

**TOWN OF IRVINGTON, VIRGINIA
235 STEAMBOAT ROAD
REGULAR MONTHLY MEETING
THURSDAY, DECEMBER 13, 2018; 6:30 PM**

The Irvington Town Council held a regular monthly meeting on December 13, 2018 at 6:30 p.m., in the Town Office.

A. CALL TO ORDER

Mayor Ransone called the meeting to order at 6:32 p.m., and asked for a moment of silence.

B. ROLL CALL

Members of Council present: Kathleen Pollard
Frances Westbrook
Bonnie Schaschek
Jackie Brown
Michael Bombay

Absent: Wayne Nunnally

Administrative Staff present: Roy C. Kime, Town Manager, Zoning Administrator
Sharon L. Phillips, Clerk, Treasurer
Nancyellen Keane, Town Attorney

Guests: see attached sign in sheet.

C. APPROVE AGENDA

F. Westbrook made a motion to amend the agenda to include approval of minute(s) from the November 20th public hearing and special called meeting which was seconded by K. Pollard.

Vote:	Kathleen Pollard	Aye
	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Jackie Brown	Aye
	Michael Bombay	Aye

D. APPROVAL OF MINUTES AND TREASURER'S REPORTS

F Westbrook stated, "On page 4, under *Committee Reports, Commons Development* of the November 8 minutes, it says here that I asked Roy to be the point of contact to work with the Chesapeake Academy when I think I asked if you and I could sit down and come up with a list and then if you want to be or someone else on the commons development committee wants to be the contact that's fine, I asked if Roy and I could sit down and come up with a wish list for Chesapeake Academy." B. Schaschek stated, "I would like to defer the minutes of the public hearing and the special called meeting since they were not sent out until late [12:13 PM] today because not all of us were home all day today to be able to read them, so I'd like to defer those until the next meeting. K. Pollard made a motion to approve the November 8 regular monthly meeting minutes as amended and the November treasurer's reports as presented which was seconded by J. Brown.

Vote:	Kathleen Pollard	Aye
	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Jackie Brown	Aye
	Michael Bombay	Aye

E. Westbrook made a motion to table the November 20 public hearing and special called meeting minutes until January which was seconded by B. Schaschek.

Vote:	Kathleen Pollard	Aye
	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Jackie Brown	Aye
	Michael Bombay	Aye

F. PUBLIC COMMENT

M. Chapman stated, "David Cheek could not be here tonight but I speak for both of us in thanking Jackie Brown for placing our letter on tonight's agenda. Since our August letter, I have done additional research on the subject in the Albermarle County Land Use Law Handbook and I am even more convinced that the existing PUD language could represent a potential threat to our town. In a long chapter devoted solely to Comprehensive Plans, the Handbook points out that Virginia Code §15.2-2223 states that a Comprehensive Plan is to be "made with the purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the territory." It also states that a Comprehensive Plan "serves no purpose if it is relegated to a box in a storage room or the bookshelf." It is and should be an action document, a powerful representation of the community's vision for its own development and decision makers should "strive to assure that their decisions are consistent with the Plan." Our letter pointed out that Strategies #2 and #3 under Goals A and B exclusively advocate and proactively encourage PUD's as the recommended vehicle for future development. The Handbook identifies the importance of strategies by saying that "in addition to stating goals and objectives, a Comprehensive Plan also should identify a number of strategies to implement those goals and objectives. In other words, the Comprehensive Plan should be viewed as one big legislative 'to do' list." With these 2 strategies intact in the Comprehensive Plan, PUD's are technically still very much on the 'to do' list. Regarding possible legal jeopardy, the Handbook points out that, "...decisions that conform to the Comprehensive Plan are more likely to be found reasonable and they reduce the potential for a claim of discrimination in the decision-making process of individual land owners." The Plan chapter is studded with legal cases brought against cities and towns by various individuals and developers. In *Board of Supervisors of Loudon County v. Lerner* (1980) the Virginia Supreme Court upheld the Board's authority to rely on its Comprehensive Plan to deny a rezoning application. This rule was repeated in *City Council of City of Salem v. Wendy's of Western Virginia, Inc.* in 1996. Our fear is that a Plan can be a powerful legal tool in both directions. It is powerful legally because it represents the will of the people for their locality. But in our case, it does not. When the former Planning Commission called a public hearing on the proposed PUD ordinance, more than 130 residents came out to oppose it. But the strategies which produced the proposed PUD ordinance are still in the Plan. And still a threat as long as they remain there. Until our Comprehensive Plan is consonant with resident opinion, our town vision, and our ordinances, we are not safe. In fact, the entire Comprehensive Plan should be reviewed to get it in line with resident opinion as expressed in the Community Survey. In many ways, this Comprehensive Plan is a rogue document. And we cannot afford to be tethered to it. Noted travel writer Art Frommer once observed: "Tourism simply doesn't go to a city that has lost its soul." I think that is what we were really afraid of losing when we fought the PUD ordinance here. We were afraid of losing the soul of our town. With no further public comment Mayor Ransone closed public comment.

G. REPORT FROM THE TOWN MANAGER – Roy C. Kime, Manager & Zoning Administrator

R. Kime reported, "The Planning Commission met December 4 and talked about resolutions from the planning commission, organization and By-Laws. There was also a request by the planning commission that the town council be more definitive about what they wanted them to look at and how far they should be going. They need to be told what to work on. Under contracts and improvements, the flag pole was installed, I continue to work to have the light installed at the bottom of the flag pole so that the light shines on the flag at night and the flag does not have to be taken down every night but the contractor has been busy. The Christmas lights are on the tree but a few strands are not working properly." Mayor Ransone suggested, "A truck may have damaged some of the lights when making the turn but I called Elbourn Electric but Paul is working on the Eastern Shore this week." R. Kime went on to report, "The sign that was taken from the Town Commons has been repaired and is ready to be installed. The town office has plumbing issues resulting in an increase from 600 gallons per month to 6,000 gallons per month consumption. The insides of the toilet are leaking and need to be replaced. John Friday reported a water issue on Seafood Lane. Aqua is involved and working to resolve the issue. Sharon and I are due to have a meeting with C. Henley regarding the back-up and recovery plan and to discuss alternatives, as soon as this is flushed out a meeting will be scheduled with the technology committee. A complaint was received about erosion from clearing that was done at 167 Chases Cove Landing. I have spoken to the contractor three times and am working with the county erosion official. Efforts to install Rip Rap and to replant the bank have been delayed due to the weather. I went down the road that is next to Irvington Farms to Fischer's Pitt. We need to determine if that land is within town limits. A brief discussion followed.

PERMITS: [2018-20]F. Sanford 70 Lee Lane addition to existing cottage. [2018-19]A. Pollard Sr., lot on Pine Circle, single family dwelling.

R. Kime stated, "I want to update the filing system for land usage files because they are filed by name which is ok if you know the names of the owners or previous owners. I intend to have the records reflect the property tax map and parcel numbers for consistency. The new zoning map is in house. It shows that there are no more B-2 parcels The map needs to be filed with the county. If there are revisions to the zoning ordinances we should proceed to tie together as we progress toward recodification process. B. Schaschek asked of there would be a benefit to scanning the existing land usage files.

H. REPORT FROM THE TOWN ATTORNEY – Nancyellen Keane, Esq.,

N. Keane reported, "I have two Follow - up reports, the first is the Charter Amendment, Ordinance 2018-11.01 which was enacted on November 20. On November 26, a certified copy of the Ordinance was sent Legislative Services and thereafter to the sponsoring representatives in the General Assembly (GA). Our certified Ordinance was submitted by the December 1 deadline imposed by the GA for pre bill drafting and I will keep you all advised as the Charter amendments make their way through the GA. Ordinance 2018-11.02 was enacted on November 20 prohibiting formula restaurants in the B-1 district. Prior to passage and during the public hearing and special called meeting held on November 20, new legal issues were raised including: (i) that there are similar laws in other states some of which have been challenged, (ii) whether Irvington's zoning chapter on business district both the CUP and district prohibitions will withstand legal challenge, (iii) whether there are different ways to achieve a different result, (iv) whether the historic designation of Irvington will assist it in the effort to regulate business district uses, (v) why the stated public purpose for the ordinance did not include the effect of formula businesses on fair market value and the town tax base, and whether (vi) there are any additional steps that can be taken by the town to improve the ordinance from a legal perspective. Several council members urged additional research on the subject. In my view, this debate in asking these kind of questions is a very good thing. The public critique of the ordinance gives a glimpse as to what a challenger may allege in the future and we should be ready for that by doing our homework now in developing a broader strategy so I wanted to say that I have been asked to look into some of these issues and I

would recommend that we do look into them as some of them may prove to be useful and some of them we may eliminate but that way we have answers on those.

New Issues: 1) I have some new legal issues that have come up. The next steps after the Charter amendments, is to update the Town Code. Now that the town has authorized the necessary amendments to the Town Charter it is important that the Town Code accurately reflect the current law in the town. The 2015 volume needs to be updated periodically and we are coming up on five years since the Code was updated and the ordinances passed since September 2014 are not included in the volume. Additionally, I understand, there may be several ordinances that are missing and should be included and some that were included but should be changed. The funds to have this update published should be included in the next budget. I am suggesting, that from my view point, should happen, there is no deadline, it doesn't have to be this year but normally localities will do this periodically and for us five years is coming up and it seems logical to start working on it. It could take the rest of this year [2019] to do all of this and it would be potentially printed in 2020. F. Westbrook asked, 'our big cost is the codification and printing?' N. Keane responded, "I have all of the records that were put together from the last printing, the contract, and it was quite pricey but I'm guessing we wouldn't be reprinting the whole book but rather slip pages, potentially. I don't know what the cost will be because you all have not authorized me to do so. I am only suggesting it because the Charter amendments are going to be updated soon and the new, amended Charter will be put in as a slip Charter in the front and we would want to look at what other sections of the Town Code are either not there or should be changed. If you all want to proceed we need to come up with a potential cost for the upcoming budget. 2a) I have two pieces of correspondence seeking information about legal issues, one was from Chapman and Cheek which was received December 5 and the letter requests Irvington make consistent its documents relevant to zoning namely the town vision, the comprehensive plan, and zoning ordinances. I am only speaking to the legal status of these documents and not about the policy of it. I looked at all of those things in terms of the suggestion that these documents need changing. First, the Town has a town vision which was adopted in the comprehensive plan that was last approved in 2017 therefore, that is the operative vision that exists currently. The comprehensive plan was adopted by the town council in 2017. We went back and referenced the minutes and it was approved. There is a code section that is applicable to comprehensive plan usage §15.2-2284 and what I learned from reading that code section is that Virginia law says that a comprehensive plan is supposed to inform the drafting of zoning ordinances so in other words the comprehensive plan is not necessarily law but it is supposed to be formulated so that you can then draft your laws from the use of the comprehensive plan. However, Irvington's Town Code §151.01 actually makes the comprehensive plan law in this town. It was incorporated by reference as part of the Town Code when it was recodified in 2015. In 2015 the current comprehensive plan did not exist. It incorporated the comprehensive plan without identifying which comprehensive plan. The one that was in existence when the code was recodified was the prior plan which was 2007 and there is not a comprehensive plan for 2012. The language in the Town Code would apply to whatever comprehensive plan exists and making that comprehensive plan the law of the town. It seems this is a starting point as we try to figure out what to do about the enforceability of the comprehensive plan. It is generally a good idea for applicable source documents to be consistent with each other. Now that we have done the Charter, we now move on to the Code, etc.. I am not suggesting any particular order I am just saying the fact that Irvington has a Town Code that says the comprehensive plan is incorporated into the Town Code makes it clear that whichever town council passed that ordinance intended for the comprehensive plan to be followed as law in the town. F. Westbrook, "but that was the first time that was done, correct and is it difficult to undo this?" B. Schaschek stated, "We need to get this on the agenda as soon as possible." A brief discussion followed. Mayor Ransone stated, the current comprehensive plan should be good for a while, we can make changes and in 10 years we may want to do another large overhaul because we don't know what the town will look like population, ordinance, etc. The comprehensive plan is only a suggestion or an outline. N. Keane, 'most people refer to the comprehensive plan as something that indicates what the town's opinion and view is.' B. Schaschek asked, "Is this something that the council can get on the agenda to change or is this something that we send back to the planning commission to get on and have them research and bring back to

