pollard, Vice Mayor.

Executive Session:

Kathleen Pollard 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 the award of public contracts involving the expenditure of public funds, pursuant to *CODE OF VIRGINIA*, Section 2.2-3711, A. (29)." Jerry Latell seconded the motion. Vote – Yea: Latell, Merrill, Pollard, and Westbrook. Nay: 0.

Jerry Latell made a motion to come out of executive session and Michael Merrill seconded the motion. Vote – Yea: Latell, Merrill, 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, Jerry Latell, so certify.

I, Frances Westbrook, so certify.

I, Michael Merrill, so certify.

Michael Merrill made a motion to award the contract to prune the Christmas Tree to Magic Tree and Jerry Latell seconded the motion. Vote – Latell, Merrill, Pollard, and Westbrook. Nay: 0. The contract is for \$500.00.

Mr. Merrill said that the contracts for pruning the Christmas Tree and the oak tree on North Commons should be separate contracts.

Adjournment:

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

Kathleen F. Pollard, Vice-Mayor

**Irvington Town Council
Regular and Public Meeting
October 9, 2014**

The regular and public meeting of the Irvington Town Council was held at the Irvington Town Office on October 9, 2014, at 7:30 PM.

Present:

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

Absent:

Council	Jerry Latell
Legal Counsel	Wesley M. Charlton

Guests/Visitors

Robert Westbrook

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

Public Comment:

Megan Jackson, who had contacted the town office regarding having a wedding reception at the Commons on Friday, May 1st, was not present, as she had said that she would come to the council meeting to make her request. Having a wedding at the Commons on the night before the first Saturday of the month presents a problem because the Commons will be

set up for the Farmers Market the next day. Mr. Hardesty said that she had later told him that she had made other arrangements.

Dr. Robert Westbrook was present to request that the property next door to his office be cleaned up, debris removed, and if Mr. Phillip Thomas does not pay for the work, to put a lien against the property. He also questioned if the boat could be declared a nuisance. Mr. Merrill said that he would like to address it for similar situations elsewhere in town.

Minutes and Treasurer's Report:

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

Zoning Administrator:

Phillip Thomas' Grass and Mariah Pollard's Grass: Mr. Hardesty reported that Mr. Gene Ruperti, a relative of Phillip Thomas, could not cut Phillip Thomas's grass anymore. Mr. Hardesty said that he has not had any luck reaching Mr. Phillip Thomas by phone. Arrowhead Lawn Service would charge \$100.00 to cut it twice (in succession to get a good cut). The town can put a lien on the property. Mariah Pollard's grass on The Lane needs cutting and she is out of town and Albert Pollard, her former husband, cannot be reached. Arrowhead will cut it for \$60.00. Later a motion was made to cut the grass on the Thomas Property by Fran Westbrook and Wayne Nunnally seconded the motion. Vote – Yea: Edmonds, Merrill, Nunnally, Pollard, and Westbrook. Nay: 0. Gene Edmonds made a motion to post a notice in the paper about the Pollard property grass needing to be cut and Kathleen Pollard seconded the motion. Vote – Yea: Edmonds, Merrill, Nunnally, Pollard, and Westbrook. Nay–0. The Mayor told Mr. Hardesty that when he returned from vacation, he could advise the council about the boat on the Thomas property.

Floodplain Ordinance: Mr. Hardesty said that he has heard from FEMA that the floodplain ordinance has been approved and accepted.

CUP for Swimming Pool: Mr. and Mrs. Jaime Carter, who are moving to Irvington and have had a home built on Chases' Cove, are requesting a CUP to build a swimming pool at their new home. The public hearing for this application will be in November.

Merritt Foster, Jr. Property: The property of Dr. Merritt and Mrs. (Mary) Foster had an old oyster house with a "lean" to by or over the water. Dr. Foster is now deceased and the son, Merritt Foster, Jr. is making contact with the town office in response to Mr. Hardesty's correspondence regarding the condition of the oyster house/"lean-to."

Mr. Merrill asked what is the town's philosophy when structures are in this state. Mr. Merrill wants it fixed by a certain date. The Mayor said that in the past that they have tried to give property owners a time frame to get something fixed. Dr. Westbrook said that about six years ago, the council was going to review the ordinance regarding boat houses. At that time only 10% of the value of the boat house could be spent in fixing it and the town has not changed the ordinance. It was pointed out that this was not a boathouse. The concrete building is in good shape, but it is the "lean to" that is in bad shape. Bob Hardesty, Wesley Charlton, and the Mayor will meet when Mr. Hardesty returns to the office to discuss the houses in town. The issue of Bob Barrack's garage roof that is collapsing was mentioned. Wayne Nunnally said the problem is what is a nuisance?

Planning Commission Report:

Mr. Merrill reported that he had purchased the 12 copies of the 2007 Comprehensive Plan from Community Planning Partners, Inc., whose business was formerly K. W. Poore. K.W. Poore did the Comprehensive Plan in 2007. He said that the Tides Inn would like to purchase 2 copies of the plan. Wayne Nunnally made a motion to give the Tides Inn 2 copies and Fran Westbrook seconded the motion. Vote – Yea: Edmonds, Merrill, Nunnally, Pollard, and Westbrook. Nay: 0.

Committee Reports: None.

Old Business:

Printer: The staff reported that a new printer for the office has been purchased.

New Business:

Carts & Carols: Mrs. Westbrook reported that the Carts & Carols Christmas Parade will not be held this year

Christmas Tree Trimming: Mr. Merrill has only one bid for the trimming (pruning) of the Christmas Tree. Mr. Elbourn, who assists with the decorating of the tree has had trouble getting the star in place because the tree needs trimming. It was decided that Mr. Merrill would get two bids for trimming the tree and then an executive session would be held to make the decision. The contract would be written with a stipulation that the job be completed before November 20, 2014.

Mr. Ransone, the Mayor left the building for the evening because the bid of Ransone,s Nursery to shape the large oak on North Commons property would be discussed in executive session.

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 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, Merrill, Nunnally, Pollard, and Westbrook. Nay: 0.

After coming out of executive session, Mrs. Pollard 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 (only) public business matters lawfully exempt from public meeting requirements under the Virginia Freedom of Information Act were heard, discussed or considered by 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, Fran Westbrook, so certify.

I, Gene Edmonds, so certify.

I, Michael Merrill, so certify.

Michael Merrill made a motion to approve the bid of Magic Tree to shape the large old oak tree on North Commons Property for \$1850.00. Fran Westbrook seconded the motion. Vote – Yea: Edmonds, Merrill, Pollard, and Westbrook. Nay: 0. Abstain: Nunnally.

Mr. Merrill will notify Magic Tree that they have the contract.

Roundtable:

Mr. Edmonds announced that the Gordon Slatford, General Manager of the Tides Inn, had aerated the grass at the Commons and the Tides Inn's grounds crew had fertilized and reseeded the park. The VIA paid for the seed and fertilizer.

Mrs. Westbrook discussed some of the information that she had learned about the Freedom of Information Act regarding emails. She said that a representative from VML would be will willing to conduct a seminar and the town might want to invite Kilmarnock and White Stone council members to attend. No decision was made at this meeting, but council members


were receptive as they were concerned that their personal emails could be under scrutiny if there were an issue where council business had been emailed among the council members.

Mr. Nunnally wants a bicycle path. He was told that he needs to work with VDOT.

Michael Merrill asked about the description and scope of committees.

Adjournment:

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



Ralph D. Ransone, Mayor

**Irvington Town Council
Regular and Public Meeting
September 11, 2014**

The regular and public meeting of the Irvington Town Council was held at the Irvington Town Office on September 11, 2014, at 7:30 pm.

Present:

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

Absent:

Council	R. Wayne Nunnally
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Guests:

Diane Ward

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

Public Comment: None

Public Hearings:

Kathleen Pollard made a motion to go into a public hearing and Jerry Latell seconded the motion. Vote – Yea: Edmonds, Latell, Merrill, Pollard, and Westbrook. Nay: 0.

Public Hearing: Floodplain Ordinance: Mr. Hardesty explained that FEMA, who dictates the floodplain area, has revised the floodplain map and ordinance and requires that they be approved by October 2, 2014. The Planning Commission has recommended approval of the revised ordinance with revised maps. The town's having approved the ordinance is necessary in order for the residents of Irvington to be able to obtain flood insurance.

Gene Edmonds made a motion to come out of the public hearing and Jerry Latell seconded the motion. Vote - Yea: Edmonds, Latell, Merrill, Pollard, and Westbrook. Nay: 0.

Jerry Latell made a motion to approve the revised floodplain ordinance and maps and Mike Merrill seconded the motion. Vote – Yea: Edmonds, Latell, Merrill, Pollard, and Westbrook. Nay: 0.

Mrs. Fran Westbrook moved to go into a public hearing for a CUP for a swimming pool and Kathleen Pollard seconded the motion. Vote – Yea: Edmonds, Latell, Merrill, Pollard, and Westbrook. Nay: 0.

CUP: Swimming Pool : Mrs. Diane Ward – 313 The Lane: Mrs. Ward would like to build a swimming pool, 12 feet by 20 feet, at her home. The neighbors that responded to her notice had no objections and it is considered that if a neighbor does not respond to the notice then he or she has no objection. The Planning Commission recommended approval of Mrs. Ward’s application for CUP for a swimming pool.

Kathleen Pollard made a motion to come out of the public hearing and Gene Edmonds seconded the motion. Vote – Yea: Edmonds, Latell, Merrill, Pollard, and Westbrook. Nay: 0.

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

Minutes and Treasurer’s Report:

Kathleen Pollard made a motion to approve the minutes and treasurer’s report and Gene Edmonds seconded the motion. Vote – Yea: Edmonds, Latell, Merrill, and Pollard. Nay: 0. Abstain: Westbrook.

Zoning Administrator:

Mr. Hardesty reported that the deaf child signs had been placed on Chesapeake Drive for both directions by the home where the deaf child lives. He said that the “no parking sign during the day hours” were replaced across from the town office.

Computer Wizard: Maintenance Services Contract: Gene Edmonds made a motion to contract with Computer Wizard for its services for one year for two computers at a price of \$500.00 for a year. Jerry Latell seconded the motion. Vote – Yea: Edmonds, Latell, Merrill, Pollard, and Westbrook. Nay: 0.

Legal Counsel:

Mr. Charlton stated that the final version of the Codification of the Ordinances has been submitted to American Legal for the completion of the codification process.

Westham Circle Neighborhood: Mr. Charlton said that he met with Jeremy Taylor. He said that the Marshalls were in compliance with the town ordinance in their application to build a residence on their property in Irvington, and therefore the town was not going to get involved in the neighbors' concerns. On their application to Lancaster County for a building permit, they applied to build a 966 sq. foot garage/workshop/studio and the house part of the plan was shaded. Mr. and Mrs. Marshall have been told that if he operates a business at the property, he must apply for a CUP for an in home occupation. In discussion with Mr. Hardesty, the Marshalls have said that they plan to build the house later and the town does not have an ordinance against building the garage with living quarters first. Mrs. Westbrook asked about the discrepancy between the town and county applications and Mr. Charlton said the town was not going to police the county application as it was the county's jurisdiction. The Mayor instructed Mr. Hardesty to send a copy of the town's application to the county. Mr. Charlton said that Mr. Hardesty could request that the County copy their applications for the town.

Planning Commission: Town Council Representative to Planning Commission: Gene Edmonds made a motion to reappoint Mike Merrill as the town council representative to the Planning Commission. Jerry Latell seconded the motion. Vote – Yea: Edmonds, Latell, Pollard, and Westbrook. Nay: 0. Abstain: Merrill.

Committee Reports: None

Old Business:

Chesapeake Academy/Electricity Billing: Mr. Charlton said that the issue is going to be tabled until October (later decided November, because of his planned absence in October).

New Business:

Oak Tree on North Commons Property: The oak tree on North Commons Property needs shaping and some TLC maintenance and Mr. Merrill has had two tree persons look at the tree. He said that their approaches were different and he presented their bids. He did not have a response from a third person and does not think that he needs to pursue other companies. There will be an executive session at the October meeting to discuss the bids.

Christmas Tree Lights: The Christmas Tree Lights will be installed on Saturday, November 22, 2014, at 8:30 am. The rain date will be the Saturday of Thanksgiving weekend.

Christmas Tree Trimming: Every few years, the community Christmas Tree on the Methodist Church property needs trimming. The town attorney said the town needs to go through the process of pursuing bids. Mike Merrill will solicit bids. The Mayor will talk with Jimmie Lee Crockett at the Irvington United Methodist Church. There will be further discussion in October.

Council Roundtable:

Grasscutting: The town office has received complaints about grass in the sidewalks, gutters, and cracks. Gene Edmonds proposed that a complete job of spraying and removing the grass from the sidewalks be done at this time and made the motion. Mike Merrill seconded the motion. Vote – Yea: Edmonds, Latell, Merrill, Pollard, and Westbrook. It was noted that it might not be necessary to do the complete job in November before the Turkey Trot.