us?" N. Keane, "Town council can change the town code." B. Schaschek, "As far as the comprehensive plan and getting it aligned to what the community wants we will send that back to the planning commission and have them review, research and make recommendations." M. Bombay, "Does this entail the creation of a new comprehensive plan by an outside firm?" N. Keane, "You don't ever have to use a firm and you can amend the existing comprehensive plan." J. Brown, "There was a thumb drive so we should just be able to amend the existing plan and print them off ourselves. I highly suggest the Town not use the last company hired to handle the recodification. I was on the committee with Bob Morrison and there was workshop after workshop for the ordinances and I don't even recognize things when I look at what they did." N. Keane, "the cost for slip pages is cheaper than recodification using a new company. B. Schaschek, "The last set of changes were made here because they did not continue as contracted." Mayor Ransone, "I do not understand why that particular one was put into the Town Code it was just supposed to be part of the town , a booklet, a working document, a guide, but because of what was done back in 2006 the other two automatically went in there?" N. Keane, "I think it is generally incorporated by reference. The town council has approved both of those comprehensive plans the normal way which is to have a vote and so forth and it appears the legal result would be that the comprehensive plan that is currently in effect is the one that is being talked about in Section 151.01 because you have many things in your code that you passed years ago and it applies to today. If this is something you as a Council want to move forward with, please make a motion authorizing. B. Schaschek made a motion to move forward to get it off the code and to do the research by Nancyellen which was seconded by M. Bombay. After a brief discussion it was stated the motion was to get the comprehensive plan out of code.

Vote:	Kathleen Pollard	Aye
	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Jackie Brown	Aye
	Michael Bombay	Aye

2b) N. Keane stated, "I received an email from Julie Harris regarding the historic district regime in Fredericksburg suggesting that regime may be a model for Irvington. Fredericksburg's ordinances have adopted standards that include height setbacks, area restrictions, etc. rather than prohibiting uses. This differs from the Irvington approach thus it is probably worthwhile to look at this. This was also discussed during the November 20 public hearing. I briefly reviewed the relevant Fredericksburg zoning ordinances which indicate the ...use these other types of requirements to manage their businesses in the business district in a manner keeping with their historic surroundings. I would want to talk to the city attorney in more detail as to how it was set up and actually works for the property owners. Irvington had two historic districts in 1990's and these were in the former zoning chapter of the town code – the one prior to the one printed in 2015 – the old code. In 2000 an application was applied for and approved by the Trust for inclusion in the National Register of Historic Places however after receiving that letter from the Trust it appears that no changes were made to expand the town's historic district to be consistent with the land described in their letter. Irvington instead had two historic districts that were self-described as being certain parcels on Steamboat Road and certain parcels on King Carter Drive. In the late 1990's the town wrote a very thick application for the town to be on the National Register but I don't know if the individual property owners made their own applications. When the town recodified this code they took the entire historic district section out, it is not in there. Does anyone on town council have any memory of why this was done? Or why they didn't change the historic districts to comport with what the Trust accepted in their letter? We had two small districts that we made up and when we applied to the National Register they gave us a bigger district and somehow the Town Code was never modified to include nor did it reference, and it was taken out the Town Code, altogether in 2015. If the Historic District would help in any way with the zoning in the business district we would have to go back and recreate what was taken out. There were two or three pages in the zoning ordinances referencing the Historic

District that were just taken out. There is no action to be taken, I just wanted to let you know what I have learned from my initial research.

3) W. Nunnally requested I look a regulation pertaining to precious metal dealers and gave me draft legislation from Lancaster. With your permission I would like to continue this conversation in February, when Wayne is back.

4) There are a number of ways to address abandoned or blighted properties. Mike Bombay gave me pictures of properties in question earlier this year but I need the addresses. M. Bombay, "I would be happy to drive you and Roy around town and identify the properties." N. Keane stated, "The properties in question have been reassessed so let's take a look and I will get back with you."

I. REPORT FROM THE PLANNING COMMISSION – Jackie Brown, Liaison

Councilwoman Brown reported, "The last two months the planning commission has spent time reviewing what the town council has done in terms of the By-Laws and discussing the progress of the ordinances. The last two months they really haven't done anything on the business ordinances and I'm really not sure why. They made a great start. Al Pollard Sr. made an impressive presentation on a review process for CUP's and we came up with similar towns and looked at their ordinances so that we could get some ideas. Julie Harris brought in a handbook from Fredericksburg on their Historic District but nothing has really happened in the last two months on anything as far as progress that I can see from the discussion. I am concerned about that. I am not sure given the council's new directive for the liaison, exactly what role I am supposed to play and I would like some input as to that. Am I just supposed to sit there and listen and take notes or if I am supposed to participate? I think Mike Mattheisen is doing a really great job as chairman but it feels like we are not moving forward as far as the business ordinances are concerned." F. Westbrook, "Do you think this is something the town council has not made very clear to them?" J. Brown, "I think that's very possible. Roy stated he felt the town council had not been very clear in terms of what they are supposed to do and you have not been clear enough in terms of what I am supposed to do." K. Pollard, "You are supposed to do a report of what's happening there." J. Brown, "Am I supposed to participate in the conversations?" Mayor Ransone, "You are a liaison and if you're in there and need to say something then you are certainly welcome to do so because you are on the planning commission as far as I am concerned. You do have input but you cannot vote." J. Brown, "I have not been able to vote for three years." Mayor Ransone, "I think what we are doing here can be a daunting task because you are looking at reviewing a lot of stuff and I don't want to overwhelm them. I think they should take a section and review it and get it straight and bring it back to the council." B. Schaschek, "I think that's what we did, we directed them to the B-1 and B-2 even though there are no B-2's left." J. Brown, "Then we were directed to the R-1 and R-2." B. Schaschek, "I don't remember that." J. Brown, "I remember that we were asked to review R-1 and R-2." F. Westbrook, "Are you saying that you are through with B-1's because we were talking about heights and how you determine setbacks, square footage based on lots?" B. Schaschek, "I don't think they have even started." J. Brown, "All I am saying is there hasn't been any progress in two months." F. Westbrook, "It sounds like to me that's what you should be doing and we just sat here tonight and talked about this whole comprehensive plan thing too so are we waiting until January to talk about that in more detail and then we will get with the planning commission?" B. Schaschek, "But in the meantime I think they should be working on the B-1 and B-2's even though there's no B-2 left." F. Westbrook, "Something may come up with B-2, R-1 may decide to go to B-2." B. Schaschek, "But only on the B-1's." Mayor Ransone, "And then go to the R-1's and I don't expect it to happen overnight so if they need to take two or three months to figure this out then bring it to us and we can approve it or pass it then we move on to the next section. But trying to incorporate it all at once is too much." F. Westbrook, "I think you all wanted to do the formula stuff first because you felt that was the most important – the biggest threat. So you took a little side trip." N. Keane, "What is it that the planning commission is supposed to do with the B-1 and B-2, are they supposed to actually rewrite the code book?" Mayor Ransone, "No they do not have to rewrite but they have to review if there are any discrepancies or things that are missing that need to be incorporated." J. Brown, "Right now all we have are height and setback's and those are the only regulations

so I think we need to have some regulations on parking, size regulations compatible with Irvington in terms of being a historic, rural town so to me it makes sense to limit that retail to 2,500 square foot or less.” F. Westbrook, “Well, you could also question a building that was built in Irvington and it took up almost all of the property and consequently it looks massive and out of line with some of the other stuff in Irvington.” A discussion saying you can use only so many square feet of the overall or a percentage of the property.” Mayor Ransone invited Mike Mattheisen to speak to the topic. M. Mattheisen, “There are a number of things involved here one of which, the planning commission wants to be sensitive to the council’s instruction that we not go off and do anything that you don’t want us to do, we don’t want to surprise you or blindsides you in any way so we are trying to be sensitive to that concern. The issue that initiated the review of the business district was the question of the procedures or standards for rezoning’s so we began by looking at other small town jurisdictions within Virginia primarily Tidewater Virginia to see how our ordinances compared to those ordinances. We were surprised to discover, in general, our ordinances are actually more restrictive than any other small town ordinance that we have looked at in that our ordinance unlike the other ordinances do not have any ‘by right’ uses when you get a rezoning. You can get the zoning and still can’t do a thing with the property until you get a CUP and that is a fairly rigorous process. I also looked at the application forms for rezoning in other jurisdictions and they are very similar to the application we have, they don’t ask for much more than information than we do. In most cases, they don’t ask for as much information as we do and those are in jurisdictions that have ‘by right’ uses. There are a host of specific restrictions and permissions that are general in a lot of ordinances such as height restrictions, parking, landscaping, etc., we have those in our ordinances just not under the zoning district but under the CUP district. We could look at those but I think what the commission would like in terms of clarification is what do you want us to accomplish by that review? If we have a better sense of purpose, direction, or what we want to accomplish in doing the review we would have something more to go on when we start the review. In the meantime we did ban big box stores in town and we started looking at the historic district and what the implications for the historic district might be for commercial and residential development within the boundaries. We have just initiated that. The first step is to educate ourselves as to the two things we have been looking at. The historic district which is the larger historic district and the application that was submitted – which is a highly informative document with a lot of historical and context information that most of us were unfamiliar with - and the other is the Fredericksburg example. Fredericksburg has a highly developed alternative approach to historic preservation and prevention. They do not just ban things. They allow them but they allow them within certain restrictions. Urbanna also has something very similar but that is a far more complex resource demanding operation than a simple ban because they have architectural review boards (ARB) which are fairly independent of city council and operate on their own authority and they have a host of restrictions or guidelines for anything that is to be done within a historic district. You have to sort through the different facets and take a more nuisance approach to historic preservation. The handbook book for historic preservation, which Julie got copies of is 200 pages long, the background looks like the background for the historic district in Irvington maybe because they have federal regulation to address certain factors and address them in a certain order. There is similarity. We are happy to look at things and the more specificity council can give as to what we want to accomplish the better it would be.” F. Westbrook, “Weren’t we talking about in January talking about the whole comprehensive plan and everything? Something may come out of that, that may be important so why don’t we give this some thought and be better prepared next month.” Mayor Ransone, “I don’t want you all to feel like you have to do everything but if you are working on something on right now and you want to bring recommendations back I think that’s what you should do. Work on what you have just talked about and if you have recommendations or changes that you think need to be made then you can present it to council and that keeps us abreast of what’s going on. I don’t think that’s going out of the way, or Jackie can let us know what’s going on because she will be there. I think it’s just a review and if you have updates then bring those to the table and we can go from there. Are you both comfortable with that? J. Brown, “Yes.” M. Mattheisen, “Yes.”

J. COMMITTEE REPORTS

1. Flags & Lights – S. Phillips, Clerk

S. Phillips, "I just wanted to thank Kathleen Pollard and Karen Feuerman for working to find judges for the 2018 Holiday Lights Contest. The judges are Rita Grinsberg, Barbara Lovell and Tina Haagen. Due to the snow storm and the resulting power outages Kathleen and I thought it would be best to move the Holiday Lights Contest to Wednesday, December 19th at 6PM. The change of date has been posted on the town website, town office, and Post Office. Only four forms have been received but that will not disqualify anyone from participating in the contest. Mayor Ransone, "If you want to do forms that fine but most people just decorate and the judges ride around and pick a house." B. Schaschek, "When did the forms come into play?" K. Pollard, "This year because there are so many little lanes and we can't go down all of the little lanes without knowing what's been decorated. It would be easier for the judges to find the houses if we knew the addresses. But, Karen and I are going to ride all around the town and look and see where everything is but we could miss someone and that's why we thought of the form. Mayor Ransone, "There are so many little side streets that having an address to put into a GPS definitely makes it easier for the judges." K. Pollard, "Since we haven't gotten a lot of forms we are going to ride around the day before because we don't want anybody to miss out." B. Schaschek, "I've never even heard of putting in a form, I was shocked." Mayor Ransone, "I think it was to get the address, it wasn't to single one out or to judge only the four that turned in forms." B. Schaschek, "Is there a way to put that in the paper that somebody should pick up a form?" K. Pollard, "It's in the newspaper." S. Phillips, "A display ad has been run in the local newspaper twice, and posted on the Post Office door and on the town office door, and town website." K. Pollard, "The form is new this year because it does help the judges." Mayor Ransone, "Yes, the form is helpful and maybe the form will be more successful as time goes on." R. Kime, "Does the form apply to businesses?" S. Phillips, "No, businesses do not have to fill out a form because all business are in the business district."

K. OLD BUSINESS –

1. First Reading of Resolution 2018-010 - Amending the 1969 Resolution Creating the Planning Commission – S. Phillips, Clerk

RESOLUTION #2018 – 010

AMENDING AND RESTATING THE 1969 RESOLUTION CREATING THE IRVINGTON PLANNING COMMISSION, AND, FURTHER, REPEALING MOTIONS WHICH AMENDED THE MAKE-UP AND NUMBER OF COMMISSION MEMBERS

WHEREAS, the Town Council created a Planning Commission by Resolution dated October 9, 1969 (the "1969 Resolution"); and

WHEREAS, the 1969 Resolution has been in full force and effect since November 13, 1969; and

WHEREAS, the Town Council has amended the 1969 Resolution by Motions which modified the make-up and number of Planning Commission members, on January 13, 1983, January 11, 2007, and March 20, 2015, respectively; and

WHEREAS, the Town Council now desires to amend and restate the Resolution creating the Irvington Planning Commission and to repeal the foregoing amending Motions.

NOW THEREFORE, it is RESOLVED, that the 1969 Resolution shall be amended and restated, and the foregoing motions repealed, as follows:

"1. A Town Planning Commission (referred to as the Irvington Planning Commission, or the Commission) is hereby created for the Town of Irvington, Virginia, as an advisory commission to the Town Council, and in accordance with VA Code Ann. Section 15.2- 2210 et seq. Said Commission shall consist of the

number of members stated in VA Code Ann. Section 15.2-2212, one (1) of whom shall be a member of Town Council as Liaison who is ex-officio and non-voting. The appointed members, shall be qualified voters of Irvington who also possess qualifications required by VA Code Ann. Section 15.2-2212. All of the members appointed, including those filling vacancies, shall be appointed by the Town Council for the terms and in the manner stated in VA Code Ann. Section 15.2-2212. Any appointed member may be removed by the Council in accordance with VA Code Ann. Section 15.2- 2212.

"2. The Commission shall have the functions and duties which are prescribed by state law, the Town Code and this Resolution.

"3. The Commission shall adopt rules for the transaction of its business, referred to as By-Laws for its operation, which do not conflict with state law, the Town Code or this Resolution, and shall provide a copy of such By-Laws to the Town Council. However, if additional officers other than Chair and Vice Chair are proposed, or if employees or consultants are proposed in the By-Laws, then the By-Laws shall be approved by the Town Council prior to their effect.

"4. The Commission's functions are as follows: (a) The Town Council may, from time to time, assign projects to the Commission and will identify in advance what research and analysis is requested to be performed by the Commission, in cooperation with the Town Staff, as a recommendation to the Town Council, and the Commission shall submit a written report of its recommendation to Town Council at the conclusion of each project; and (b) the Commission shall periodically prepare and recommend to Town Council a comprehensive plan for Irvington, in consultation with the Town Staff, in accordance with VA Code Ann. Section 15.2-2223 et seq; and (c) the Commission shall perform such other services as are provided in the Irvington Town Code.

"5. The Commission shall have the duties stated in VA Code Ann. Section 15.2-2221 when performing its functions.

"6. Any funds required to be expended by the Commission for its operation require prior approval of Town Council.

"7. This Resolution shall take effect immediately upon passage."

Mayor Ransone, "We've already approved this, correct?" S. Phillips, "Yes, there was a first reading during the November meeting and amendments were made at that time. This reading reflects those changes." N. Keane, "You approved it last time to go to a second reading and now you vote to adopt as a Resolution." J. Brown made a motion to approve and adopt Resolution 2018-010 as read which was seconded by B. Schaschek.

Vote:	Kathleen Pollard	Aye
	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Jackie Brown	Aye
	Michael Bombay	Aye

2. **First Reading of Resolution 2018-011** to approve *Amend and Restated By-Laws of the Planning Commission – S. Phillips, Clerk*
Jackie Brown presented the First Reading of Resolution 2018-011

RESOLUTION 2018-011
Authorizing The Amended and Restated By-Laws of the Planning Commission

WHEREAS, the By-Laws of the Planning Commission were last amended March 1, 2016; and

WHEREAS, the Council desires to authorize various amendments to the Planning Commission By-Laws.

NOW THEREFORE, BE IT RESOLVED that the By-Laws of the Planning Commission are amended and restated as attached.

IT IS FURTHER RESOLVED that the Town of Irvington place this Resolution in the Minutes of its December 2018 regular meeting.

BY-LAWS
IRVINGTON PLANNING COMMISSION
Irvington, Virginia
Adopted December 6, 1994
Revised March 1, 2016
Proposed Amended and Restated December 13, 2018
BY-LAWS
Irvington Planning Commission of Irvington, Virginia
Adopted December 6, 1994
Revised March 1, 2016
Amended and Restated December 13, 2018

ARTICLE 1 - AUTHORITY

The Irvington Planning Commission, established by Resolution of Irvington Town Council on October 9, 1969 and Amended and Restated by Resolution 2018-011, hereby amends and restates By-Laws for its operation and to comply with VA Code Ann. Section 15.2-2210 *et seq*, the Town Code and Irvington Town Council Resolution 2018-011 dated, December 13, 2018

ARTICLE 2 - OFFICERS AND THEIR SELECTION

The officers of the Irvington Planning Commission (the "Commission") shall consist of a Chairman, a Vice-chairman, and a Secretary, who shall be chosen pursuant to VA Code Ann. Section 15.2-2217.

Nomination of officers shall be made from the floor at the regular May meeting each year. Election of officers shall follow immediately.

A candidate receiving a majority vote of the entire membership of the Commission shall be declared elected. He/she shall take office immediately and serve for one (1) year or until his/her successor shall take office.

Vacancies in office shall be filled immediately by the same procedures used at the May meeting.

ARTICLE 3 - DUTIES

The Commission shall perform the duties identified in VA Code Ann. Section 15.2-2221.

The Chairman shall:

Preside at all meetings.

Appoint committees, special and/or standing.

Rule on all procedural questions (subject to a reversal by a two-thirds (2/3) majority vote by the members present).

Be informed immediately of any official communication and report same at the next regular meeting.

Carry out other duties as assigned by the Commission.

The Vice-Chairman shall:

Act in the absence or inability of the Chairman to act

Have the power to function in the same capacity as the Chairman in cases of the Chairman's inability to act.

The Secretary shall:

Assume the administrative duties for the Commission.

Notify all members of special meetings.

Attend to the correspondence of the Commission, and keep a written record of all business transacted by the Commission.

Provide a copy of all records to the Town Clerk for the public record.

ARTICLE 4 - STANDING AND SPECIAL COMMITTEES

The following standing committees shall be appointed by the Chairman to serve as needed:

A Comprehensive Plan Committee. It shall coordinate the work of the other committees as it progresses and relate it to the overall program and keep the Comprehensive Plan developing in a realistic and reasonable manner.

Special committees may be appointed by the Chairman for the purpose and terms approved by the Commission.

The Chairman shall be an *ex officio* member of every committee.

The Council Liaison shall not chair a committee.

ARTICLE 5 - MEETINGS

Regular meeting of the Commission shall be held on the first Tuesday, at 6:30 pm of each month or at the advertised time. . When a meeting date falls on a legal holiday, the meeting shall be held on the following Tuesday unless otherwise designated by the Commission.

Special meetings shall be called at the request of the Chairman or at the request of a quorum of the membership with a notice of at least ten (10) days or more.

All regular meetings, hearings, records and accounts shall be open to the public.

A majority of the membership of the Commission shall constitute a quorum.

The number of votes necessary to transact business shall be a majority of the membership present and voting. Voting may be by roll call in which case a record shall be kept as a part of the minutes.

ARTICLE 6 - ORDER OF BUSINESS

The order of business for a regular meeting shall be:

Call to order by Chairman
Determination of a quorum
Approval of minutes
Report of Chairman/Secretary
Report of Zoning Administrator
Unfinished Business
New Business
Adjournment

Parliamentary procedure in Commission meetings shall be governed by the current Robert's Rules of Order.

The Commission shall keep a set of minutes of all meetings, and these minutes shall become a public record.

ARTICLE 7 - HEARINGS

In addition to those required by law, the Commission at its discretion may hold public hearings when it decides that a hearing will be in the public interest.

Notice of a special hearing shall be published as required by VA Code Ann. Section 15.2-2214..

The matter to be addressed by the Commission shall be summarized by the Chairman or by the Zoning Administrator if requested by the Chairman.

A record shall be kept of those speaking before the hearing.