Kathleen Pollard asked about the grass on the Mitchell/Arris Inc. property (Irvington Farms). It was stated that McD Fleet is no longer taking care of the property. Mr. Hardesty has written Mr. Lundvall, owner, about needing to cut the grass. The Mayor told the attorney to send a certified letter to the landowner.

Vice-President of the Council: Gene Edmonds nominated Kathleen Pollard to continue as the vice-president of the council and Jerry Latell seconded the motion. Vote – Yea: Edmonds, Latell, Merrill, Pollard, and Westbrook. Nay: 0.

Committees: The Mayor asked the council members to look at the list of committees, to decide if there should be any new ones, and to decide on which ones they wanted to serve.

Private Oyster bed markings in the Creek: Gene Edmonds explained about why the private oyster beds were marked in the creek.


Irvington Golf Tournament: Gene Edmonds made a motion to give \$300.00 for food at the Irvington Golf Tournament at the Tides Inn on October 19th. Jerry Latell seconded the motion. Vote – Yea: Edmonds, Latell, Merrill, Pollard, and Westbrook. Nay: 0.

Turkey Shoot Regatta: Jerry Latell announced that the Turkey Shoot Regatta would be October 3, 4, and 5th. Friday night Happy Hour and Saturday night dinner will be open to the public. Tickets are available.

Tides Inn's Closure for an Event: The reported world's largest gathering of geeks will be at the Tides Inn, September 14th-18th and the Tides Inn and its restaurants will be closed during the period. The spa will be open.

Adjournment:

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



Ralph D. Ransone, Mayor

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

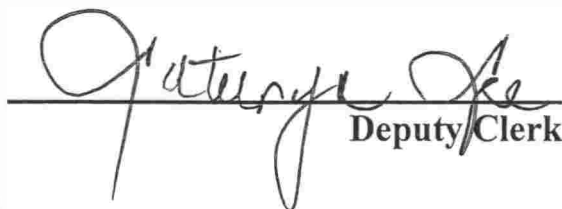
I, Jacqueline Harper Burrell, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the Commonwealth of Virginia, and that I will faithfully and impartially discharge all the duties incumbent upon me as the **Treasurer for the Town Of Irvington**, 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 Jacqueline Harper Burrell, this 3rd day of September, 2014 personally appeared before me in my County aforesaid and took and subscribed the above oath.

Diane H. Mumford

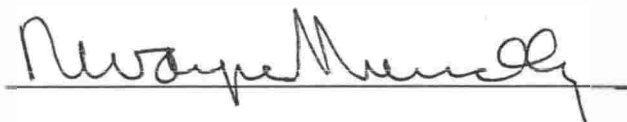
Clerk



Deputy Clerk

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

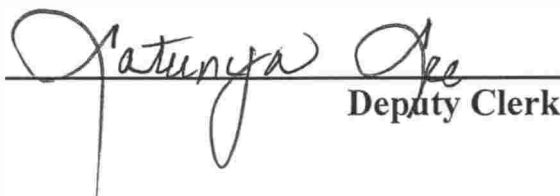
I, Robert Wayne Nunnally, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the Commonwealth of Virginia, and that I will faithfully and impartially discharge all the duties incumbent upon me as a **member of the town Council for the Town Of Irvington with a term to begin September 11, 2014 and expires September 13, 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 Robert Wayne Nunnally, this 3rd day of September, 2014 personally appeared before me in my County aforesaid and took and subscribed the above oath.

Diane H. Mumford

Clerk



Deputy Clerk

ORDINANCE NO. _____

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

BE IT ENACTED AND ORDAINED BY THE TOWN OF IRVINGTON, VIRGINIA, AS FOLLOWS:

ARTICLE I. GENERAL PROVISIONS

Section 1.1 - Statutory Authorization and Purpose

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

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

Section 1.2 - Applicability

These provisions shall apply to all privately and publicly owned lands within the jurisdiction of the Town Irvington and identified as being floodprone.

Section 1.3 -Compliance and Liability

- A. No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this ordinance.
- B. The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study, but does not imply total flood protection. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge

openings restricted by debris. This ordinance does not imply that districts outside the floodplain district or land uses permitted within such district will be free from flooding or flood damages.

C. Records of actions associated with administering this ordinance shall be kept on file and maintained by the Zoning Administrator.

D. This ordinance shall not create liability on the part of the Town of Irvington or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

Section 1.4 - Abrogation and Greater Restrictions

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

Section 1.5- Severability

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

Section 1.6- Penalty for violations

Any person who fails to comply with any of the requirements or provisions of this article or directions of the director of planning or any authorized employee of the Town Irvington shall be guilty of a misdemeanor and upon conviction thereof may be fined up to \$250 per day.

The VA USBC addresses building code violations and the associated penalties in Section 104 and Section 115. Violations and associated penalties of the Zoning Ordinance of the Town of Irvington are addressed in Section 13 of the Town of Irvington Zoning Ordinance.

In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this article. The imposition of a fine or penalty for any violation of or noncompliance with this article shall not excuse the violation or noncompliance or permit it to continue and all such persons shall be required to correct or remedy such violations or noncompliance within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this article may be declared by the Town of Irvington to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this article.

ARTICLE II -DEFINITIONS

- A. Base flood - The flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the 100-year flood.
- B. Base flood elevation - The water surface elevation of the Base Flood in relation to the datum specified on the Federal Emergency Management Agency Flood Insurance Rate Map.
- C. Basement - Any area of the building having its floor sub-grade (below ground level) on all sides.

- T. Lowest floor - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44CFR §60.3.
- U. Manufactured Home- A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days, but does not include a recreational vehicle.
- V. Manufactured home park or subdivision - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- W. New construction - For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or August 4, 1987, and includes any subsequent improvements to such structures. For floodplain management purposes, *new construction* means structures for which the *start of construction* commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.
- X. Post-FIRM structures - A structure for which construction or substantial improvement occurred after August 4, 1987.
- Y. Pre-FIRM structures - A structure for which construction or substantial improvement occurred on or before August 4, 1987.
- Z. Primary frontal dune - a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.
- AA. Recreational vehicle - A vehicle which is
1. built on a single chassis;
 2. 400 square feet or less when measured at the largest horizontal projection;
 3. designed to be self-propelled or permanently towable by a light duty truck; and
 4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel or seasonal use.
- BB. Repetitive Loss Structure - A building covered by a contract for flood insurance that has incurred flood-related damages on two occasions, in which the cost of the repair, on the average, equaled or exceeded 25 percent of the market value of the structure at the

months after the date such information becomes available, a community shall notify the Federal Emergency Management Agency of the changes by submitting technical or scientific data. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and flood plain management requirements will be based upon current data.

ARTICLE IV- DISTRICT PROVISIONS

Section 4.1 -Permit and Application Requirements

A. Permit Requirement

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

B. Site Plans and Permit Applications

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

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

Section 4.2 - General Standards

The following provisions shall apply to all permits:

A. New construction and substantial improvements shall be according to the provisions of this ordinance and the VA USBC, and anchored to prevent flotation, collapse or lateral movement of the structure.

B. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state anchoring requirements for resisting wind forces.

C. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

Buildings located in all A1-30, AE, and AH zones may be flood-proofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to the BFE plus one foot are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation (in relation to mean sea level) to which such structures are flood proofed, shall be maintained by the Town's Floodplain Administrator.

C. Elevated Buildings

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

1. Not be designed or used for human habitation, but shall only be used for parking of vehicles, buildings access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator).
2. Be constructed entirely of flood resistant materials below the regulatory flood protection elevation;
3. Include, in Zones A, AO, AE and A1-30, measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the followings minimum design criteria:
 - a. Provide a minimum of two openings on different sides of each enclosed area subject to flooding.
 - b. The total net area of all openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding.
 - c. If a building has more than one (1) enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.
 - d. The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade.
 - e. Openings may be equipped with screens, louvers or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.
 - f. Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

D. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.

E. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

F. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

G. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

H. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

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

I. Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction a permit shall be obtained from the U.S. Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). Furthermore, in riverine areas, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), other required agencies, and the Federal Emergency Management Agency.

J. The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

Section 4.3 -Specific Standards

In all special flood hazard areas where base flood elevations have been provided in the Flood Insurance Study or generated according Section 4.4.C, the following provisions shall apply:

A. Residential Construction

New construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated at least one foot above the base flood level. See Section 4.4 for requirements in the Coastal A zones.

B. Non-Residential Construction

New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated at least one (1) foot above the base flood level. See Section 4.4 for requirements in the Coastal A zones.

time of each such flood event; and at the time of the second incidence of flood-related damage, the contract for flood insurance contains increased cost of compliance coverage.

- CC. Severe repetitive loss structure - a structure that: (a) Is covered under a contract for flood insurance made available under the NFIP; and (b) Has incurred flood related damage – (i) For which 4 or more separate claims payments have been made under flood insurance coverage with the amount of each such claim exceeding \$5,000, and with the cumulative amount of such claims payments exceeding \$20,000; or (ii) For which at least 2 separate claims payments have been made under such coverage, with the cumulative amount of such claims exceeding the market value of the insured structure.
- DD. Shallow flooding area – A special flood hazard area with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
- EE. Special flood hazard area - The land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year as determined in Section 3.1 and Section 4.4.C of this ordinance.
- FF. Start of construction - For other than new construction and substantial improvement, under the Coastal Barriers Resource Act (P.L. – 97-348), means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- GG. Structure - For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.
- HH. Substantial damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- II. Substantial improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the *start of construction* of the improvement. This term includes structures which have incurred *repetitive loss* or *substantial damage* regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
2. Any alteration of a *historic structure*, provided that the alteration will not preclude the structure's continued designation as a *historic structure*.
3. Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined above, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

JJ. Violation - the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Articles III and IV of this ordinance is presumed to be in violation until such time as that documentation is provided.

KK. Watercourse - A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

ARTICLE III - ESTABLISHMENT OF ZONING DISTRICT

Section 3.1 - Description of Districts

A. Basis of Districts

The various flood plain districts shall include special flood hazard areas. The basis for the delineation of these districts shall be the Flood Insurance Study (FIS) and the Flood Insurance Rate Maps (FIRM) prepared by the Federal Emergency Management Agency for Lancaster County, Virginia and Incorporated Areas dated October 2, 2014, as amended and all subsequent revisions or amendments thereto.

The Town of Irvington may identify and regulate local flood hazard or ponding areas that are not delineated on the FIRM. These areas may be delineated on a "Local Flood Hazard Map" using best available topographic data and locally derived information such as flood of record, historic high water marks or approximate study methodologies.

The boundaries of the Special Flood Hazard Area and Floodplain Districts are established as shown on the Flood Insurance Rate Map which is declared to be a part of this ordinance and which shall be kept on file at the Town of Irvington offices.

1. The Floodway District is in an AE Zone and is delineated, for purposes of this ordinance, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the one percent annual chance flood without

increasing the water surface elevation of that flood more than one (1) foot at any point. No floodways have been designated on the FIRM in Lancaster County or the Town of Irvington.

2. The AE Zone on the FIRM accompanying the FIS shall be those areas for which one-percent annual chance flood elevations have been provided and the floodway has not been delineated.
3. The A Zone on the FIRM accompanying the FIS shall be those areas for which no detailed flood profiles or elevations are provided, but the one percent annual chance floodplain boundary has been approximated.
4. The Coastal A Zone shall be those Zone A or Zone AE areas, as defined by the VA USBC, that are subject to wave heights between 1.5 feet and 3 feet, and identified on the FIRM by the Limit of Moderate Wave Action (LiMWA) line.

B. Overlay Concept

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

Section 3.3 - District Boundary Change.

The delineation of any of the Floodplain Districts may be revised by the Town of Irvington where natural or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the U.S. Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency.

Section 3.4 - Interpretation of District Boundaries

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

Section 3.5 - Submitting Technical Data

A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six (6)

D. Standards for Manufactured Homes and Recreational Vehicles

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

Section 4.4- Standards for the Special Floodplain District

The following provisions shall apply within the Special Floodplain District:

- A. Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within the areas of special flood hazard, designated as Zones A1-30 and AE on the Flood Insurance Rate Map, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the Town of Irvington.
- B. Development activities in Zones A1-30 and AE in the Town of Irvington Flood Insurance Rate Map which increase the water surface elevation of the base flood by more than one (1) foot may be allowed, provided that the developer or applicant first applies- with the Town of Irvington's endorsement- for a conditional Flood Insurance Rate Map revision, and receives the approval of the Federal Emergency Management Agency. The requirement in 60.3(c)(10) only applies along rivers, streams, and other watercourses where FEMA has provided base flood elevations. The requirement does not apply along lakes, bays and estuaries, and the ocean coast.
- C. In A Zones, the base flood elevations and floodway information from federal, state, and other acceptable sources shall be used, when available. Where the specific one percent annual chance flood elevation cannot be determined for this area using other sources of data, such as the U. S. Army Corps of Engineers Floodplain Information Reports, U.S. Geological Survey Flood-Prone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this base flood elevation. For development proposed in the approximate floodplain the applicant must use technical methods that correctly reflect currently accepted non-detailed technical concepts, such as point on boundary, high water marks, or detailed methodologies hydrologic and hydraulic analyses. Studies, analyses, computations,

etc., shall be submitted in sufficient detail to allow a thorough review by the Floodplain Administrator. The Floodplain Administrator reserves the right to require a hydrologic and hydraulic analysis for any development. During the permitting process, the Floodplain Administrator shall obtain:

- 1) The elevation of the lowest floor (including the basement) of all new and substantially improved structures; and,
- 2) if the structure has been flood-proofed in accordance with the requirements of this article, the elevation (in relation to mean sea level) to which the structure has been flood-proofed.