ARTICLE 8 - AMENDMENTS

These By-Laws may be changed by a recorded majority vote of the entire Commission membership after ten (10) days prior notice, subject to prior approval by Town Council if required by state law or Irvington Town Council Resolution 2018 -011.

F Westbrook, "Under Article 5, Meetings, that last sentence or paragraph talks about the number of votes necessary to transact business shall be a majority of the membership present – if there are only three people there then two would carry the vote?" Mayor Ransone, "No, because you don't have a quorum present." F. Westbrook, "Thank you." J. Brown made a motion to approve and adopt Resolution 2018-011 as read which was seconded by B. Schaschek.

Vote:	Kathleen Pollard	Aye
	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Jackie Brown	Aye
	Michael Bombay	Aye

L. NEW BUSINESS

1. Motion authorizing staff, in consultation with the chair of the Planning Commission and Council Committee on Zoning, to conduct further research on zoning in the business district, as a follow-up to the public comment on November 20, 2018, and to report back to Council.— *M. Bombay Council Member* Mike Bombay, "This was something that I thought about during the last meeting, I think Nancyellen addressed a lot of this in her talk earlier tonight. I think it does behoove us to do a little more research on these zoning issues and make sure we are going down the right path." F. Westbrook, "It seems to me that this is more appropriately a planning commission thing to do as opposed to sending it to a whole different

group. That is in essence what the planning commission does.” N. Keane, “I will be able to do most of this research, I think it requires legal research.” Mayor Ransone, “And this is on what we approved last month?” N. Keane, “No, not on what we approved last month. It’s these other ideas that people had and also there were some things that were about the cases that were discussed in the public hearing that were not discussed in detail. But the core in those cases in Florida that were referenced in the discussion gave a road map to how the town could have met the constitutional burden could have won those cases but the facts of those cases suggest that they couldn’t based on the fact in the case. What we would need to do is look at what the court said the test is- there is a constitutional test you have to meet and an elevated scrutiny test with three aspects- and we need to make sure that whatever we have passed we have met the three prongs of that test and if we haven’t then maybe there are things that we can do to make sure that we can. The court is giving us a road map and we should look at that road map – that’s a legal thing from those cases but then there are other issues like the historic district; Warsaw giving incentives to small businesses to encourage small business rather than larger businesses. I just want to make sure that I am able to work with whoever you give this to because I don’t want to research things you haven’t authorized me to research but I think I should be involved because otherwise I’ll come along afterwards and have to do the research then.” M. Bombay made a motion that Nancyellen and if she needs help from Roy or Sharon that they do some research on this and come back with the information that they found.” F. Westbrook, “Can we just define what kind of research? You are going to be doing legal research?” N. Keane, “I will be looking at anything that was in my report tonight. When I said that there were other issues raised at the meetings, there is a legal aspect to all of the concerns. I am not going to be looking at anything other than the legal aspect.” B. Schaschek, “Roy and Sharon don’t need to be involved.” N. Keane, “But they would be involved, and I say this only because a lot of time I need documents and things that are in the town office and they help me find things that I need and help suggest things I haven’t thought of.” F. Westbrook, “It seems reasonable to me as long as this is done in conjunction with the planning commission.” N. Keane, “I am happy to work with any group, I just wanted to be authorized to begin.” Mayor Ransone, “If you want to report your findings to Mike [Mattheisen] then let’s keep an open channel.” F. Westbrook seconded the motion.

Vote:	Kathleen Pollard	Aye
	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Jackie Brown	Aye
	Michael Bombay	Aye

2. Presentation of letter from concerned resident – J. Brown, Council Member

J. Brown, “The Chapmans and Cheeks sent a letter at the end of August to all members of council and it’s never been discussed so I felt it was an important letter and we should go over it. I think the points made in the letter are very important the concept that Irvington’s legal status is ambiguous was confirmed by Nancyellen when Mike and I were discussing the wording for the ordinance banning formula businesses in Irvington. Mike had suggested using the CUP as supporting the public purpose for the document and Nancyellen stated that was problematic because your community does not support your comprehensive plan. She further stated that our vision, our ordinances and comprehensive plan should be in concert in order to be on the most defensible legal ground. They are not. I think it would be irresponsible of the council to continue to ignore the situation when it is in fact the most important work we can be doing. The Chapmans and Cheeks suggest, rightly I think, the comprehensive plan be updated to reflect citizens opinion and that the town urgently needs to get zoning ordinances and comprehensive plan language working in concert to protect the town. I was on the planning commission when the leadership suggested ignoring the results of the community surveys and hiding those results in the back of the comprehensive plan. The explanation was given that Irvington was a failing community and they knew best what was

good for our town. I disagreed with that then and I disagree now. My view is that the existing vision statement which is, "To maintain and enhance Irvington as a premier Chesapeake Bay community celebrated as a special place to visit and exceptional place to live for many years to come" is so non-specific as to be meaningless. The concepts of enhanced, premier, special, exceptional, are open to very subjective and widely differing interpretations. Further, many of the goals, while appearing innocuous to the position of the values and wishes of our community. It is my view that due to the sudden development interest in this area the town council should develop a detailed vision statement for our community that reflects the will of our residents and how they wish to live in their community. Remove the comprehensive plan language enabling a PUD type of growth and development as this language is clearly at odds with the public purpose and review the business ordinances to set requirements that we have already discussed this evening including a review process for the CUP applications that focuses on the projects impact on traffic, community character, local economy, and the environment. I think council should take this as its responsibility other than the ban on formula businesses there are business requirements that are limited to a list of CUP's and height and set back requirements. If we fail to move quickly we will have no meaningful input into the future of our village. I think we should discuss this letter and what the important points that they brought forward." F. Westbrook, "I think we have hit on this throughout this meeting and what we have been talking about with Marsha and public comment and some conversation about going back and looking at the comprehensive plan and making sure that it is agreeable and the legal aspect of some of this stuff so we need to move on it." N. Keane, "In a meeting in October I had with Jackie, Mike Mattheisen and Roy we were talking about this legislation that was passed November 20th and one of the things that came out of that meeting is that we need a vision of the town that should be in the zoning chapter of the ordinances and the vision is in this comprehensive plan and it is apparently controversial and not well supported. So, a well supported vision statement needs to be in our zoning ordinances because in Virginia it is very important that when you have drafted zoning ordinances that it follows a vision and something that the public has supported and has documented either survey results or public hearing minutes – where the public, the actual residents, have stated the kinds of things that are in your vision statement. I think that is just one aspect of our conversation that we had back in October and it was not something that we could do anything about then, but, if you are talking about doing that now, the vision is a very important piece." Mayor Ransone, "Since we are going to address the comprehensive plan, would a workshop where we can talk about things and maybe come up with a consensus on some of the things that need to be done, what does council think too?" N. Keane, "There are short term and longer term things that are going to need to be done in order - the code is a part of this, the comprehensive plan is part of this, and the vision part is very important for not only the comprehensive plan but for the zoning section of the town code and if we are going to recodify or update the town code by the end of the year [2019] we have to have all that done. What it takes to do a vision is another survey and another public hearing and somebody that knows how to do all of that. I'm not saying the people that did it before did or did not know what they were doing, I don't know how they got the vision or the results, but they did use the right tools. They did a survey. I don't know how long it will take to do a new survey but a new survey will be a centerpiece for whatever work is done in the comprehensive plan or in the town code. The town code needs to be updated and we need to send it to a publisher by the end of 2019. You have this year to do a vision statement; decide what you want to do about the comprehensive plan and amending it or however you proceed; and you have to make changes to the town code. That sounds aggressive but all of these things work together and they all need to be consistent." Mayor Ransone, "Would workshops be something where we could discuss what we want to do?" N. Keane, "Yes, more talk is good." B. Schaschek, "Do you want to have a second meeting? But I think public input is important." F. Westbrook, "Once word gets out." Mayor Ransone, "They could submit comments or questions to us because when we have a workshop we discuss what problems we have so we have some issues that we need to redirect and the public knows that." N. Keane, "We need to have someone who has a reputation and experience doing surveys and vision

statements, it doesn't need to be the previous firm. We don't need to spend a lot of money. It needs to be defensible legally. We need to have a defensible vision." Mayor Ransone, "If you already have the survey from this particular plan maybe it needs to be put in a different place and other stuff put out. Being a comprehensive plan if it's not written in stone we as a council can do that, please check the legality." N. Keane, "I think we need to have some aspect, a survey or this public hearing and we need to have someone developing it with experience. You have someone on your planning commission with experience." F. Westbrook, "She won't do that because of the conflict." N. Keane, "She can do it if she doesn't vote on it." F. Westbrook, "Maybe you need to talk to her." J. Brown, "There are other people in the town as well." B. Schaschek, "I think we need to have a workshop and we can discuss it then and I also think you need to look at the existing survey that was done but instead of ignoring what the town said read what they said and incorporate that. That's all we need." F. Westbrook, "I do think we need to schedule a workshop sooner than later we only have twelve (12) meetings between now and when this is supposed to be finished and so we should plan a workshop meeting because as soon as word gets out there's going to be a whole lot of town people sitting there. So, my guess is that it would need to be planned for the Baptist Church. I really think there are going to be that many people that are going to show up because this has been a bone of contention for a long time and it has caused a lot of issues and they are not about to give it up now so it might behoove us to consider a workshop." M. Bombay, "Because the survey went out people responded and said they were ignored so why would they want to complete another survey?" B. Schaschek, "I'm saying what came out in the comprehensive plan didn't appropriately reflect what the community wanted so if we take it, it wasn't that the questions were bad, all the information is there it's just that it was not interpreted accurately." M. Bombay, "For the public – if they were ignored why would they try again? I hope they come out." Mayor Ransone paused the meeting and allowed public comment from T. Chapman, "You did a survey and it reflected what the community wanted. The comprehensive plan strategies and goals did not reflect what the community wanted. You have an additional survey for the Commons which supports the original survey. I think you have all the community data and when you have a public hearing you will get the support of the community which shows community support for your public input which Nancyellen said we need. So I think you have everything you need." F. Westbrook, "I think we could do the workshop here then." Mayor Ransone, "When does Wayne get back and when is our meeting in January?" J. Brown, "Wayne will be back January 10th." F. Westbrook, "The next town council is January 10th." F. Westbrook, "Let's schedule a workshop for Monday, January 14th at 5PM in the town office." B. Schaschek, "Do you have copies of the current survey, still?" F. Westbrook, "We can make copies of both the CDC and the comprehensive plan." Mayor Ransone, "Bring them with you to the workshop." B. Schaschek, "I have copies of the survey." F. Westbrook, "Maybe you could circulate copies of the surveys to everybody and that will give us a place to start."

M. ANNOUNCEMENTS

1. Christmas Eve with Santa – 6:00 pm Irvington Methodist Church
2. In observance of Christmas the town office will be closed December 24th & 25th
3. In observance of the New Year the town office will be closed December 31st & January 1st
4. Volunteers needed to remove lights from Christmas tree

Mayor Ransone suggested January 5th with a rain date of January 12th

N. ROUNDTABLE DISCUSSION

K. Pollard mentioned she had received an email inquiry from Michelle Smith, a reporter with the Northumberland Echo, regarding Ordinance 2018-11.02 which she forwarded to the town office. She encourage other members of council to forward all email inquiries to the town office. After a brief discussion all members agreed they too had received the same inquiry. M. Bombay stated he had spoken with Michelle Smith via phone. S. Phillips reminded members of council to forward any media inquiry to the town office as

they are FOIA requests and should be handled by the FOIA Officer. N. Keane suggested all media inquiries should be the responsibility of staff to maintain accuracy and consistency. Mayor Ransone agreed with the town attorney and encouraged members of council to forward all inquiries to the town office and allow staff to process.

As a follow up from the November meeting, K. Pollard presented the request from the town to the VIA regarding the financial responsibility for the Lee Stephens memorial plaque and the VIA felt that was an issue the town should handle.

B. Schaschek stated during the same VIA meeting it was requested the lights and electric at the gazebo be repaired. A brief discussion followed. R. Ransone requested R. Kime look into the lights and electric at the gazebo.

F. Westbrook made a motion to allow the budget and finance committee to contact the legal firm representing the Wiley accounts and see what they will let us do with this money which was seconded by K. Pollard.

Vote:	Kathleen Pollard	Aye
	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Jackie Brown	Aye
	Michael Bombay	Aye

B. Schaschek stated the technical and website committee will meet the second Wednesday of each month.

F. Westbrook stated the budget and finance committee will meet the third Monday of each month.

O. CLOSED SESSION

I, Kathleen Pollard hereby move that the Town Council and Mayor of the Town of Irvington go into closed session, to discuss personnel matters pursuant to the Code of Virginia, Section 2.2-3711 (A)(1). I, Kathleen Pollard, so move. M. Bombay seconded the motion.

Vote:	Kathleen Pollard	Aye
	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Jackie Brown	Aye
	Michael Bombay	Aye

P. RETURN TO OPEN SESSION

I, Kathleen Pollard 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, Fran Westbrook, so certify.

I, Mike Bombay, so certify.

I, Jackie Brown, so certify.

I, Bonnie Schaschek, so certify.

I, Ralph Ransone, so certify.

No action was taken.

Q. ADJOURNMENT

M. Bombay made a motion to adjourn which was seconded by B. Schaschek.

Vote:	Kathleen Pollard	Aye
	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Jackie Brown	Aye
	Michael Bombay	Aye

The meeting was adjourned at approximately 8:15 p.m.

Respectfully submitted,
Sharon L. Phillips, Clerk

Ralph D. Ransone, Mayor



**TOWN OF IRVINGTON, VIRGINIA
235 STEAMBOAT ROAD
TOWN COUNCIL
REGULAR MONTHLY MEETING
THURSDAY, DECEMBER 13, 2018 6:30 PM**

Sign In Sheet

	Name	Address
1.	Klaus D. Scherschal	304 K.C.
2.	Mersha Chapman	62 Old Mill Cove Rd.
3.	Julius & Bill Harris	1099 King Carter Dr.
4.	[Signature]	3857 [Signature]
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		

**TOWN OF IRVINGTON, VIRGINIA
IRVINGTON BAPTIST CHURCH
TOWN COUNCIL SPECIAL CALLED MEETING
TUESDAY, NOVEMBER 20, 2018**

The Irvington Town Council held a Special Called Meeting on November 20, 2018 at 7:15 p.m., in the Irvington Baptist Church

A. CALL TO ORDER

Mayor Ransone called the Special Called Meeting to order at 7:15 p.m.

B. ROLL CALL

Members of Council present: Kathleen Pollard
Frances Westbrook
Bonnie Schaschek
Jackie Brown
Wayne Nunnally
Michael Bombay

Administrative Staff present: Roy C. Kime, Town Manager, Zoning Administrator
Sharon L. Phillips, Clerk, Treasurer
Nancyellen Keane, Town Attorney

Guests: see attached sign in sheet.

C. APPROVE AGENDA

F. Westbrook made a motion to approve the agenda which was seconded by W. Nunnally.

Vote:	Kathleen Pollard	Aye
	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Jackie Brown	Aye
	Wayne Nunnally	Aye
	Michael Bombay	Aye

D. SECOND READING - Sharon Phillips, Town Clerk

1. **ORDINANCE 2018 - 11.01 AN ORDINANCE AUTHORIZING CERTAIN AMENDMENTS TO THE TOWN CHARTER**

ORDINANCE 2018-11.01

AN ORDINANCE AUTHORIZING CERTAIN AMENDMENTS TO THE TOWN CHARTER

WHEREAS, the Irvington Town Charter was granted by the Virginia General Assembly in 1958; and

WHEREAS, the Town Charter, Article III, Section 2, was amended in 1962; and

WHEREAS, the General Assembly passed legislation on April 19, 2000, as an emergency provision, and uncodified, which changed the terms of office for Irvington Town Council and Mayor to four year staggered terms ("Uncodified Legislation"); and

WHEREAS, the Council desires that the Town Charter be further amended by the General Assembly, and that the Uncodified Legislation be reflected in the Town Charter; and

WHEREAS, a public hearing regarding this Ordinance was held under VA Code Ann. Section 15.2-202 on November 20, 2018; and

WHEREAS, this Ordinance was read twice at meetings of the Council before being enacted.

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

The Council hereby authorizes the following amendments to the Charter:

1. Article II, Section 1. Add a footnote notation following each reference to "Virginia State Highway #3" on lines 1, 17, 22 and 25 and drop the following footnote text at the bottom of the section: "Renumbered as Virginia State Highway 200".
2. Article II, Section 1. Add the following to the end of the paragraph: ", Instrument number 180001509, and also shown on a certain plat of survey of a portion of the boundary of Irvington, made by Robert C. Buckley, Jr., Certified Surveyor, dated October 28, 1994, which said plat is of record in the Clerk's Office of the Circuit Court of Lancaster County, Virginia, Instrument number CLR 940000938."
3. Article III, Section 2. Delete the first sentence. Insert the following: "On the second Tuesday in May 2020, there shall be elected by the qualified voters of the town, one elector of the town who shall be denominated the mayor, and three other such electors, all of whom shall serve terms of four years. On the second Tuesday in May 2022, there shall be elected by the qualified voters of the town, an additional three electors who shall serve terms of four years. The six electors other than the mayor shall constitute the town council."
4. Article III, Section 2. Second sentence, change the word "September" to "July".

5. Article III, Section 7. Insert the following after "council" in line 1: ", voting only in case of a tie,"
6. Article III, Section 11. In line 1, change "September" to "July".
7. Article III, Section 13. In line 1, change "September" to "July".
8. Article III, Section 15. In line 1, change "September" to "July".
9. This Ordinance is effective upon passage.

BE IT FURTHER ORDAINED BY THE TOWN OF IRVINGTON, VIRGINIA that the Town of Irvington shall provide a certified true copy of the Ordinance to the Commonwealth of Virginia Division of Legislative Services for further handling.

E. ROUNDTABLE DISCUSSION

W. Nunnally thanked the town attorney for her hard work in identifying the necessary changes and updates to the Town Charter.

F. CONSIDERATION OF A MOTION TO ADOPT ORDINANCE 2018- 11.01 - W. Nunnally, Council Member

W. Nunnally made a motion to adopt Ordinance 2018-11.01 as presented which was seconded by J. Brown. Mayor Ransone called for a vote using a show of hands. The vote was as follows:

Vote:	Kathleen Pollard	Aye
	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Jackie Brown	Aye
	Wayne Nunnally	Aye
	Michael Bombay	Aye

With a unanimous show of hands ORDINANCE 2018- 11.01 is passed.

G. SECOND READING - Sharon Phillips, Town Clerk

1. **ORDINANCE 2018 - 11.02 AN ORDINANCE REPEALING TOWN CODE §§154.085, 154.086, PORTIONS OF THE ZONING ORDINANCE OF THE TOWN OF IRVINGTON AND AMENDING AND RESTATING THOSE SAME SECTIONS TO CLARIFY B-1 DISTRICT USES AND PROHIBITIONS**

ORDINANCE 2018-11.02

An Ordinance Repealing Town Code §§154.085, 154.086, portions of the Zoning Ordinance of the Town of Irvington and Amending and Restating those same sections to clarify B-1 District uses and prohibitions

WHEREAS, the Irvington Town Council desires to repeal Town Code §§154.085, 154.086, which were adopted on September 12, 2013; and

WHEREAS, the Council desires to amend and restate §§154.085, 154.086; and

WHEREAS, these changes to the Zoning Chapter of the Town Code were recommended to Council by the Irvington Planning Commission; and

WHEREAS, these changes were discussed in a public hearing held on November 20, 2018, pursuant to VA Code Ann. § 15.2- 2204; and

WHEREAS, this Ordinance was read twice before enactment.

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

1. This Ordinance is adopted pursuant to VA Code Ann. §15.2-2204 and the authority granted to localities by VA Code Ann, §15.2-2280.
2. Town Code §§154.085 and 154.086, adopted September 12, 2013, are repealed. The attached language amending and restating §§154.085 and 154.086 is incorporated herein by this reference and enacted.
3. This Ordinance is effective upon passage.

BUSINESS DISTRICT B-1

“§154.085 STATEMENT OF INTENT.

“(A) The B-1 District covers that portion of the Town shown on the Zoning Map, and which is intended for the conduct of general business to which the public requires direct and frequent access.

“(B) The B-1 District uses are stated in §154.086. A conditional use permit is required for all uses in §154.086(B), and an additional conditional use permit is required in the event of expansion of or change to an existing permitted use. Uses specified in §154.086(C) are prohibited.

“§154.086 USE REGULATIONS.

“(A) All uses allowed in R-1 and R-2 Districts are permitted.

“(B) Subject to (C) below, all of the following uses are allowed with an approved conditional use permit:

- (1) Retail food stores that sell gasoline;
- (2) Bakeries;
- (3) Dry cleaners;
- (4) Laundries;
- (5) Wearing apparel stores;

- (6) Drug stores;
- (7) Post offices, county offices, town offices, and other similar public uses;
- (8) Barber and beauty shops;
- (9) Theaters and assembly halls;
- (10) Hotels, motels, inns, rooming and boarding houses, tourist homes;
- (11) Office buildings, newspaper office, bank;
- (12) Church;
- (13) Library;
- (14) Marina, boat and yacht sales and service agencies;
- (15) Service stations (with major repair under cover);
- (16) Clubs and lodges;
- (17) Plumbing and electrical supply (with storage under cover);
- (18) Furniture stores; and
- (19) Restaurants whether serving or not serving alcoholic beverages. Off-street parking as required by this chapter.

“(C) The following uses are not allowed , thus, a conditional use permit will not be approved.