Base flood elevation data shall be obtained from other sources or developed using detailed methodologies comparable to those contained in a FIS for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty lots or five acres, whichever is the lesser.

- D. In Coastal A zones, buildings and structures within this zone shall have the lowest floor elevated to or above the base flood elevation plus one foot of freeboard, and must comply with the provisions in Sections 4.2 and 4.3

Section 4.5- Standards for Subdivision Proposals

- A. All subdivision proposals shall be consistent with the need to minimize flood damage;
- B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and
- D. Base flood elevation data shall be provided for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty (50) lots or five (5) acres, whichever is lesser.

ARTICLE V- VARIANCES: FACTORS TO BE CONSIDERED

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

While the granting of variances generally is limited to a lot size less than one-half acre, deviations from that limitation may occur. However, as the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases. Variances may be issued by the Board of Zoning Appeals for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and

surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of this section.

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

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

- A. The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any Floodway District that will cause any increase in the one hundred (100) year or one percent (1%) chance flood elevation.
- B. The danger that materials may be swept on to other lands or downstream to the injury of others.
- C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
- D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- E. The importance of the services provided by the proposed facility to the community.
- F. The requirements of the facility for a waterfront location.
- G. The availability of alternative locations not subject to flooding for the proposed use.
- H. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- I. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- J. The safety of access by ordinary and emergency vehicles to the property in time of flood.
- K. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.
- L. The historic nature of a structure. Variances for repair or rehabilitation of historic structures may be granted upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation

as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

M. Such other factors which are relevant to the purposes of this ordinance.

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

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

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

The Board of Zoning Appeals shall notify the applicant for a variance in writing that the issuance of a variance to construct a structure below the one hundred (100) year or percent (1%) chance flood elevation (a) increases the risks to life and property and (b) will result in increased premium rates for flood insurance.

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

ARTICLE VI- EXISTING STRUCTURES IN FLOODPLAIN AREAS

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

A. Existing structures in the Floodway Area shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed expansion would not result in any increase in the base flood elevation.

B. Any modification, alteration, repair, reconstruction or improvement of any kind to a structure and/or use located in any floodplain areas to an extent or amount of less than fifty (50) percent of its market value shall conform to the VA USBC and the appropriate provisions of this ordinance.

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

ARTICLE VII - ADMINISTRATION

Section 7.1 - Designation of the Floodplain Administrator

The Town of Irvington Zoning Administrator is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator. The Floodplain Administrator may:

- (A) Do the work themselves. In the absence of a designated Floodplain Administrator, the duties are conducted by the Town of Irvington chief executive officer.
- (B) Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees.
- (C) Enter into a written agreement or written contract with another community or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.

Section 7.2 - Duties and Responsibilities of the Floodplain Administrator

The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

- (A) Review applications for permits to determine whether proposed activities will be located in the Special Flood Hazard Area (SFHA).
- (B) Interpret floodplain boundaries and provide available base flood elevation and flood hazard information.
- (C) Review applications to determine whether proposed activities will be reasonably safe from flooding and require new construction and substantial improvements to meet the requirements of these regulations.
- (D) Review applications to determine whether all necessary permits have been obtained from the Federal, State or local agencies from which prior or concurrent approval is required; in particular, permits from state agencies for any construction, reconstruction, repair, or alteration of a dam, reservoir, or waterway obstruction (including bridges, culverts, structures), any alteration of a watercourse, or any change of the course, current, or cross section of a stream or body of water, including any change to the 100-year frequency floodplain of free-flowing non-tidal waters of the State.
- (E) Verify that applicants proposing an alteration of a watercourse have notified adjacent communities, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), and other appropriate agencies (VADEQ, USACE) and have submitted copies of such notifications to FEMA.
- (F) Advise applicants for new construction or substantial improvement of structures that are located within an area of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act that Federal flood insurance is not available on such structures; areas subject to this limitation are shown on Flood Insurance Rate

Maps as Coastal Barrier Resource System Areas (CBRS) or Otherwise Protected Areas (OPA).

(G) Approve applications and issue permits to develop in flood hazard areas if the provisions of these regulations have been met, or disapprove applications if the provisions of these regulations have not been met.

(H) Inspect or cause to be inspected, buildings, structures, and other development for which permits have been issued to determine compliance with these regulations or to determine if non-compliance has occurred or violations have been committed.

(I) Review Elevation Certificates and require incomplete or deficient certificates to be corrected.

(J) Submit to FEMA, or require applicants to submit to FEMA, data and information necessary to maintain FIRMs, including hydrologic and hydraulic engineering analyses prepared by or for the Town of Irvington, within six months after such data and information becomes available if the analyses indicate changes in base flood elevations.

(K) Maintain and permanently keep records that are necessary for the administration of these regulations, including:

(1) Flood Insurance Studies, Flood Insurance Rate Maps (including historic studies and maps and current effective studies and maps) and Letters of Map Change; and

(2) Documentation supporting issuance and denial of permits, Elevation Certificates, documentation of the elevation (in relation to the datum on the FIRM) to which structures have been floodproofed, other required design certifications, variances, and records of enforcement actions taken to correct violations of these regulations.

(L) Enforce the provisions of these regulations, investigate violations, issue notices of violations or stop work orders, and require permit holders to take corrective action.

(M) Advise the Board of Zoning Appeals regarding the intent of these regulations and, for each application for a variance, prepare a staff report and recommendation.

(N) Administer the requirements related to proposed work on existing buildings:

1) Make determinations as to whether buildings and structures that are located in flood hazard areas and that are damaged by any cause have been substantially damaged.

(2) Make reasonable efforts to notify owners of substantially damaged structures of the need to obtain a permit to repair, rehabilitate, or reconstruct, and prohibit the non-compliant repair of substantially damaged buildings except for temporary emergency protective measures necessary to secure a property or stabilize a building or structure to prevent additional damage.

(O) Undertake, as determined appropriate by the Floodplain Administrator due to the circumstances, other actions which may include but are not limited to: issuing press

releases, public service announcements, and other public information materials related to permit requests and repair of damaged structures; coordinating with other Federal, State, and local agencies to assist with substantial damage determinations; providing owners of damaged structures information related to the proper repair of damaged structures in special flood hazard areas; and assisting property owners with documentation necessary to file claims for Increased Cost of Compliance coverage under NFIP flood insurance policies.

(P) Notify the Federal Emergency Management Agency when the corporate boundaries of the Town of Irvington have been modified and:

(1) Provide a map that clearly delineates the new corporate boundaries or the new area for which the authority to regulate pursuant to these regulations has either been assumed or relinquished through annexation; and

(2) If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.

(Q) Upon the request of FEMA, complete and submit a report concerning participation in the NFIP which may request information regarding the number of buildings in the SFHA, number of permits issued for development in the SFHA, and number of variances issued for development in the SFHA.

(R) It is the duty of the Community Floodplain Administrator to take into account flood, mudslide and flood-related erosion hazards, to the extent that they are known, in all official actions relating to land management and use throughout the entire jurisdictional area of the Community, whether or not those hazards have been specifically delineated geographically (e.g. via mapping or surveying).

Section 7.3 - Use and Interpretation of FIRMs

The Floodplain Administrator shall make interpretations, where needed, as to the exact location of special flood hazard areas, floodplain boundaries, and floodway boundaries. The following shall apply to the use and interpretation of FIRMs and data:

(A) Where field surveyed topography indicates that adjacent ground elevations:

(1) Are below the base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as special flood hazard area and subject to the requirements of these regulations;

(2) Are above the base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the SFHA.

(B) In FEMA-identified special flood hazard areas where base flood elevation and floodway data have not been identified and in areas where FEMA has not identified SFHAs, any other flood hazard data available from a Federal, State, or other source shall be reviewed and reasonably used.

(C) Base flood elevations and designated floodway boundaries on FIRMs and in FISs shall take precedence over base flood elevations and floodway boundaries by any other sources if such sources show reduced floodway widths and/or lower base flood elevations.

(D) Other sources of data shall be reasonably used if such sources show increased base flood elevations and/or larger floodway areas than are shown on FIRMs and in FISs.

(E) If a Preliminary Flood Insurance Rate Map and/or a Preliminary Flood Insurance Study has been provided by FEMA:

(1) Upon the issuance of a Letter of Final Determination by FEMA, the preliminary flood hazard data shall be used and shall replace the flood hazard data previously provided from FEMA for the purposes of administering these regulations.

(2) Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall be deemed the best available data pursuant to Section 4.4.C and used where no base flood elevations and/or floodway areas are provided on the effective FIRM.

(3) Prior to issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data is permitted where the preliminary base flood elevations or floodway areas exceed the base flood elevations and/or designated floodway widths in existing flood hazard data provided by FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.

Section 7.4 - Jurisdictional Boundary Changes

The County floodplain ordinance in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements for participation in the National Flood Insurance Program. Municipalities with existing floodplain ordinances shall pass a resolution acknowledging and accepting responsibility for enforcing floodplain ordinance standards prior to annexation of any area containing identified flood hazards. If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.

In accordance with the Code of Federal Regulations, Title 44 Subpart (B) Section 59.22 (a) (9) (v) all NFIP participating communities must notify the Federal Emergency Management Agency and optionally the Virginia Department of Conservation and Recreation -

Department of Dam Safety and Floodplain Management in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area.

In order that all Flood Insurance Rate Maps accurately represent the community's boundaries, a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority must be included with the notification.

Section 7.5 – Letters of Map Revision

When development in the floodplain will cause or causes a change in the base flood elevation, the applicant, including state agencies, must notify FEMA by applying for a Conditional Letter of Map Revision and then a Letter of Map Revision.

Example cases:

- Any development that causes a rise in the base flood elevations within the floodway.
- Any development occurring in Zones A1-30 and AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation.
- Alteration or relocation of a stream (including but not limited to installing culverts and bridges) *44 Code of Federal Regulations §65.3 and §65.6(a)(12)*

ARTICLE VIII - ENACTMENT

ENACTED AND ORDAINED THIS 11th DAY OF Sept. 2014. This ordinance shall become effective on October 2, 2014.



Signature

**Irvington Town Council
Regular and Public Meeting
August 14 2014**

The regular and public meeting of the Irvington Town Council was held at the Irvington Town Office on August 14, 2014, at 7:30 pm.

Present:

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

Absent:

Council	R. Wayne Nunnally
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Guests:

Mr. and Mrs. Jeremy Taylor	Mrs. Susan Cockrell
Mr. and Mrs. Don Serio	Ms. Chris Ingram
Jane & Harry Wells	Mr. Mike Merrill
Mrs. Suzanne Mattingly	Mr. Gary Hooper
Mr. Bill Spicuzza	

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

Public Comment:

AWL Banner for Dog Show: Mrs. Suzanne Mattingly was present to request permission for the Animal Welfare League to put a banner at the Commons announcing the Dog Show that will be October 18th. Robert Westbrook made a motion to grant permission for the display of the banner and Jerry Latell seconded the motion. Vote: Yea: Edmonds, Latell, Pollard, F. Westbrook, and R. Westbrook. Nay: 0.

Hunting in Irvington: Jane Wells, a resident from Waller Drive off Quails Trail, was present to request that Irvington be removed from the Urban Archery Program and that she be allowed to erect "no hunting" signs along Quails Trail. Deer are frequently in the fields on both sides of Quails Trail.

A recently enacted town ordinance allows nuisance animals (of which coyotes are classified) to be hunted in Irvington (but not with dogs) and deer to be hunted with bow and arrow during those times of year permitted by the Urban Archery Program (but not with dogs). Mrs. Wells said she has permission from Mr. Chinnis and Dr. Chinnis, owners of the Quails Trail property, to place "no hunting" signs along the road. If the property is posted, then only persons with written permission can hunt on the property. Harry Wells, who is a hunter, said that it is not safe to hunt in Irvington. He said that an arrow easily can be deflected. He said that could be a liability for the town, but Mr. Charlton said the town would not be liable. Dr. Westbrook said to call the police if someone is hunting on the land when it is posted. Gene Edmonds said that the fact that deer are being hunted would encourage the deer to go elsewhere.

Westham Circle Neighborhood: Mr. Jeremy Taylor, Mrs. Jeremy Taylor, and neighbors, Mr. and Mrs. Don Serio were present to ask for clarification in the zoning codes. Mr. and Mrs. Marshall purchased the lot next to Mr. and Mrs. Taylor and applied (through their agent, Mr. Randall Kipp) for a zoning permit to build a residence on this property. Next, a building permit was obtained from the county for a garage/workshop or a garage/studio. Mr. Taylor said that the foundation is in and it is 20'X20'. Mr. Marshall is a renowned artist/sculptor and they are afraid that his residence/garage/workshop will evolved into a business, which is against the covenants of the subdivision. He asked if the town could require Mr. Marshall to build a residence. Mr. Taylor said there was a disconnect between the county and the town as the county application had a description other than what was given to the town. The Taylors indicated that the covenants for the subdivision stated that there was to be no business, no detached garage, and the subdivision was zoned residential.

The Mayor said Mr. Marshall could run a studio as a home occupation with a conditional use permit. Mr. Charlton said that he would meet with Mr. Taylor, Bob Hardesty, and a county representative to look at the applications.

Mrs. Pollard asked about the covenants of the subdivision and was told that there was to be no business, no detached garage, a residence of a minimum of 2500 square feet.

Water Meter Top at 300 King Carter Drive: Mike Merrill said that the water meter top at 300 King Carter Drive was broken and off the meter box, which could cause injury if someone were accidently to step in the box. The Clerk said that she had reported the fact to Aqua customer service on several occasions and was told that the account was active and that the homeowner would have to report it.

Mrs. Susan Cockrell and Mrs. Chris Ingram: Branding for Lancaster and Middlesex Counties: Mrs. Cockrell and Mrs. Ingram were present to talk about the branding initiative that the two counties are undertaking. She said the push was to promote the area to encourage tourists to come and stay longer, spend money, and take advantage of the offerings of the area. Virginia Tourism had an increase of 8% in tourism. This area is not growing at the same rate. She said that Irvington has two drivers for tourism –

The Tides Inn and the Hope & Glory. Middlessex has the camp ground. The area needs an unique brand. A firm has been hired to help with the initiative and its representative has been in the area since July 1st. A tourism website is being developed. The area wants to tap into the state tourism dollars. As the crab is identified with Maryland and lobster with Maine, Virginia would like to promote the oyster as the brand for Virginia. She said that people want to experience the culture of the area. She said that Irvington is not on the "Virginia is for Lovers" website. Dr. Westbrook asked where was Irvington in the planning stages. She said that Irvington can come aboard. She wants to get the whole region involved. She is not ready to ask for money at this time.

Minutes and Treasurer's Report:

Robert Westbrook made a motion to approve the minutes and treasurer's report and Kathleen Pollard seconded the motion. Mrs. Pollard stated that the Farmers' Market for September would be August 30th because it is Labor Day weekend. Vote – Yea: Edmonds, Latell, Pollard, F. Westbrook, and R. Westbrook. Nay: 0. Mrs. Westbrook asked about the in and out items and was told that it included the Chesapeake Academy electricity cost and the reimbursement by the school to the town for that amount. Their electricity is billed to the town and then reimbursed. The clerk said that she had seen a letter, dating back to the 1960's when that policy was established. She was instructed to contact the school, asking them about the savings for this way of their electricity being billed, and to search for the letter.

Zoning Administrator:

Mr. Hardesty said that the town council must pass the revised floodplain ordinance. Approval must be in September to meet the October deadline. Approval of the ordinance is necessary for the resident to be able to obtain flood insurance. The planning commission will have their public hearing at 6:30 pm. on September 11, 2014, and the town council will have their public hearing at 7:30 pm on the same date.

Legal Counsel:

Mr. Charlton will return the codification draft to American Legal Publishing with a letter to the editor.

Planning Commission:

Mr. Morrison said the Planning Commission may want to tweak the ordinance to prevent the situation whereby a person can build a garage with an apartment before building the house. He said that he and Mr. Charlton can discuss it and then the council may want to address it. Mr. Hardesty said that he has told them they could not have a business at their home. They would need to obtain a CUP in order to have a home occupation.

Committee Reports:

Website: No report.

Old Business:

North Commons Development: No further progress.

Tree on North Commons Property: Mr. Merrill said that the VIA would provide fencing, a table under the tree, and fencing around the guidewires, but it would not take care of the cost of the tree trimming. The tree needs shaping. "Magic Tree" has said not to touch the tree until January. The Mayor suggested putting up stakes.

New Business:

Town Treasurer: Kathleen Pollard made a motion to reappoint Jacqueline Burrell as town treasurer and Gene Edmonds seconded the motion. Vote—Yea: Edmonds, Latell, Pollard, F. Westbrook, and R. Westbrook. Nay: 0.

Trolley Appropriation: Robert Westbrook made a motion to appropriate \$250.00 to the Triangle Trolley and Jerry Latell seconded the motion. Vote — Edmonds, Latell, Pollard, F. Westbrook, and R. Westbrook. Nay: 0.

Roundtable:

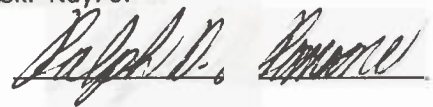
Chamber of Commerce Ad in Business Guide: Gene Edmonds made a motion not to purchase an ad in the Visitors and Business Guide for the Chamber of Commerce. Jerry Latell seconded the motion. Vote —Yea: Edmonds, Latell, Pollard, F. Westbrook, and R. Westbrook. Nay: 0.

Robert Westbrook: The Mayor expressed appreciation to Robert Westbrook for his work on the budget/emergency and disaster committees.

Copier: Gene Edmonds made a motion to purchase a new copier machine and Jerry Latell seconded the motion. Vote —Yea: Edmonds, Latell, Pollard, F. Westbrook, and R. Westbrook. Nay: 0/.

Adjournment:

Frances Westbrook made a motion to adjourn the meeting and Robert Westbrook seconded the motion. Vote— Edmonds, Latell, Pollard, F. Westbrook, and R. Westbrook. Nay: 0.



Ralph D. Ransone, Mayor

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

I, MICHAEL E. 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 a member of the Town of Irvington Town Council for a term beginning September 11, 2014, and ending September 13, 2018, 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 E. Merrill this 11th day of August, 2014, personally appeared before me in my County aforesaid and took and subscribed the above oath.

DIANE H. MUMFORD

Clerk

Diane H. Mumford

Deputy Clerk



Commonwealth of Virginia

TO ALL TO WHOM THESE PRESENTS SHALL COME - GREETING:

This is to Certify, that at a meeting of the Electoral Board of the County of Lancaster, held on May 7, 2014, on an examination of the official records deposited in the office of the Clerk of the Circuit Court it was ascertained and determined that at the election held on May 6, 2014,

Michael E. Merrill

was duly elected

Member Town Council
Town of Irvington

For a term commencing September 12, 2014 to September 12, 2018

Witness the following official Signature and the Seal of the Board at Lancaster, Virginia, this 20th day of May, 2014.

Wanda M. McElwain
Secretary

Wes Charlton, TOWN ATTORNEY
FINAL AMENDED ORDINANCES

Section 9-14. Discharge of Firearms.

It shall be unlawful for any person, other than a peace officer in performance of duty, or an individual hunting nuisance species, as defined under state law, to discharge any firearm within the Town Limits.

Section 9-20. Hunting. For purposes of this section, the word "hunt" means the searching for or stalking of any animal, fowl or other wild game, as well as the actual shooting thereat or thereof. It shall be unlawful for any person to hunt within the Town Limits, with the following exceptions:

- a. Deer can be taken with bows and arrows (which by definition includes crossbows), according to applicable state statutes and regulations, during the urban archery season, the early archery season, and the general firearms deer season established by the Virginia Department of Game and Inland Fisheries. The use of canines when hunting any animal species with archery tackle during any archery season within the Town Limits is prohibited at all times.
- b. Nuisance species, as defined under state law, can be taken according to applicable state statutes and regulations. The use of canines to hunt nuisance animal species within the Town Limits is prohibited at all times.

*Approved by the Irvington Town Council
July 10, 2014. Jacqueline H. Burrell, Clerk*

**Irvington Town Council
Regular and Public Meeting
July 10, 2014**

The regular and public meeting of the Irvington Town Council was held at the Irvington Town Office on July 10, 2014, at 7:30 pm.

Present:

Mayor	Ralph D. Ransone
Vice Mayor	Kathleen F. Pollard
Council	Gene Edmonds Jerry Latell (see below) R. Wayne Nunnally Robert Westbrook
Zoning Administrator	Robert A. Hardesty
Legal Counsel	Wesley M. Charlton

Absent:

Council	Frances Westbrook
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Visitors

Robert Morrison, Chairman of the Planning Commission

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

Aqua:

(Jerry Latell arrived)

Recently, when repairing a leak on Railway Road, the Aqua subcontractor turned off the water for the entire town between 11:00 am and 12:00 pm. No one in town (including the town office) was notified that this was going to happen. Mr. Tim Castillo, Operations Manager for Aqua, was present to explain that the subcontractor did not follow procedure and had not alerted Aqua in Richmond, that the water was going to be turned off so that the company could notify the town office as well as places in town where water is essential to the operation or to groups of people. Gene Edmonds asked if there is a map of the cut off valves so that water is cut off only in the affected areas and if the town could obtain a copy. Mr. Castillo said this is possible. There was a booster pump problem which has been fixed and that was affecting water pressure in town about the same time as the water leak. Mr. Castillo said there have been a rash of water leaks in the whole state and they thought the low temperatures this past

winter caused the leaks. The current technician comes from the Norfolk area. Mr. Castillo said that he is interviewing someone from the Heathsville area that would be the technician assigned to this area.

Request for Wedding at Commons, May, 2015:

Ms. Sara Herring and Mr. Wade Bishop were present to request permission to have their wedding at the Commons on May 9, 2015, at 4:00 pm. The wedding will be in and around the gazebo, with a rented tent, caterer, ABC license, insurance for the event, and a DJ to provide music. Wayne Nunnally moved that Sara Herring and Wade Bishop be allowed to use the Commons for their wedding May 9, 2014, and Gene Edmonds seconded the motion. Vote – Yea: Edmonds, Latell, Nunnally, Pollard, and R. Westbrook. Nay: 0.

Public Hearing: Hunting Ordinance

Kathleen Pollard made a motion to go into a public hearing and Robert Westbrook seconded the motion. Vote – Yea: Edmonds, Latell, Nunnally, Pollard, and R. Westbrook. Nay: 0.

No one from the public was present to provide input on the proposed hunting ordinance. Mr. Charlton said that the Department of Game and Inland Fisheries had a problem with the town's requiring a permit to hunt nuisance animals (coyotes are nuisance animals); therefore, he removed the requirement in the proposed ordinance that the individual hunting nuisance animals needed a permit from the town. Hunters of nuisance animals will be required to obey the state rules. No dogs can be used in the hunting of nuisance animals. The town will continue to participate in the Urban Archery Program and hunters hunting deer with bow and arrow must follow the rules of the Urban Archery Program.

Bob Westbrook made a motion to come out of public hearing and Jerry seconded the motion. Vote – Yea: Edmonds, Latell, Nunnally, Pollard, and R. Westbrook. Nay: 0. Robert Westbrook made a motion to approve the hunting ordinance and Gene Edmonds seconded the motion. Vote – Yea: Edmonds, Latell, Pollard, and R. Westbrook. Nay: Nunnally.

Minutes of June Meeting, Minutes of the Special Meeting-Second Reading of Proposed Budget, and Treasurer's Report:

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

Zoning Administrator:

Mr. Hardesty reported that FEMA has tweaked the Flood Insurance Map and consequently, the town ordinance must be tweaked and approved by the DCR, by October 2, 2014. The public hearing and vote for its approval will be on the agenda for September. The town must be in the program in order for the residents and property owners to obtain flood insurance.

American Legal wants the draft of the codification of the ordinances approved by August 22, 2014.

Sign for Deaf Child: Mr. Hardesty has ordered the signs for the deaf child and they should be here by next week

July 4th Parade: Mr. Nunnally complimented the town staff for the work on the parade.

Legal Counsel:

Mr. Charlton said it was not necessary to continue having the license agreement on the agenda.

The VIA, rather than the town will be the future sponsor of the July 4th concert, and this includes obtaining the ABC license in its name.

Mr. Charlton thanked the council for the LGA membership. He said that the Code will allow for an absent member of council to vote for an issue if a quorum of council members is already physically present. A quorum cannot be obtained by an absent member through skype. Mr. Charlton will draft a policy for this.

Planning Commission: No meeting.

Committee Reports:

Website: Mrs. Pollard said that it was not necessary to continue to list the website update on the agenda.

Emergency/Disaster: The Mayor said that he wanted to talk with Dr. Westbrook about the disaster/emergency committee.