- (1) Formula restaurants defined as: food service businesses required by contractual or other business arrangements to offer standardized menus, ingredients, food preparation, employee uniforms, interior décor, signage, or exterior design or which adopts a name, appearance or food preparation format which causes it to be substantially identical to another restaurant regardless of ownership or location.
- (2) Formula retail businesses defined as: a single source high traffic retailer, operated directly by or under contract with a manufacturer or distributor of merchandise or services for sale within, and required to adopt standardized layout, décor, uniforms, or similar standardized features.
- (3) Manufacturer outlets defined as: retail businesses whose main purpose is the quick turnover of after-market, overstock, defective, or past season merchandise. This includes stores offering merchandise of a single or multiple manufacturers that is offered at discount pricing.
- (4) The foregoing definitions apply to §154.086 only; in the event of a conflict between the foregoing definitions and those elsewhere in this chapter 154, these definitions control §154.086.

“(D) The public purposes for prohibiting the uses stated in (C) include but are not limited to: (i) public demand, (ii) maintaining the unique community character and function of Irvington, including its unique look and feel, (iii) maintaining links of the unique town center to its waterfront and agriculture, (iv) preserving and protecting the historic designation of Irvington on the National Register of Historic Places, and (v) maintaining the human scale of the district. The prohibitions are reasonable and necessary to achieve the public purposes stated above because they prohibit uses that directly conflict with the concepts of uniqueness, human scale and historic status which are important to the public.”

H. ROUNDTABLE DISCUSSION

M. Bombay stated, “I’ve heard a lot of new information tonight and I request Council table this discussion so we can learn more about it rather than jumping in. I understand the desire to keep the town looking and feeling the same but rather than restricting companies based on their name, I would like to find another way to handle it like was mentioned in other towns with height restrictions and setbacks. I don’t think I am prepared right now to vote on this tonight. I would like to take a little more time to research. I am not asking for 6 or 8 months but would like to just follow up on some of the new information that was heard tonight. There is no reason to jump through the hoop for this.” J. Brown stated, “There is a reason to at least pass the formula restaurants portion of it our area is changing right before our eyes. Three months ago who would have thought that Hills Quarters would have been bought up lock stock and barrel. Developers are moving and you hear every day about a new parcel being bought by somebody and they all seem to know something we don’t know and I would like to have protections in place for Irvington before anybody tries to set up shop here. This restriction on formula restaurants has held up in courts throughout the country. It is not the same thing as the case that M. Terry was citing, that was a discrimination case where a town was banning people coming from the outside, individuals coming in from the outside and opening businesses they [the town] were encouraging local businesses, that was deemed to be discriminatory but banning a formula type business is a certain type of operation it is not a person versus that person.” K. Pollard stated, “I am not in favor of it either. I agree with Mike, I think we need to do additional research because under subsection C you could say the following uses are allowed thus a special CUP will be required so I think you can cover uses and formula restaurants and businesses. It is too restrictive for me right now and I would just like to see us research it more and come away with some kind of a special CUP to allow certain things that would be required and that’s how we can limit what comes into this town.” B. Schaschek stated, “I support the ordinance as presented. We need to move on it now and then we can look at the setbacks. The planning commission is working on the B1 and B2 setbacks that is their next phase of this.” F. Westbrook stated, “I am in favor of passing this tonight for a couple of reasons. One, it does give us some immediate protection and there is absolutely no reason we cannot go back and change any aspect of this in the future whether it be next week or six months from now. The other thing is, I don’t believe our CUP process has ever been tested legally. We have operated under that and it has always worked for us but if we are counting on that as our ace up our sleeve it may not hold up it might but it may not and we don’t know.” N. Keane stated, “In addition to what we heard before [in the public hearing] and what J. Brown said about the case that came forward to the Eleventh Circuit they are not the exact same ordinance – word for word. Anybody can be the owner of the restaurant. Our facts would have to line up exactly with what happened in the Eleventh Circuit cases for them to be applicable. In a couple of aspects, our situation is better than the Florida town. There are

other cases where the ordinance was drafted exactly the way J. Brown presented this one – they were upheld in California. I have not checked Texas, Vermont or other states, that is a lot more research. I also agree that other changes can be made in the future to confirm Irvington's ordinance meets the required test; and other standards can be brought forward. We could research how they have done things in Fredericksburg and the use of our Historic District and what we could do with that but that was not something we have the ability or time to do in this review. Does anyone have any legal questions?" K. Pollard asked, "What was he referring to that he thought was unconstitutional?" N. Keane stated, "He [M. Terry] read the holding in one Florida case, which held that a Florida town zoning ordinance which banned formula restaurants disproportionately discriminated against interstate commerce; there is a second Florida case which was challenged for the same reason. That one involved another part of the same Florida zoning ordinance concerning a limitation on formula retail business. So, it is not exactly the same thing that we are looking at." M. Bombay asked, "How many locations would it take for a company to fit into that [formula] description. Sedona owns the Tides. They also own several other properties around the world." J. Brown said, "It is not the number of locations it is the way they do business, all the employees are in the same uniforms, they have the same menu, they have the same distributors. It is not about the number of locations." N. Keane said, "And to your point Mike there are two properties in the center of town, the gas station and the bank, that are formula retail business and they have been there for 40 or 50 years. So you already have something that fits that but that happens in other locations and they are considered grandfathered non-conforming uses." M. Bombay asked if that, 'could cause a problem, you let them do it but you are not letting me do it?' N. Keane responded, "Could be." F. Westbrook stated, "At least the bank conformed to a look that is similar to what the Town is about. We can certainly fine tune an ordinance to reflect that if that's the way we want to go." K. Pollard said, "If Marriott wants to come in here and put their restaurant in here, how many lawyers would come with them? If the Tides closes I would love to see a Marriott there, we need to have the revenue and the income and employment. The Tides may not be here in a few years. Again, I think more research needs to be done." There was no further discussion.

I. CONSIDERATION OF A MOTION TO ADOPT ORDINANCE 2018-11.02 - J. Brown,
Council Member

J Brown made a motion to adopt ORDINANCE 2018-11.02 as presented which was seconded by B. Schaschek. Mayor Ransone Mayor Ransone called for a vote using a show of hands. The vote was as follows:

Vote:	Kathleen Pollard	Opposed
	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Jackie Brown	Aye
	Wayne Nunnally	Aye
	Michael Bombay	Opposed

Mayor Ransone asked the record show there are four (4) votes in favor and two (2) votes against. ORDINANCE 2018-11.02 is passed as written.

*NOTE: The Florida ordinance did not meet the required constitutional test; suggesting that there could have been facts under which it could have met the burden required, but under the facts in those cases, it did not.

J. ADJOURN

W. Nunnally made a motion to adjourn which was seconded by B. Schaschek.

Vote:	Kathleen Pollard	Aye
	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Jackie Brown	Aye
	Wayne Nunnally	Aye
	Michael Bombay	Aye

The meeting was adjourned at approximately 7:30 p.m.

Respectfully submitted,
Sharon L. Phillips, Clerk

Ralph D. Ransone, Mayor



**TOWN OF IRVINGTON, VIRGINIA
IRVINGTON BAPTIST CHURCH
TOWN COUNCIL SPECIAL CALLED MEETING
TUESDAY, NOVEMBER 20 2018 7:30 PM**

Sign In Sheet

	Name	Address
1.	Klaus D. Schaefer	384 K.C.D.
2.	William H Harris	1099 KCD
3.	Julie W Harris	1099 KCD
4.	Mary Cary Bradley	991 King Carter
5.	Cheryl Schneider	303 2nd St. S.W.
6.	Deborah Lockhart	792 King Carter
7.	Buddy & Sue Spencer	33 Reynolds Lds.
8.	Greg Lockhart	792 King Carter Dr.
9.		
10.		
11.		
12.		

**TOWN OF IRVINGTON, VIRGINIA
IRVINGTON BAPTIST CHURCH
TOWN COUNCIL PUBLIC HEARING
TUESDAY, NOVEMBER 20, 2018**

The Irvington town council held a public hearing on November 20, 2018 at 6:15 p.m., in the Irvington Baptist Church

A. CALL TO ORDER

Mayor Ransone called the public hearing to order at 6:20 p.m.

B. ROLL CALL

Members of council present: Kathleen Pollard
Frances Westbrook
Bonnie Schaschek
Jackie Brown
Wayne Nunnally
Michael Bombay

Administrative staff present: Roy C. Kime, Town Manager, Zoning Administrator
Sharon L. Phillips, Clerk, Treasurer
Nancyellen Keane, Town Attorney

Guests: see attached sign in sheet

C. PUBLIC HERING

1. **ORDINANCE 2018-11.01** *AN ORDINANCE AUTHORIZING CERTAIN AMENDMENTS TO THE TOWN CHARTER*

F. Westbrook made a motion to open the public hearing for proposed Ordinance 2018-11.01 which was seconded by W. Nunnally.

Vote:	Kathleen Pollard	Aye
	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Jackie Brown	Aye
	Wayne Nunnally	Aye
	Michael Bombay	Aye

Mayor Ransone opened the public hearing and asked for public comment. There is no public comment. With no comment from the public and no comment from members of council, mayor Ransone asked for a motion to close the public hearing for proposed Ordinance 2018-11.01. W. Nunnally made a motion to close the public hearing for Ordinance 2018-11.01 which was seconded by F. Westbrook.

Vote:	Kathleen Pollard	Aye
	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Jackie Brown	Aye
	Wayne Nunnally	Aye
	Michael Bombay	Aye

D. PUBLIC HEARING

1. **ORDINANCE 2018- 11.02** *AN ORDINANCE REPEALING TOWN CODE §§154.085, 154.086, PORTIONS OF THE ZONING ORDINANCE OF THE TOWN OF IRVINGTON AND AMENDING AND RESTATING THOSE SAME SECTIONS TO CLARIFY B-1 DISTRICT USES AND PROHIBITIONS*

W. Nunnally made a motion to open the public hearing for proposed Ordinance 2018-11.02 which was seconded by M. Bombay.

Vote:	Kathleen Pollard	Aye
	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Jackie Brown	Aye
	Wayne Nunnally	Aye
	Michael Bombay	Aye

Mayor Ransone opened the public hearing and asked for public comment.