Old Business: None

New Business:

Chesapeake Academy Raffle: Wayne Nunnally moved that Chesapeake Academy's request for a raffle on October 18, 2014, be approved and Gene Edmonds seconded the motion. Vote – Yea: Edmonds, Latell, Nunnally, Pollard, and R. Westbrook. Nay: 0.

Council Roundtable:

The Mayor asked Mr. Hardesty to request that Metrocast not broadcast frequent emergency announcements on the cable television about weather conditions in southern Maryland that are not headed in this direction.

Gene Edmonds reported a great Farmers' Market. He said that the large oak tree on North Commons property needs attention. Mike Merrill has obtained two bids. The Mayor advised awaiting until after the leaves have fallen this fall to work on the tree.

Adjournment:

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


Ralph D. Ransone, Mayor

Wes Charlton, TOWN ATTORNEY
FINAL AMENDED ORDINANCES

Section 9-14. Discharge of Firearms.

It shall be unlawful for any person, other than a peace officer in performance of duty, or an individual hunting nuisance species, as defined under state law, to discharge any firearm within the Town Limits.

Section 9-20. Hunting. For purposes of this section, the word "hunt" means the searching for or stalking of any animal, fowl or other wild game, as well as the actual shooting thereof or thereof. It shall be unlawful for any person to hunt within the Town Limits, with the following exceptions:

- a. Deer can be taken with bows and arrows (which by definition includes crossbows), according to applicable state statutes and regulations, during the urban archery season, the early archery season, and the general firearms deer season established by the Virginia Department of Game and Inland Fisheries. The use of canines when hunting any animal species with archery tackle during any archery season within the Town Limits is prohibited at all times.
- b. Nuisance species, as defined under state law, can be taken according to applicable state statutes and regulations. The use of canines to hunt nuisance animal species within the Town Limits is prohibited at all times.

*Approved by the Irvington Town Council
July 10, 2014. Jacqueline N. Burrell, Clerk*

Irvington Town Council
Special Meeting – Second Reading of the Proposed 2014-2015 Budget
June 27, 2014

The Irvington town council held a special meeting on June 27, 2014, at 12:00 pm, at the Irvington Town Office for the purpose of having a second reading of the proposed budget for 2014-2015, voting on it, and considering a donation to the Boys and Girls Club on the Northern Neck.

Present:

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

Absent:

Council	Jerry Latell
Legal Counsel	Wesley M. Charlton

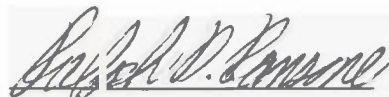
Mr. Ransone called the meeting to order.

Kathleen Pollard stated that she wanted to donate \$250.00 to the Boys and Girls Club and Wayne Nunnally moved that the donation be made. Robert Westbrook seconded the motion. Vote – Yea: Edmonds, Nunnally, F. Westbrook, and R. Westbrook. Nay: 0.

Gene Edmonds made a motion to approve the proposed budget of 2014-2015. Kathleen Pollard seconded the motion. Vote – Yea: Edmonds, Nunnally, F. Westbrook, and R. Westbrook. Nay: 0.

Adjournment:

Robert Westbrook made a motion to adjourn the meeting and Gene Edmonds seconded the motion.


Ralph D. Ransone, Mayor

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, 2012 - June 30, 2013)	Received or Expended the Preceding Year (July 1, 2012 - June 30, 2013)	Appropriated for Current Year (July 1, 2013 - June 30, 2014)	Appropriated for Next Year (July 1, 2014 - June 30, 2015)	Comparisons of Budgets for Next Year vs. Current Year
					\$0

Revenue	\$115,305	\$109,901	\$105,339	\$114,024	\$8,685	% of Revenue
Occupancy Tax	\$58,775	\$58,084	\$59,826	\$62,800	\$2,674	55%
Sales Tax	\$36,000	\$26,590	\$22,341	\$26,500	\$4,159	23%
Auto Tags	\$8,800	\$9,793	\$9,678	\$9,500	(\$178)	8%
Bank Franchise	\$8,400	\$11,215	\$8,400	\$11,344	\$2,944	10%
Cable TV/ Communications	\$2,000	\$2,566	\$3,664	\$2,430	(\$1,214)	2%
Zoning Permits	\$700	\$865	\$700	\$1,000	\$300	1%
Ground Rent	\$480	\$600	\$600	\$600	\$0	1%
Miscellaneous & Other Income	\$100	\$159	\$100	\$100	\$0	0%
Interest Income	\$50	\$30	\$30	\$30	\$0	0%
						100%

Operating Expenses	\$94,440	\$92,335	\$84,933	\$88,360	\$3,427	% of Category	% of Expenses
Gross Wages	\$39,540	\$40,190	\$39,540	\$41,122	\$1,582	46.54%	36.06%
Payroll Associated Taxes	\$3,195	\$3,183	\$3,195	\$3,323	\$128	3.76%	2.91%
Town Utilities	\$13,500	\$12,917	\$11,723	\$12,500	\$777	14.15%	10.96%
Thomas Property	\$11,280	\$11,275	\$0	\$0	\$0	0.00%	0.00%
Town Maintenance	\$3,000	\$1,880	\$11,366	\$8,415	(\$2,951)	9.52%	7.38%
Office Expenses	\$7,000	\$9,713	\$7,363	\$6,300	(\$1,063)	7.13%	5.53%
VML Associated Expenses	\$4,525	\$4,083	\$4,586	\$5,500	\$914	6.22%	4.82%
Codification of Ordinances	\$0	\$0	\$3,000	\$6,150	\$3,150	6.96%	5.39%
Rapp Record Public Notices	\$1,500	\$1,881	\$1,600	\$2,200	\$600	2.49%	1.93%
Disaster Preparedness	\$500	\$643	\$500	\$500	\$0	0.57%	0.44%
Professional Services	\$300	\$170	\$300	\$300	\$0	0.34%	0.26%
Miscellaneous Expenses	\$300	\$403	\$300	\$500	\$200	0.57%	0.44%
Grounds	\$8,700	\$5,943	\$0	\$0	\$0	0.00%	0.00%
Auto/golf cart Tags	\$1,100	\$55	\$0	\$50	\$50	0.06%	0.04%
Municipal Audit	\$0	\$0	\$0	\$0	\$0	0.00%	0.00%
Comprehensive Plan Review	\$0	\$0	\$0	\$1,500	\$1,500	1.70%	1.32%
Election Expenses	\$0	\$0	\$1,460	\$0	(\$1,460)	0.00%	0.00%
							98%
							76.18%

Community Support and Tourism Promotion	\$18,365	\$17,651	\$17,550	\$18,850	\$1,300	% of Category	% of Expenses
Community Events	\$9,300	\$10,716	\$9,300	\$10,000	\$700	53.05%	8.77%
Website Technical Support	\$2,500	\$2,520	\$2,500	\$2,500	\$0	13.26%	2.19%
Fire Department	\$1,800	\$1,800	\$1,800	\$1,800	\$0	9.55%	1.58%
WI-FI	\$1,100	\$0	\$1,100	\$1,100	\$0	5.84%	0.96%
Misc. Community Support	\$625	\$300	\$625	\$325	(\$300)	1.72%	0.29%
SEM Crab Festival Sponsorship	\$1,215	\$1,215	\$500	\$1,200	\$700	6.37%	1.05%
Christmas Parade & Tree Lighting	\$500	\$0	\$500	\$500	\$0	2.65%	0.44%
Mayor's Discretionary Fund	\$325	\$300	\$325	\$325	\$0	1.72%	0.29%
Rescue Squad	\$300	\$300	\$300	\$300	\$0	1.59%	0.26%
Lancaster Community Library	\$250	\$250	\$250	\$250	\$0	1.33%	0.22%
Trolley	\$250	\$250	\$250	\$250	\$0	1.33%	0.22%
Maintenance Code Enforcement	\$200	\$0	\$100	\$0	(\$100)	0.00%	0.00%
Irrington Open Golf Tourney	\$0	\$0	\$0	\$300	\$300	1.59%	0.26%
Lights on the Creek Boat Parade	\$0	\$0	\$0	\$0	\$0	0.00%	0.00%
						100.00%	16.53%

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

Dedicated Capital Improvements	\$2,500	\$0	\$3,022	\$6,814	\$3,792	% of Category	% of Expenses
Christmas Tree Electrical Upgrade	\$2,500	\$0	\$0	\$0	\$0	0.00%	0%
CD: Future Improvements to Town Property	\$0	\$0	\$3,022	\$6,814	\$3,792	100.00%	6%

Total Revenue	\$115,305	\$109,901	\$105,339	\$114,024
Total Expenditures	\$115,305	\$109,986	\$105,505	\$114,024
	\$0	(\$85)	(\$166)	\$0

This is what we did to balance '13-'14 budget. These payoffs are not reflected above.

Bank Balance as of 05/31/2013	\$54,717.14	Total Investments as of 05/31/2013	\$166,342.94
Codification Downpayment	\$3,000.00	** Thomas Property Payback	\$28,948.75
* County Payback	\$22,169.24	Net Investment Reserve	\$137,394.19
Balance	\$24,825.67		

**Irvington Town Council
Regular and Public Meeting
June 12, 2014**

The regular and public meeting of the Irvington Town Council was held at the Irvington Town Office on June 12, 2014, at 7:30 pm.

Present:

Mayor	Ralph D. Ransone
Vice-Mayor	Kathleen Pollard
Council	Gene Edmonds Jerry Latell Frances Westbrook Robert Westbrook
Legal Counsel	Wesley M Charlton
Zoning Administrator	Robert Hardesty

Absent:

Council	R. Wayne Nunnally
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Guests:

Michael Merrill
Robert Morrison

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

Public Comment: None

Public Hearing:

Robert Westbrook made a motion to go into a public hearing and Kathleen Pollard seconded the motion. Vote – Yea: Edmonds, Latell, F. Westbrook, and R. Westbrook. Nay: 0. R. Westbrook made a motion to come out of the public hearing and Jerry Latell seconded the motion. Vote – Yea: Edmonds, Latell, F. Westbrook, and R. Westbrook. Nay: 0. During discussion by the council, Fran Westbrook said that she will change the name of the bank account for the Irvington Golf Tournament as the account is still in the name of the Lights on the Creek to which the check for the golf tournament contribution by the town was paid this year. In 2013-2014 and 2012-2013, the town contributed \$300.00 each year to the tournament. Irvington residents can play for free in the tournament. The second reading for the budget will be Friday, June 27th at 12:00 pm. This date is a change from the previously published date and it will be corrected in the Rappahannock Record publication.

Minutes and Treasurer's Report:

Kathleen Pollard made a motion to approve the minutes and Jerry Latell seconded the motion. Vote – Yea: Edmonds, Latell, Pollard, and R. Westbrook. Nay: 0. Abstain: F. Westbrook, not a sworn in council member at time of meeting.

Zoning Administrator:

Robert Hardesty read a telephone message from Phillip Thomas, who has a cousin cutting his grass. This cousin is going to remove the boat from his side yard.

A family living on Chesapeake Drive has requested a deaf child alert sign for the street near the home of this child. Gene researched the web and found that "deaf child area" signs were available.

Mr. Hardesty has taken pictures of damaged utilities poles that need to be removed as soon as all the lines are removed.

Legal Counsel:

Mr. Charlton researched and consulted Mark Flynn of VML and learned that Mr. Merrill cannot serve as a special representative to the Planning Commission while he is not a member of the town council. He previously served as the town council representative to the planning commission when he was serving as an appointed member of the town council. He was involved in the beginning of the revision of the Comprehensive Plan. Mrs. Westbrook has been elected to a special elected two year term to replace Mr. Ed Sulick, whose term would have ended in 2016. Mr. Charlton said the position of representative for the town council to the planning commission can be left open until September, when Mr. Merrill will be sworn in for a four year term on the town council and then he can be appointed again to be the representative to the planning commission.

Hunting: Mr. Charlton said that hunting is banned in Irvington except by police in executing their duties and the hunting of nuisance animals. Holding the town harmless would be covered under sovereign immunity or by a civil claim against a person injuring another person. He said that any changes in the proposed ordinances could be discussed in the special meeting on June 27th after being noted in the publicized notice for the special meeting. Otherwise, the public hearing will be held at the July council meeting.

He said he has received the first draft of the codification of the Ordinance and he will analyze it.

Robert Westbrook made a motion for the town to pay for Mr. Charlton's joining the Local Government Attorneys of Virginia, Inc. Annual dues are \$240.00. Jerry Latell seconded the motion. Vote – Yea: Edmonds, Latell, Pollard, F. Westbrook, R. Westbrook. Nay: 0.

Mr. Charlton said that the licensing agreement will be done.

Planning Commission:

The Planning Commission reviewed the hunting ordinance and there were no additions to it.

Mr. Merrill said that he has not requested copies from K.W. Poore, who did the last Comprehensive Plan review.

Committee Reports:

Website: Mrs. Pollard reported that the website is a work in progress.

Old Business: None

New Business:

Appropriations: Robert Westbrook made a motion to approve the following appropriations:

Air Force Band Members Dinner: \$700.00

Kilmarnock-Lancaster Volunteer Rescue Squad: \$300.00

White Stone Volunteer Fire Department: \$1200.00

Gene Edmonds seconded the motion. Vote – Yea: Edmonds, Latell, Pollard, F. Westbrook, and R. Westbrook. Nay: 0. The council will consider a vote on the Boys and Girls Club at the special meeting on June 27th.

The clerk was requested that all the email addresses of the council members be given to the Chamber of Commerce so that the Chamber's emails could be sent directly to the council members.

Council Roundabout:

Mr. Edmonds said that Kellum's geo markings are in the creek as oysters are being harvested year round.

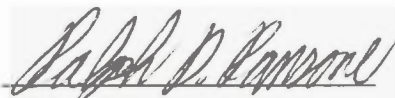
Mr. Charlton said that the town has the burden to see that sidewalks in town are maintained. Homeowners are responsible for the sidewalks in front of their homes. He is going to check to see if the town can use the nuisance ordinance to force the homeowner to correct any problems with the sidewalks.

Mr. Ransone read the announcements of future events in town.

VML Conference for Newly Elected Officers: Robert Westbrook made a motion to send Frances Westbrook and Michael Merrill, newly elected council members to the VML conference for newly elected officers. The conference will be held July 10th – July 12. The town will pay for the hotel, travel, mileage, and registration fee. Jerry Latell seconded the motion. Vote: Yea: Edmonds, Latell, Pollard, F. Westbrook, and R. Westbrook. Nay: 0.

Adjournment:

The meeting was adjourned.



Ralph D. Ransone, Mayor

**Irvington Town Council
Regular and Public Meeting
MAY 8, 2014**

The regular and public meeting of the Irvington Town Council was held at the Irvington TOWN Office on May 8, 2014, at 7:30 pm.

Present:

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

Absent:

Legal Counsel	Wesley M. Charlton
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Visitors:

Frances Westbrook

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

Public Comment:

None from the public. Wayne Nunnally expressed appreciation to Robert Westbrook for his years of service on the council. Dr. Westbrook did not run for re-election.

Minutes and Treasurer's Report:

Wayne Nunnally made a motion to approve the minutes of the April town council meeting, the minutes of the special March 27th meeting, and the April treasurer's report and Mike Merrill seconded the motion. Vote – Yea: Latell, Merrill, Nunnally, Pollard, and Westbrook. Nay: 0. Abstain: Edmonds because he was not present at the March 27th special meeting.

Zoning Administrator:

Mr. Hardesty had been instructed to contact Mr. Phillip Thomas about the debris in his yard. He played the phone message from Phillip Thomas. Mr. Hardesty will reply to Mr. Thomas's message.

Legal Counsel: Absent.**Planning Commission:**

Copies of Comprehensive Plan: Mike Merrill has received a quote of \$25.00 per bound copy of the Comprehensive Plan from K.W.Poore, who performed the revision in 2007-2008.

Hunting Ordinance: The Planning Commission held a public hearing to receive public input regarding the hunting ordinance as there is a coyote problem in Vineyard Grove. Mr. Merrill reported that the general interpretation is that the Planning Commission did not want archery hunting in Irvington, wanted a 30 day permit for shooting of nuisance animals of which coyotes are classified in the state code, and no dogs would be allowed for this type of hunting. This would not be considered a sporting event, but rather a safety issue to eliminate the coyotes. He recommends including a hold harmless clause in the permit. The town attorney will prepare a document. The Planning Commission approved only the process. The Planning Commission will deliberate the issue more before making the recommendation to the Town Council.

Committee Reports:

Website: Mrs. Pollard reported that the website was progressing. They have new pictures to use.

Budget Update: The public hearing for the 2014-2015 budget will be at the June Town Council meeting. At this time there is a budget item for \$1500.00 for the review and revision of the Comprehensive Plan, which the Planning Commission will do. The amount will stay the same at this time. The second reading will be scheduled later.

Disaster Preparedness: Dr. Westbrook will bring the disaster equipment that he has to Bob Hardesty. He hopes that Mr. McGregor at the county will take charge of the CERT Program.

Commons: The VIA has completed their cleanup at the Commons.

Old Business:

Odd Fellows Building: Concern was expressed about the old concrete steps that have been left in front of the building. Bob Hardesty is to contact George Edward Hutchings, who is a member of the Odd Fellows.

New Business:

Chesapeake Academy's Use of the Commons: The new person in charge of the tennis instruction at Chesapeake Academy has requested use of the tennis courts for their students during this spring (May 8th, 14th, and 20th) and has provided a copy of the certificate of insurance. Wayne Nunnally made a motion to approve their use of the courts and Jerry Latell seconded the motion. Vote – Yea: Edmonds, Latell, Merrill, Nunnally, Pollard, and Westbrook. Nay: 0.

Appropriation: Dr. Westbrook made a motion to make the following appropriations that have been allocated and Wayne Nunnally seconded the motion:

Kilmarnock Volunteer Fire Department - \$600.00
Lancaster County Library - \$250.00

Vote – Yea: Edmonds, Latell, Merrill, Nunnally, Pollard, and Westbrook. Nay: 0.


Roundtable:

Mike Merrill, who has been serving as the town council representative to the Planning Commission, will vacate the appointed seat on the town council until September 2014, when he will be sworn in for an elected four year term on the council. He was appointed to the town council until someone could be elected in a special election to serve for two years. He chose to run for the four year term rather than the special two year term to complete the term of Edward Sulick, who resigned in 2013. He has been active in the pursuit to revise the Comprehensive Plan. Robert Westbrook made the motion that the Mayor ask the town attorney if Mr. Merrill can serve for June, July, and August, 2014 as a special liaison to the Planning Commission and Wayne Nunnally seconded the motion. Vote: Edmonds, Latell, Merrill, Nunnally, Pollard, and Westbrook. Nay: 0.

Jerry Latell stated that he had received no comments on the proposed plan for the North Commons.

Adjournment:

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


Ralph D. Ransone, Mayor

ABSTRACT of VOTES

Cast in the Town of IRVINGTON in LANCASTER COUNTY, VIRGINIA
at the 2014 May Town General Election held on May 06, 2014 for,

Member Town Council - Irvington

District: IRVINGTON

NAMES OF CANDIDATES ON THE BALLOT

TOTAL VOTES
RECEIVED
(IN FIGURES)

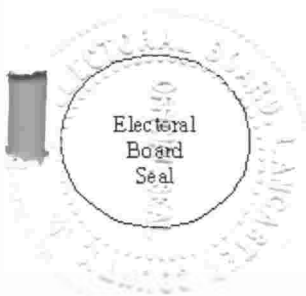
R. Wayne Nunnally	117
Jerry S. Latell	106
Michael E. Merrill	92
William H. Evans III	3
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins+ Invalid Write_ins = Total Write In Votes]	1
Total Number of OverVotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on May 06, 2014, do hereby certify that the above is a true and correct Abstract of Votes at the said election and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Member Town Council - Irvington.

1. R. Wayne Nunnally
2. Jerry S. Latell
3. Michael E. Merrill

Given under our hands this 7th day of May, 2014

<u>Baith B. Bredon</u>	, Chairman
<u>Margaret E. Wiley</u>	, Vice Chairman
<u>Marilyn M. McIlhenny</u>	, Secretary
<u>Marilyn M. McIlhenny</u>	Secretary, Electoral Board



ABSTRACT of VOTES

Cast in the Town of IRVINGTON in LANCASTER COUNTY, VIRGINIA
at the 2014 May Town General Election held on May 06, 2014 for,

Member Town Council - Special

District: IRVINGTON

NAMES OF CANDIDATES ON THE BALLOT

TOTAL VOTES
RECEIVED
(IN FIGURES)

Frances E. Westbrook	66
W. James "Jim" Haynie III	52
Michelle M. Lybarger	38

Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	0
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Total Number of OverVotes for Office	0
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We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on May 06, 2014, do hereby certify that the above is a true and correct Abstract of Votes at the said election and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Member Town Council - Special.

Frances E. Westbrook

Given under our hands this 7th day of May, 2014

Dan H. Breder, Chairman

Margaret E. Wiley, Vice Chairman

Norlyn M. McElmurry, Secretary

Therilyn M. McElmurry, Secretary, Electoral Board

Electoral
Board
Seal

**Irvington Town Council
Regular and Public Meeting
April 10, 2014**

The regular and public meeting of the Irvington Town Council was held at the Irvington Town Office on April 10, 2014, at 7:30 P.M.

Present:

Mayor	Ralph D. Ransone
Vice-Mayor	Kathleen Pollard
Council	Michael Merrill R. Wayne Nunnally Robert S. Westbrook
Counsel	Wesley Charlton
Zoning Administrator	Robert A. Hardesty

Absent:

Council	Gene Edmonds Jerry Latell
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Guests:

Barbara Brecher, SEM
Frank Tetrick, SEM
Bill Spicuzza, VIA

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

Public Comment:

Steamboat Era Museum Crab Festival: Barbara Brecher, Executive Director of the Steamboat Era Museum, and Frank Tetrick, Chairman of the Crab Festival, were present to

discuss the Steamboat Era Museum Crab Festival, planned for August 9th. They would like to have the event on the Commons, with the same basic format as last year. It includes:

1. Tent – 130' x 60' placed parallel to the street. There will be smaller tents placed around the large tent for special purposes, such as serving crabs, beverages, etc.
2. The function will be 4:00 pm to 8:00 pm, with the serving of hot dogs, barbecue (pending), beer (draft) and wine (by glass) beginning at 4:00 pm and the crab being served and band playing at 5:00 pm.
3. Attendance anticipated to be between 750 and 800 people.
4. Ticket prices: \$35.00 per ticket; \$5.00-children under 6 years.
5. Last year, they bought 55 bushels at \$100.00 per bushel from Jim DanDee, who has committed for this year.
6. A sub-committee is working on a cruise-in, working with the local marinas. Golf shuttles will provide transportation to the festival for those who come by boat
7. SEM will provide an insurance rider, ABC permit, be available for health department inspections, and site cleanup.
8. SEM wants to use the picnic tables from the playground to provide additional seating for attendees outside of the tent
9. The band, Lump Daddy and Backfin Boys will provide the music

Two letters recruiting letters will go out April 12th: one for last years' sponsors and one seeking new sponsors.

Mr. Tetrick said that he did not anticipate that the crab festival would become much larger than is planned for this year.

Minutes and Treasurer's Report:

Wayne made a motion to approve the minutes and treasurer's report. Mike Merrill seconded the motion. Kathleen Pollard questioned who had made the motion about the modifications to the minutes. In the minutes of March 13th only was person seconding the motion was stated. Vote to accept the minutes: Yea: Merrill, Nunnally, Pollard, and Westbrook. Nay: 0.

Zoning Administrator:

Mr. Hardesty made the following announcements:

1. The owner of "Objects" will not do the exterior wall mural.
2. Fourth of July Parade will be Friday, July 4th at 10:00 am.
3. Fourth of July Concert will be Tuesday July 1st.
4. Zoning permits since March 20th: steps to dock, dog fence, pool, screen porch, covered deck, new home, and main part of a new home.

Legal Counsel:

Mr. Charlton reported that he is working on the licensing agreement for using the Commons.

Planning Commission:

Mr. Merrill asked about the zoning for future use of the Thomas Property. The reply was that it would be determined by the use of the property.

He stated that the planning commission workshop on the hunting ordinance would be on Monday, April 14th at 6:30 pm.

He announced that the additional expenditure for the codification of the ordinances had been approved by the council.

Committee Reports:

Website: Mrs. Pollard announced that she had an agreement with Mike Antonio. An email database is needed. Mr. Antonio will charge \$60.00 an hour and if he works part of an hour, his charge will be based on \$15.00 per quarter hour. He will be starting in April. Mrs. Pollard said that she is not going to do a brochure. Mrs. Pollard made a motion to approve Mr. Antonio's price to do the website. Mr. Nunnally seconded the motion. Vote- Yea: Merrill, Nunnally, Pollard, and Westbrook. Nay: 0.

Budget: The proposed budget for fiscal year 2014-2015 was distributed. Mr. Ransone announced that any excess had put in the capital improvement item. He had talked with Mr. Slatford, and said that were not going to increase the anticipated revenue from the occupancy tax. A date that is convenient for everyone to have a budget workshop will be scheduled for later in the month.

Old Business:

Thomas Property Name: Mr. Merrill had asked if a name could be chosen for the Thomas Property that the town owns to distinguish it from the property owned by the Thomas Family. Robert Westbrook made a motion to call it North Commons for the present as Mike Merrill suggested. Mike Merrill seconded the motion. Vote – Yea: Merrill, Nunnally, Pollard, and Westbrook. Nay: 0. Mr. Ransone said that maybe once there is a plan for the property, that may lend itself to a more appropriate name.