M. Terry stated, "I have been a business man in Irvington for over 30 years, I currently work for Hubbard, Terry & Britt, and was the town attorney for Irvington for many years. I am very concerned with the proposed ordinance on three bases. First, I very strongly believe the proposed ordinance is unconstitutional. There is no case in Virginia recorded although there is a case in Florida, *Cachia v Islamorada* 542 F. 3d 839 (2008), which found that a similar ordinance based on almost the same premises was found unconstitutional by a court in Florida. A court would have a hard time determining if the impact of a Starbucks would be any greater than the impact of The Local or the impact of a Panera being greater than the impact of The Office Café or a ladies store being different than that of The Dandelion. My statements represent my own beliefs and my affection for the town, as I have lived in Irvington for 14 years before moving to Fleeton. I am not representing a client. My concerns regarding the commerce clause, particularly what happens if the Tides Inn is taken over by Marriott or Hilton and they want to bring in a chain restaurant. It is not necessary. Irvington has the most strict conditional use permit (CUP) requirement of any other jurisdiction and it has been used quite effectively to control growth in the town. That is a tremendous lever. Is there really a likelihood that a high traffic business such as Wawa would come into town? In an era where many municipalities are fighting each other to get businesses to come into their jurisdiction - we [Irvington] are going to make it difficult, forego potential sales tax revenue, potential jobs, with this ordinance? There are three bases on which I recommend not adopting this proposed ordinance. First it is not constitutional. Another case recorded in California in which a jurisdiction tried to keep a chain store from coming in which was settled out of court with a huge payment to the claimant. The potential cost to the town is extreme. Unconstitutional, unnecessary, and it is ill advised." D. Cheek asked if the proposed ordinance applied to the business district or if it applied to the entire town. J. Brown replied the proposed ordinance applied to all B1 and B2. The Tides Inn is zoned B1. J. Harris stated one part of the proposed ordinance applied to the historic district and referenced a definition sited in the historic district in Fredericksburg – ensure businesses in the historic district will be in keeping with the character of the historic district of Fredericksburg. Protect, restore,

and preserve the architectural integrity of existing structures of the historic district. Irvington has a historic designation and that should help keep out other formula businesses. Using the historic designation has worked for Fredericksburg and seems it may be beneficial for Irvington. G. Kuper stated he discovered by talking to people, that the CUP on which the proposed ordinance on which the town will continue to rely has never been proven in a court case and this may be dangerous for the town and should warrant a review of the entire zoning process. The town should rely on the CUP process rather than the good will of the petitioner or its heirs. The fundamental problem with the whole approach, which needs to be examined legally and perhaps the planning commission needs to come back and seek a more comprehensive approach. K. Schaschek ask how the CUP process would be defended? Does the town have enough money? N. Keane stated the town would have to secure special litigation counsel just like the entity seeking to challenge the CUP process. K. Schaschek stated we are a small town and relying exclusively on the CUP process is risky and expensive. Mayor Ransone stated the reason for the CUP was to keep things small town and if somebody came in with something that was out of the ordinary they would have to apply for a CUP and the council has the right to deny any permit that they do not feel is in the best interest of the town. M. Chapman asked J. Brown to explain her rationale for the ordinance and asked if the town attorney thought the proposed ordinance was defensible. J. Brown stated, "in my view the ban helps to strengthen the CUP process because you can't be arbitrary and say you will allow a restaurant owned by a woman in Weems but not allow probably the most successful restaurateur in the world – McDonald's – that's arbitrary and capricious. So, if we don't allow, right off the bat certain kinds of restaurants, in my view that will change the nature of the community, taking it out of human scale, make it less, dealing with your neighbors as opposed to having people come in with red and orange uniforms and big signs and certain ways that look like every other place in the world. One of the most disappointing things is when I am traveling and every shopping center is exactly the same no matter where you go, it takes away from what makes those places unique and interesting. Irvington has a very interesting community and very interesting personality, a historic nature, and we need to protect that as much as we can. If you allow formula businesses to come in and be just like the business down the street then you lose your identity and one of the reasons I proposed this is because in working with groups in other small towns I learned about the ordinance in Carmel California which has never been overturned since 1980. This same ordinance with the same wording has been tried over and over across the country, Manchester Vermont and towns in the Mid-West have adopted the same ordinance and it has never been overturned but it has been challenged. So, I picked the same wording to protect our community. I have questions about the CUP also but it was already on the books. We allow certain business and certain things that are on the approved list there are things I would not want in town. But, that is where we are starting from. The planning commission is not finished looking at the ordinances but this is just a beginning to try to make things more in our control rather than being controlled from outside. The community is changing so much and we have Hills Quarters being bought, large tracts of land suddenly being bought and we don't know what people are planning and rather than have it be done to us I proposed this to try to protect us from people coming in from the outside and changing our town for commercial gain. N. Keane stated, "I was given the language to review by the planning commission and asked to massage and put into final form. There is no other ordinance in Virginia like this. It is clear under Virginia statutes that a town in Virginia does have the authority to impose prohibitions in zoning ordinances so to come at this as a standpoint of prohibition is something that technically Virginia statute allows. Further stating, "I don't know how this will turn out in a court. It is something that is on top of the CUP process that we have currently. There are concerns with the CUP process but that was not the focus when the proposed ordinance was drafted. I was asked to put something together solely for formula restaurants, retail and then outlets. I have looked at ordinances that were passed in other states and you cannot equate them exactly. It would probably be a case of first impression in Virginia. You also have to

consider how the other states are structured, are they Dillon's Rule States? Which pertains to whether the locality has any inherent authority. Virginia is a Dillon's Rule state – all of the authority the town takes is in either the Charter which is granted by the General Assembly or in the Code of Virginia. I have looked at the case that was cited earlier. I have seen the cases in California. These cases were approached differently. The facts of those cases were different, potentially. The case in the Eleventh Circuit [Island Silver & Spice, Inc., et al v Islamorada, a Florida municipality, et al 542 F. 3d 844 (11th Cir. 2008)] was couched as a constitutionality case because the town treated outside companies from other states differently than they were treating companies that grew up with local owners. The Eleventh Circuit is the highest court case, federal court because it is a constitutional issue. The other cases were only in state courts and never rose to a federal level. I cannot answer definitively if the proposed ordinance is defensible because I do not know the facts we would have to address. The town would have to hire litigation counsel, at the relevant time, I am not a litigator. We have the authority to do it. Is this the way to do it? That is for the town council to debate. There are other ways to go at this type of issue. I have looked at Fredericksburg and they approach it slightly differently by putting their standards in heights and setbacks and the area a building can cover which would naturally eliminate certain businesses being in that area. They do not prohibit particular uses. They do not prohibit formula restaurants. They impose certain requirements for the building and setbacks that would accomplish some of the same things the proposed ordinance is trying to accomplish. I have not looked at cases in Vermont – they may have different ordinances than we are proposing.” J. Brown stated, “I have done a lot of reading on this and found as far as land use is concerned communities have a lot of latitude in deciding what they want for their town. The problem is you have to get your rules in place before they are challenged, before somebody gets a dummy corporation, buys some land somewhere and says we are going to open this and everybody is appalled you have to act ahead of a threat and to me it is well worth it to protect our community, our lifestyle, to have something like this in place in case it ever happens.” N. Keane stated, “It is important when passing an ordinance like this is to make sure the public purpose is stated and the public purpose is stated in the proposed ordinance.” A. Pollard Jr., stated, “I want to thank the Council and J. Brown specifically for taking this on proactively and looking at it ahead of time whether it is through a CUP or some other means. If you look at Oxford Maryland ten years ago they would have said they would never have this. Secondly, the town could include in the stated purpose keeping formula restaurants out of the town limits preserves property values. A place with unique character has higher property values than a place that is generic.” J. Harris asked, “If the designation on the Historic Register would carry weight as far as not bringing in those businesses.” N. Keane stated, “A reference to the Historic Register was included in the statement of public purpose of the proposed ordinance. I have not had the opportunity to look thoroughly into the Historic Register. Using Fredericksburg as an example, they have a historic district, they list prohibitions or standards for building in the historic district, they list the historic buildings. Each building in the historic district has a letter from the National Registry and I am not sure if ours do, there may be some differences between the two localities and what our property owners are willing to do in terms of having their own properties named in the National Register versus the historic district. More research needs to be done. That is something that could be used to modify or upgrade the proposed ordinance.” J. Brown stated, “Our properties are listed and named.” N. Keane requested more information. M. Terry stated, “In response to the town attorneys analysis of the cited court case I will read the holding in the case [Cachia v Islamorada 542 F. 3d 839 (2008)], while the ordinance is not facially discriminate between in state and out of state interest it's prohibition of restaurants operating under the same name, trade mark, menu or style is not even handed in effect and disproportionately targets restaurants operating in interstate commerce. The ordinances' prohibition therefore imposes more of an indirect burden on restaurant operations as a practical effect of discriminating against interstate commerce. Again, I do not think anyone will come here but the potential

for the town to incur tremendous expense in defending an ordinance which we have a pretty good indication from the eleventh circuit of how the court feels, concerns me. I don't disagree – I do not want a WAWA in town, it would not be good for the image of the town but I think the Town is running the risk of incurring significant expense if you adopt the ordinance as it is written. Following the Fredericksburg example is far better and far likelier to sustain scrutiny." D. Cheek thanked J. Brown for her effort and stated, "I think it is a good idea and concept and I agree and would like to have restrictions put on the business district." R. Maninno questioned the environmental impact of allowing big business in Irvington and asked if policies are in place to hold them accountable. He suggested imposing architectural restrictions on new construction. G. Kuper suggested adopting this ordinance on a conditional basis with the understanding the commission and council will revisit the whole approach to how this is managed because the current system will not serve us well. W. Nunnally stated, "I was under the impression the CUP gave [the town] authority to say McDonald's you can come here but you have to look like this – you cannot have a yellow sign, you must have this many parking spaces, square footage cannot exceed a certain amount." M. Terry stated, "Other jurisdictions have similar processes used to prevent the plastic monstrosity from being erected in the town." N. Keane stated, "The closest example would be the Walmart in Kilmarnock. Kilmarnock was not successful in keeping them out but they were successful in getting Walmart to change their color scheme. McDonald's in Church Hill, which is a historic district, does not look like a traditional McDonald's. It is built in a two story Georgian type property and resembles the surrounding houses. The Town of Ashland fought to keep Walmart out. But were not successful." F. Westbrook stated, "Bob and I moved to Irvington because of the Walmart in Ashland. Once McDonald's came to the small, college, railroad, town of Ashland it was a gateway for Kings Dominion which led to more fast food restaurants and ultimately Walmart. The Town has never been the same." M. Chapman stated, "Putting a big box retailer in an acceptable façade, which we might not recognize as a McDonald's, is not the issue; people still know it is a McDonald's. If you dress up a pig it is still a pig. A McDonald's does not fit in with the special place we have and want to keep." W. Nunnally stated, "I would like to paraphrase my understanding the evenings comments, if we pass this ordinance the constitutional test could easily be defeated because it is a blanket restriction as opposed to a qualified restriction, a restriction that we have the right to direct what comes to the town, what it looks like, lot size, etc. It would cost a whole lot of money to defend if we pass it as is; we need to amend it a little bit to control what is going in." J. Brown stated, "We need to make decisions about what we care about and start acting as if we do because it only takes one of these types of businesses to come in and it snow balls. I have moved twice to get away from this crap and I really value what we have here and I think we really need to think about what direction we want to move in and what vision we want and act on it." With no further public comment Mayor Ransone asked for a motion to come out of the public hearing. W. Nunnally made a motion to come out of the public hearing which was seconded by M. Bombay.

Vote:	Kathleen Pollard	Aye
	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Jackie Brown	Aye
	Wayne Nunnally	Aye
	Michael Bombay	Aye

E. ADJOURN

The meeting was adjourned at approximately 7:10 p.m.