Robert Westbrook asked where was the town on the nuisance policy. Robert Hardesty said that it had been mowed, but he did not know who had mowed it. Mr. Hardesty will try to contact Gene Ruperti, who mowed it last year to see if he had mowed it. Dr. Westbrook is concerned about items that are on the property.

New Business:

Animal Welfare Dog Show: Wayne Nunnally made motion to allow the Animal Welfare League to use the Commons on October 18th (primary date) with a rain date of October 25th for their annual dog show. Kathleen Pollard seconded the motion. Vote – Yea: Merrill, Nunnally, Pollard, and Westbrook. Nay: 0.

Comprehensive Plan: Michael Merrill stated that the 2007 Comprehensive Plan needs to be updated. He said that information about the Aqua water system needs to be updated as the well has been replaced. The population figure given in the current Comprehensive Plan is not correct. He asked about having some copies printed as the new members of the Planning Commission do not have copies of the “plan.” Wayne Nunnally made a motion to allocate \$500.00 to have 15 copies of the Comprehensive Plan copied for 3 ring binders. Robert Westbrook seconded the motion. Vote – Yea: Merrill, Nunnally, Pollard, and Westbrook. Nay: 0.

Roundtable:

Robert Westbrook asked to borrow the town’s projector.

The date of the budget workshop will be decided by emails giving council members’ availability.

Adjournment:

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



Ralph D. Ransone, Mayor

**Irvington Town Council
March 27, 2014
Special Meeting**

The Irvington Town Council held a special meeting on Thursday, March 27, 2014, at 5:00 pm, at the Irvington Town Office, to consider whether or not to approve an additional expenditure of an amount between \$2700.00 and \$3150.00, to codify the town code, which was included in the material sent to American Legal Publication for codification, but not in the material on which they based the quote of \$6000.00 to codify the ordinances.

Present:

Vice-Mayor	Kathleen Pollard
Council	Jerry Latell Michael Merrill Wayne Nunnally (arrived 5:06 pm) Robert Westbrook
Legal Counsel:	Wes Charlton

Absent:

Mayor	Ralph D. Ransone
Council	Gene Edmonds

Mrs. Kathleen Pollard called the Meeting to order at 5:05 pm. Wes Charlton, the town attorney explained the purpose of the Meeting. He said, that in their letter, American Legal included points about formatting of the ordinances, but that the issue of this Meeting was the additional cost of codifying the town code. American Legal plans to have the first draft available at the end of April, which a committee will review. Mr. Charlton said that the ordinances and code need to be a workable tool.

Wayne Nunnally made a motion to accept the amended bid of a maximum additional amount of \$3150.00 to the original quote of \$6000.00 submitted by American Legal and Robert Westbrook seconded the motion. This codification does not include the comprehensive plan. Vote – Yea: Latell, Merrill, Nunnally, Pollard, and Westbrook. Nay: 0.

Adjournment:

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

Kathleen F. Pollard, Vice-Mayor

**Irvington Town Council
Regular and Public Meeting
March 13, 2014**

The regular and public meeting of the Irvington Town Council was held on March 13, 2014, at the Irvington Town Office, at 7:30 P.M.

Present:

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

Absent:

Legal Counsel	Wesley Charlton
---------------	-----------------

Guests:

Ron Mihills	Bonnie Schaschek
Katya and Bill Spicuzza	James Haynie
David Brown, VDOT Administrator for Northern Neck	Danielle Kuper
Robert Harper, VDOT Superintendent for Lancaster Co.	Jane and Harry Wells
Fran Westbrook	

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

Public Comment:

Virginia Department of Highways (VDOT), scheduled tree trimming along King Carter Drive which resulted in the contracted workers trimming some of the crepe myrtles that line the street. Mr. Harper, the VDOT superintendent for this area, spoke said that it was Irvington's turn to receive the tree trimming which is done for three reasons: safety, VDOT specifications and customers' concerns which are visibility (signs and sight at Quails Trail), speed, and the mirrors on large trucks being hit by the limbs. The contracts are generated in the district office at Fredericksburg. He said the cutting, which is monitored by an arborist, will continue to other streets in Irvington, which are Steamboat Road, The

Lane and Edgewood Lane. He said that the cutting could have gone farther into the right of way, but they cut just above the sidewalk. The following ladies in town attended the meeting and spoke:

Jane Wells spoke that she had not seen a visibility problem and questioned the need to do the cutting. She said that crepe myrtles need to be pruned very carefully. Mr. Harper said that when a contract is written, it is hard to say trim this, but do not trim this. He said that they do not butcher, but they try to keep the tree in its natural shape. He said that VDOT has to look at the liability standpoint to keep the roads as safe as possible. Also they do want people to have to duck when walking.

Katya Spicuzza, who belongs to several garden clubs and is a master gardener, said that she did not want the trees topped and was pleased that VDOT tree trimmers had not butchered the trees. She showed pictures of how not to cut the crepe myrtles, thus maiming them.

Fran Westbrook did not think that it was necessary to cut the crepe myrtles. She said that the crepe myrtles are the hallmark for the town and asked for special consideration for a special street that is in the historic district. David Brown said that he wished he could, but when the contract is let, they identify various roads, but do not control how they cut. David Brown, VDOT Administrator for the Northern Neck, said it is sometimes necessary to trim back the vegetation. David Brown will walk with Fran Westbrook and look at the trees. Robert Westbrook said the trimming should match the threat. VDOT is trying to implement some solutions to cause the drivers to drive more slowly.

Wayne Nunnally said that VDOT was hiding behind the contractors saying "we do not control the contractors." He asked that VDOT give the town some input.

Dr. Westbrook said that drivers are speeding not because they did not see the sign. He did not think that the trees should be trimmed because a mirror might be hit. VDOT is trying to implement some changes to cause drivers to drive more slowly as they drive around the intersection at the churches.

Robert Harper said that they do not hide behind a contract. He will be glad to tell the town office if he knows when they are coming, but he does not always know when they are coming.

Harry Wells said that there was no pedestrian threat on the left (south) side of King Carter from the crepe myrtles.

Robert Harper said that he would give a list to Bob Hardesty of the remaining routes that they will trim. For now, the trimmers have been moved to more rural routes.

The mayor said that he did not want VDOT to not do what they were going to do. Gene Edmonds stated that the council appreciates their being here. Mr. Harper said that they wanted to do a good job.

Intersection of Route 200/Route 634 Project along the curve: Mr. Brown presented the following preliminary plans for installing a sidewalk in the area of the curve on the northside:

1. A handicap ramp as well as pedestrian crossings.

2. A driveway at the convenience store with raised curbing, which will discourage automobile drivers from driving over it, but trucks can drive over it to make deliveries.
3. The crosswalk will be moved closer toward Steamboat Road from where originally planned
4. In the bumpouts, plantings or brick pavers can be used. Council members liked pavers better than shrubbery.

Mr. Brown said there is a planter in front of Select Properties in the VDOT right of way. If the owner will give a sidewalk easement in back of the planter, then the planter can remain. They have not decided on the bumps in the curve. VDOT is now collecting survey information. Construction should be in 2016-2017. There is flexibility when the contract will be released. Mr. Brown was told that they would have to maintain access to the driveways during construction.

Dr. Westbrook thanked Mr. Brown for the right hand turning lane at King Carter Drive in front of the Lodge.

Minutes and Treasurer's Report:

Wayne Nunnally made a motion to accept the minutes and treasurer's report with the following corrections:

Robert Westbrook said he had two modifications to the minutes: that at the last council meeting he was not questioning the budget committee meeting with three elected persons being an illegal meeting, but whether or not three elected persons could meet without notice being given. (The Mayor stated that notice must be given when three elected officials meet.) Randall Kipp presented a first draft of a proposal for the development of the Thomas Property. Kathleen Pollard seconded the motion. Vote – Yea: Latell, Merrill, Nunnally, Pollard, and Westbrook. Nay: 0. Abstain: Edmonds, who said he was absent from the meeting.

Zoning Administrator:

Thomas Property on Irvington Road: Mr. Hardesty said that he had sent a certified, return receipt letter regarding her property to Mrs. Eleanor Thomas Bowen, but the letter was returned. He said that the town must proceed with the nuisance order.

Grants: White Stone is applying for grants. Mr. Hardesty talked with Jerry Davis of the Northern Neck Planning District regarding grants for Irvington. Mr. Davis said the town would not qualify and the Main Street Program was not accepting applications at this time.

Legal Counsel: Absent.

Planning Commission:

Mr. Merrill reported that the Planning Commission had not met in March. Mr. Nunnally asked if the council had any emergency power to act. Mr. Ransone said that the town attorney was discussing the coyote problem.

Mr. Merrill said that he had attended seminar regarding the working waterfront. He said that previously the assumption has been that the town did not have authority to regulate structures on state owned water bottoms. He said that he had learned that local jurisdictions can regulate structures on state bottoms if the structures touch land.

Committee Reports:

Website Manager: Mrs. Pollard reported that she is looking for a local website manager. Mr. Westbrook asked about budget projections. Mrs. Pollard hopes that a local manager would charge less than the previous manager charged.

Volunteerism: Mr. Edmonds reported that the VIA has hired three people to trim grasses, pick up gumballs, and mulch the playground.

Emergency: Dr. Westbrook said that Mr. McGregor is in favor of having the county have a certified CERT person. Mr. McGregor is not certified and it will be about a year before he is certified. Dr. Westbrook is certified and can teach the courses. Dr. Westbrook said the council needs to decide who will chair the committee for Irvington.

Streets: Mr. Nunnally said that Mr. Brown gave his committee report.

Budget: Jerry Latell will meet with the Mayor before the April meeting. The budget workshop for the council will be in late April.

Office Telephone: The town has reviewed costs for bundling the town phones and internet services. Michael Merrill made a motion to approve switching from Verizon to Metrocast and Wayne Nunnally seconded the motion. Vote – Edmonds, Latell, Merrill, Nunnally, Pollard, and Westbrook. Nay: 0.

Ordinance- Property Owners Being Responsible for Limbs: The Mayor said that this has to go through the town attorney.

New Business:

Historic Christ Church: Ron Mihills, President of Historic Christ Church Foundation, was present to request that the town council support (with a resolution) the foundation in their raising funds from both public and private sources to replace the slate roof on the Historic Christ Church. The foundation will approach six foundations that have helped in the past. Wayne Nunnally made a motion to adopt a resolution to support Historic Christ Church's efforts in their raising money to replace the slate roof, which will cost \$210,000.00, Gene Edmonds seconded the motion. Vote – Yea: Edmonds, Latell, Merrill, Nunnally, Pollard, and Westbrook. Nay: 0.

Wall Mural for "Objects": Mr. Hardesty reported that Terri Wesselman wants to paint a wall mural (12'X12') on the west end of the building. Neither she nor her business manager, Terri Thaxton were present to give more details. Dr. Westbrook said that if the subject of the mural had nothing to do with the business, it would be considered art and if it promoted the business, then it would be considered a sign. Mr. Hardesty was directed to obtain more details from the owner and/or manager.

Roundtable:

Thomas Property: Jerry Latell said that he wanted feedback from the council members about Randal Kipp's plan for the Thomas Property in terms of features they liked, features they did not like and what was missing. Michael Merrill said that he wants a name for the property. The Mayor suggested that maybe a contest could be held. Mr. Nunnally said that the comments that he had heard were opposed to moving children's playground closer to the street and moving the tennis courts. Jerry Latell

will accept comments about the plan via the email. Robert Westbrook reminded the council that storage was needed for the Christmas decorations. Jerry Latell said that this plan is a first effort. Wayne Nunnally asked about annexation of area surrounding the town limits into the town limits. He was told by longer-serving council members that the town did not have any services (such as police) to offer for annexation.

Adjournment:

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

Whereas, Christ Church, a unique and extraordinary example of early colonial church architecture, is a treasure and asset to our community, and,

Whereas, Christ Church has been designated a Virginia and National Historic Landmark, and,

Whereas, since 1958 the Foundation for Historic Christ Church, through its corps of volunteers now numbering over 250 has provided an enlightening interpretation of the Church and its history to tens of thousands of visitors, and

Whereas, since 1958 the Foundation has provided award-winning stewardship in preservation of this unique structure, and

Whereas, after its installation in 1897, the Buckingham slate roof of the church has not only suffered almost 120 years of weathering but specific damage from Hurricane Sandy and now needs to be completely raised, repaired and reinstalled, in order to assure the present and future integrity of the whole structure, and

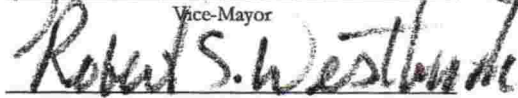
Whereas, the Commonwealth of Virginia's Department of Historic Resources has endorsed the Foundation's plan for this project,

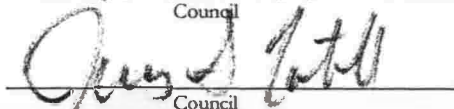
It is therefore resolved that the Council of the Town of Irvington:

- praises the Foundation for its faithful preservation of Christ Church,
- takes note of and endorses the Foundation's value to the community as a premier attraction for visitors and through its research, education and other services to its visitors and the public, and
- commends the Foundation and its plans to fully repair the church roof to those funding sources, public and private, from which it will seek support.

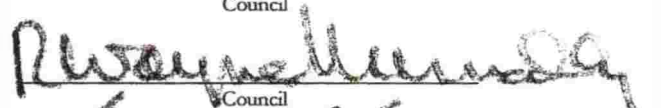

Mayor

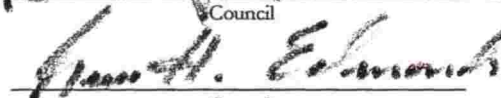

Vice-Mayor


Council


Council


Council


Council


Council

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

March 11, 2014

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

Re: **Board of Zoning Appeals –Town of Irvington**

Dear Clerk Mumford:

Enclosed is the original Order entered by Chief Judge Beck on March 11, 2014 regarding the appointment of Jacquelyn Y. Brown to the Board of Zoning Appeals for the Town of Irvington.

Please send out certified copies of the Order as directed. Thank you for your assistance in this regard.

Sincerely yours,

Cathryn D. Doggett, Jr., 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 22480-0340

VIRGINIA: IN THE CIRCUIT COURT OF LANCASTER COUNTY

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

ORDER

WHEREAS, it appears to the Court that the Town Council for Irvington voted to appoint a member of the Town's Planning Commission as a representative member of the Town's Board of Zoning Appeals; 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 appointment by the Chief Judge of the Fifteenth Judicial Circuit;

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

1. That the following individual be and they hereby is appointed as a member of the Board of Zoning Appeals for the Town of Irvington, for the term beginning upon entry of this order and expiring in November 2017:

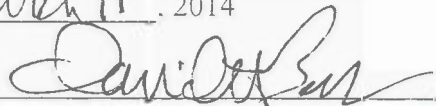
Jacquelyn Y. Brown P.O. Box 485, Irvington, Virginia 22480

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 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

March 11, 2014



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

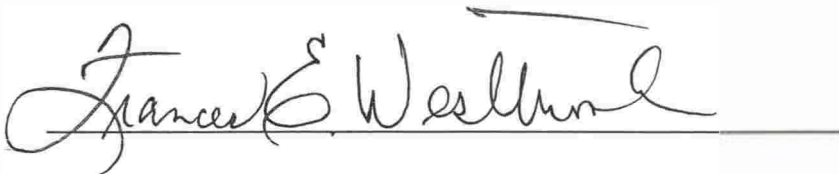
By: 
Of Counsel

1-804-438-5522

wes@irvingtonlaw.com

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

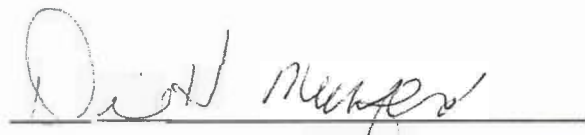
I, FRANCES E. WESTBROOK, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the Commonwealth of Virginia, and that I will faithfully and impartially discharge all the duties incumbent upon me as a member of the Town of Irvington Town Council for a term beginning May 19, 2014, and ending September 14, 2016, 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 Frances E. Westbrook this 19th day of May, 2014, personally appeared before me in my County aforesaid and took and subscribed the above oath.

DIANE H. MUMFORD

Clerk



Deputy Clerk

**Irvington Town Council
Regular and Public Meeting
February 13, 2014**

The regular and public meeting of the Irvington Town Council was held at the Irvington Town Office on February 13, 2014, at 7:30 pm.

Present:

Mayor	Ralph D. Ransone
Vice-Mayor	Kathleen F. Pollard
Council	Jerome Latell Michael Merrill R. Wayne Nunnally Robert S. Westbrook
Legal Counsel	Wesley M. Charlton
Zoning Administrator	Robert A. Hardesty

Absent:

Council	Gene Edmonds
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Guests:

Dean Dort	Randall Kipp
Bob Morrison	Brian Thacker
Katya Spicuzza	Mary Ellen Tetrick
Ed Fedeman	

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

Public Comment:

Cardinal Waste Services – Brian Thacker: Mr. Thacker of Cardinal Waste was present to answer questions about his proposal to provide garbage services for the town. His company charges \$14.00 per cart. In response to a question about recycling, he said that they recycled a little.

Coyotes in the Vineyard Area: Previously, Mr. Dort has appeared before the council to state that there is a coyote problem in the Vineyard area, Mr. Dort explained that in his research, there are two applicable statutes: shooting a firearm is not allowed within 600 feet of a house, business, etc. and hunting is not allowed within 1000 yards of a house, business, etc. He thought there might be a simple solution of providing a permit for a hunter to shoot in a limited position, limited area, and with a limited caliber and allowed within a limited time frame. Mr. Charlton asked if the town council would be interested in amending the code to allow shooting of coyotes on a case by case permit. Wes said that by amending, they would be able to work within the Urban Archery rules. Wayne Nunnally asked if the council could repeal the current code in this regard. Bob Westbrook wants further discussion before "rushing in." Mr. Charlton will prepare a draft with code provisions. Mrs. Pollard asked if there

is an alternative to killing the coyotes, such as trapping. The State Code will allow hunting predatory animals, but the Irvington code prohibits hunting in the town limits.

Randal Kipp:

Randall Kipp and Ralph Higgins are working, pro bono, on a plan to develop the Thomas Property. In their plan, it is proposed that the children's playground be moved to the front of the Commons next to the Steamboat Era Museum, and adjacent to King Carter Drive. Shrubbery screening would provide protection for children from the street traffic. The McGinnis bells could be located in a traffic circle at the intersection of Tavern Road and Chesapeake Drive. The tennis courts could be relocated to the center of the Thomas Property that also would serve as a location for other purposes such as concerts. Parking could be around the tennis courts. Mr. Merrill said there was no revenue source shown on paper. Mr. Ransone said there would need to be a public meeting to receive public input. The plan will be available in the town office for viewing by all citizens and also shown on the website.

Appreciation was expressed to Mr. Kipp for his work. It was acknowledge that this was a beginning of the planning for the Thomas property.

Minutes and Treasurer's Report:

Wayne Nunnally made a motion to approve the minutes and treasurer's report. Dr. Westbrook seconded the motion. Vote: Latell, Merrill, Nunnally, Pollard, and Westbrook. Nay: 0.

Zoning Administrator:

Mr. Hardesty reported that he had sent a letter to Eleanor Bowen regarding the visible condition of her property by certified mail, return receipt. She had not responded to his letter sent by regular mail.

Legal Counsel:

Mr. Charlton is still working on his template for agreements for persons/organizations using the Commons. He needs information on sub-contractors or anything special to be held on the Commons.

Dr. Westbrook wants an ordinance drafted that property owners would be required to cut limbs that overhang utility lines that endanger persons and service downstream. Mr. Charlton will research the statue.

Planning Commission:

Crockett's Landing: Mr. Merrill reported that the Crockett's landing issue of additional ties on the side of the dock has been resolved and will require no further action on the part of the Planning Commission at this time. Mr. Merrill thinks the town council should give better guidance in terms of the Comprehensive Plan and planning. There were brief comments on the role of the Comprehensive Plan. The Mayor said that it is a guideline.

VDOT Report:

Mr. Nunnally reported that he had talked with Mr. Brown, Northern Neck VDOT Administrator, regarding VDOT plans in Irvington. Mr. Brown said that they were waiting for a field inspector for the sidewalk around the northside of Route 200 curve near the post office. The funding has been approved. Speed bumps will be installed in the spring.

(Mr. Nunnally) left the meeting

Old Business: No other old business.

New Business:

Chesapeake Academy Raffle: Robert Westbrook made a motion to approve Chesapeake Academy's having a raffle in May, and Kathleen Pollard seconded the motion. Vote – Latell, Merrill, Pollard, and Westbrook. Nay: 0.

Ad for Scoop Magazine: Mrs. Pollard said that is "not going to happen."

Executive Session:

Kathleen Pollard read the following motion for an 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); 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)." Jerry Latell seconded the motion. Vote – Yea: Latell, Merrill, Pollard, and Westbrook. Nay: 0.

Robert Westbrook made a motion to come out of the executive session and Jerry Latell seconded the motion. Vote – Latell, Merrill, 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, Michael Merrill, so certify.

I, Bob? Westbrook, so certify.

I, Jerry Latell, so certify.

I, Ralph D. Ransone, so certify.

Robert Westbrook recommended that Jackie Brown be appointed as the representative from the Planning Commission to the Board of Zoning Appeals. Michael Merrill seconded the motion. Vote – Yea: Latell, Merrill, Pollard, and Westbrook. Nay: 0.

Kathleen Pollard made motion to accept Paul Elbourn's contract of \$2500.00 for installation and removal of Christmas decorations, flags, and banners for the 2014. Jerry Latell seconded the motion. Vote – Yea: Latell, Merrill, Pollard, and Westbrook. Nay: 0.

Jerry Latell made a motion to accept Lawn Pro's bid of \$3175.00 to clean the streets and gutters three times a year. Robert Westbrook seconded the motion. Vote – Yea: Latell, Merrill, Pollard, and Westbrook. Nay: 0.

Robert Westbrook made a motion to continue to have Doggett provide garbage services for the town. Kathleen seconded the motion. Vote: Yea: Latell, Merrill, Pollard, and Westbrook. Nay: 0.

Council Roundtable:

Dr. Westbrook asked plans for the budget committee. The question was posed if the Mayor were present in the budget committee meeting, making it a group of three elected officials, would that constitute an illegal meeting of three elected officials. That will be researched.

Mrs. Pollard asked Mr. Hardesty if he could check on the town's qualifying for a grant.

Adjournment:

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


Ralph D. Ransone, Mayor

**Irvington Town Council
Regular and Public Meeting
January 9, 2014**

The regular and public meeting of the Irvington Town Council was held at the Irvington Town Office on January 9, 2014, at 7:30 pm.

Present:

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

Before the opening of the meeting, the council decided that they would take down the tree lights on Sunday, January 9, 2014, if it is convenient with Paul Elbourn, the electrician. Mr. Ransone will contact Mr. Elbourn.

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

Minutes and Treasurer's Report:

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

Zoning Administrator:

Mr. Hardesty distributed an annual report regarding the number and types of permits issued during the past year. Council members liked the report.

Legal Counsel:

Mr. Charlton will talk with the VIA regarding their annual calendar of events. He thinks that policies should be in place for organizations using the Commons for staging their events vs policies not being as necessary for an individual having an activity or a pickup activity. When alcohol is served, rules such as the requirement for an enclosed area and an ABC permit apply.

Mr. Charlton explained that when a member of the planning commission is selected to represent the planning commission on the Board of Zoning Appeals, the procedure is the same as when a resident is selected to be a member of the Board of Zoning Appeals. The council members discuss the person in closed session, come out

of the closed session, nominate and vote on the selection. Then the town attorney will prepare an order for Judge Taliaferro to approve and sign.

Robert Westbrook asked about drafting an ordinance to adopt property tax or another tax should there be a need for raising funds. He said they would want the county to collect the taxes. Mr. Charlton said that he could provide a draft within a month should the need arise.

Zoning Administration:

Crockett's Landing: The owners would like to sell Crockett's Landing and have advertised that it has 25 slips on the side, but it was approved for 17 in 2005. In actuality, since they are not making a structural change, they will not need a CUP. Mr. Charlton said that they need to be careful to advertise correctly as they do not at this time have 25 slips.

Committee Reports: None.

Old Business:

VDOT changes: Mr. Nunnally asked if the council had heard from VDOT regarding proposed changes in Irvington and offered to contact VDOT. Ms. Thomasson, the reporter, said that she had received a press release from the VDOT Fredericksburg office regarding proposed changes in the area.

New Business:

Chamber of Commerce Membership: Wayne Nunnally made a motion that the town renew its Chamber of Commerce membership at the price of \$125.00 annually. Jerry Latell seconded the motion. Vote – Yea: Edmonds, Latell, Merrill, Nunnally, Pollard, and Westbrook. Nay: 0.

Cable Line: Mike Merrill expressed concern about the safety and the service of the cable line that goes through the old cedar tree that is located at the corner of the Methodist Church property if the limb that is above the line should fall or be broken in a storm. Jimmie Lee Crockett has said that they (Methodist Church) do not want the limb cut. Mr. Merrill offered to write the cable company as a private citizen. It is not a town problem.

Thomas Property: Mr. Latell reported that Randall Kipp hoped to have something next month regarding the Thomas Property development.

Roundtable:

Dr. Westbrook said that he was not going to be a candidate for reelection to the town council. Jerry Latell indicated that he may be willing to volunteer for the budget committee. The council needs to select an emergency/disaster committee chairman.

Adjournment:

Mr. Nunnally made a motion to adjourn the meeting.



Ralph D. Ransone, Mayor