Respectfully submitted,
Sharon L. Phillips, Clerk

Ralph D. Ransone, Mayor



**TOWN OF IRVINGTON, VIRGINIA
IRVINGTON BAPTIST CHURCH
TOWN COUNCIL PUBLIC HEARING
TUESDAY, NOVEMBER 20 2018 6:30 PM**

Sign In Sheet

	Name	Address
1.	Klaus D. Schaschke	394 K.C.D.
2.	Buddy & Sue Spencer	³³ Reynolds 434 806 8628
3.	Julie Harris	1099 King Carter Dr.
4.	Bill Harris	" " " "
5.	Deb Lockhart	792 King Carter Dr.
6.	Greg "	" "
7.	GEORGE KUPER	
8.	Jim Crowley	480 King Carter Drive
9.	Gene & Susan Edmonds	204 Old Mill Cove Rd.
10.	Al & Mary Louisa Pineda	60 York Rd
11.	Cary Schenck	307 Quail Trl
12.	June McGehee	221 Sanders Ln

13. _____
14. Snowy McGeary 220 Sanders Ln
15. Fitz Totten 1157 King Carter Dr
16. ~~John Amalf~~ 183 King Carter
17. ~~John Amalf~~ 3952 Irvington Rd
18. Mary Healey 51 Edgewood Ln
19. David Healey 51 Edgewood Ln
20. Al Pollak
21. MARJIE CHARMAN 62 Old Mill Cavern
22. Tom " " " "
23. Mike Matthiesen 27 Virginia Rd
24. Matt Jerry 293 Steamboat Rd
25. Maryann Bradley 991 King Carter
26. _____
27. _____
28. _____
29. _____
30. _____
31. _____
32. _____
33. _____
34. _____

**TOWN OF IRVINGTON, VIRGINIA
235 STEAMBOAT ROAD
REGULAR MONTHLY MEETING
THURSDAY, NOVEMBER 8, 2018**

The Irvington Town Council held a regular monthly meeting on November 8, 2018 at 6:30 p.m., in the Town Office.

A. CALL TO ORDER

Mayor Ransone called the meeting to order at 6:30 p.m., and asked for a moment of silence for the victims and families of the recent mass shooting in California. Mayor Ransone thanked members of Council and the community for their support during his leave of absence.

B. ROLL CALL

Members of Council present: Kathleen Pollard
Frances Westbrook
Bonnie Schaschek
Jackie Brown
Wayne Nunnally
Michael Bombay

Administrative Staff present: Roy C. Kime, Town Manager, Zoning Administrator
Sharon L. Phillips, Clerk, Treasurer
Nancyellen Keane, Town Attorney

Guests: see attached sign in sheet.

C. APPROVE AGENDA

Mayor Ransone requested the addition of 'appointment of vice mayor' to Old Business on the agenda. F. Westbrook made a motion to approve the agenda as amended which was seconded by W. Nunnally.

Vote:	Kathleen Pollard	Aye
	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Jackie Brown	Aye
	Wayne Nunnally	Aye
	Michael Bombay	Aye

D. APPROVAL OF MINUTES AND TREASURER'S REPORTS

Fran Westbrook made a request to add the comment "F. Westbrook asked T. Chapman to keep the Town updated" be added to Public Comment section of the October minutes. F. Westbrook made a request to add the comment, "F. Westbrook stated she did not receive a copy of the proposed Resolution prior to the meeting and therefore felt unprepared to participate in the discussion and vote" be added at each instance where she abstained from voting. B. Schaschek made a request to remove certain lines of Resolution 2018-006, *Authorizing IT Consultant Services*. K. Pollard noted the correct address for a building permit issued is 57 Westham Circle. F. Westbrook asked for clarification from the treasurer regarding \$15 credit on the August 2018 treasurer's report. S. Phillips stated she would research and communicate directly with F. Westbrook. F. Westbrook made a motion to accept the October minutes as amended and to accept the October Treasurer's Report as presented which was seconded by K. Pollard.

Vote:	Kathleen Pollard	Aye
	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Jackie Brown	Aye
	Wayne Nunnally	Aye
	Michael Bombay	Aye

F. PUBLIC COMMENT

S. Phillips read a statement from C. Bradley, vice president, SEM. See attached. W. Nunnally stated at a recent meeting a new resident stated they were not greeted properly by the Town, so in an effort to show appreciation and welcome that resident to the Town, W. Nunnally requested the clerk to present R. Mannino with a jar of homemade blueberry jelly on behalf of the Irvington Town Council. There being no further comments, Mayor Ransone closed public comment.

G. REPORT FROM THE TOWN MANAGER -- Roy C. Kime, Manager & Zoning Administrator

R. Kime reported the Planning Commission met November 6 and worked on proposed Resolutions 2018-010 and 2018-011. The flag pole has been installed on the Town Commons. VDOT replaced the navigation lights on the bridge crossing Route 200. Street sweeping has been scheduled in anticipation of the 2018 Turkey Trot. As directed by Council, S. Phillips and K. Schaschek joined the meeting with IT Consultant C. Henley to discuss off site back up. Research revealed K. Pollard was duly elected as vice mayor on September 14, 2014 by nomination from G. Edmonds. After reviewing subsequent minutes it appears the election of K. Pollard as vice mayor in 2016 was not captured in meeting minutes nor was the establishment of committees and appointment of members of Council to respective committees. R. Kime suggested a ratification of the election of vice mayor K. Pollard. Mayor Ransone stated committee appointments coincide with the two year election cycle. R. Kime suggested blighted properties be included in the purview of an existing committee. R. Kime reported vandals stole the Welcome to Irvington sign from the Town Commons and he worked with the Lancaster County Sheriff's Department to identify the vandals and have the sign repaired and returned. Letters of apology from the two of the three vandals and their parents have been received and acknowledged. He requested direction from Council as to how to proceed. K. Pollard suggested R. Kime write a letter to the respective parents acknowledging the letters of apology. Mayor Ransone suggested informing the Commonwealth's Attorney the letters of apology have been received. F. Westbrook asked for an update on the dedication plaque for Lee Stephens. R. Kime stated he had suggested the Village Improvement Association (VIA) take responsibility for the plaque. K. Pollard stated she would present the situation to the VIA and present findings at the next Town Council meeting. F. Westbrook asked the status of the zoning district maps. R. Kime stated the anticipated cost of the new zoning district maps is \$200. W. Nunnally requested an update from the meeting with the Enchantment Group, Tides Inn. K. Pollard stated the meeting with the management team of the Enchantment Group was very informative and favorable although the message from the management team was limited to the closing of the Golden Eagle Golf Course. She and R. Kime requested the Enchantment Group keep the Town informed as to their future endeavors. K. Pollard asked if progress has been made regarding the mutual aid contract for enhanced patrol. N. Keane and R. Kime stated they continue to address the contract with the Lancaster County attorney. K. Pollard stated a representative from VDOT indicated funds are available for sidewalk repairs in the Town and asked if the apron at the entrance of the Trick Dog was paid for using public or private funds. Mayor Ransone stated entrances to driveways are private and not the responsibility of the Town. He suggested sidewalk repairs would not occur until spring 2019.

PERMITS: none

H. REPORT FROM THE TOWN ATTORNEY – *Nancyellen Keane, Esq.*

N. Keane reported that, at the October Council meeting, it was reported the Planning Commission had recommended prohibitions on certain business uses to amend the Town Code zoning chapter. She was asked to perform a legal review of the concept and the language. Councilman Bombay requested more information on the issue of prohibiting certain business uses and to specifically find out what happened in Kilmarnock when a PayDay Lender sought to open a store there. N. Keane contacted the Kilmarnock town attorney who stated that Kilmarnock's approach had been an effort to substantively regulate the business of Pay Day Lending. It was not couched as limitation on or a prohibition of use from the zoning sense. So, because of the difference in their approach the Kilmarnock example does not give us [Town of Irvington] any precedential value in evaluating our situation which is a prohibition on the uses in the business district. The proposed zoning ordinance to prohibit formula business uses is likely the first of its kind in Virginia. Research did not find any other Virginia locality with similar ordinances prohibiting formula business uses and no Virginia case. However, State law does authorize a locality to pass ordinances which prohibit uses in a zoning district (Virginia Code Section 15.2-2280; Paragraph 1). Further research revealed other localities that had done this are outside of Virginia. Some localities in other states have used the approach of prohibiting or limiting formula business uses and there are legal cases outside of Virginia holding both for and against the localities doing so. We must be careful not to assume that legal results in other states will translate to the same legal result here because facts drive results, and Virginia is a Dillon's Rule state – not every state reviewed is a Dillon's Rule state. As a result of the legal research, some changes were recommended to the document..

Additionally, N. Keane received proposed revisions to the Planning Commission By-Laws in the form of a red-line to the current By-Laws for the Planning Commission after the October Planning Commission meeting. At the July and August Town Council meetings she was asked to research the role of the Planning Commission. In order to properly look at the By-Laws red-line and the question about the role of the Planning Commission she obtained the prior By-Laws versions from 1994 and 2016 and also found the Resolution from 1969 creating the Planning Commission and several motions that were passed in 1983, 2007, and 2015 modifying the membership of the Planning Commission. As a result of reviewing all of these documents, it was clear that updates and clarifications were needed to both the By-Laws and the Resolution governing the Planning Commission's creation. The law changed in the interim - Title 15.1 became Title 15.2 in the State Code and the references were to the wrong sections, there were conflicts between and among the documents and it was unwieldy to keep track of these five (5) documents when trying to deal with the Planning Commission. So, with inputs from the Planning Commission, Town Council, and staff, N. Keane drafted Revised By-Laws and Amendment and Restatement of the 1969 Resolution creating the Planning Commission.

Thirdly, Resolution 2018-009 Authorizing Preparation of Charter Amendments was unanimously approved. As a result of receiving this direction from Town Council and prior to drafting the proposed Ordinance for review, the town attorney spoke with Delegate Ransone, Senator McDougle's Legislative Aide and the Senior Counsel for the Division of Legislative Services about the housekeeping amendments for the Irvington Charter. The proposed Ordinance authorizes the General Assembly to amend the Charter to bring Irvington in line with current law, facts and practice. The Ordinance will be presented later in the agenda by Councilman Nunnally.

The town attorney will review of a piece of legislation passed by Lancaster County requiring gold dealers to register with the county per the request of Councilman Nunnally and will provide a report at the next meeting.

Councilman Bombay and Councilwoman Brown requested the town attorney research the remedies the Town might have in dealing with abandoned or blighted properties. She will work with the committee that takes that on and do the legal research behind the issue.

In connection with the Charter amendments issue the original Town survey was updated in 1994; the original survey was performed in 1956; there was a partial survey of a partial boundary of the Town in 1994 which was accepted by the Town and recorded at the Circuit Court but it is not referenced in the Charter. Staff coordinated with Charlie Pruett, a certified land surveyor, who agreed to come in to the Town office and review the Charter description, the metes and bounds in the Charter description, and compare it to the two surveys to make sure the Charter description was correct and did not need to be modified. Mr. Pruett provide suggestions for word changes at the end and also provided a written report at no cost confirming the Charter description matches the surveys. Mr. Pruett was given a copy of the 1956 survey as a thank you.

I. REPORT FROM THE PLANNING COMMISSION – Jackie Brown, Liaison

Councilwoman Brown reported at the November meeting of the Planning Commission members continued with their discussion on ways to improve communication and transparency with residents. C. Bradley offered a remedy that her HOA used where one member of the Commission would review input from residents and report back to Commission but they do not respond. Discussed the status of the Commissions By-Laws, the status of the amendment to the business district regulations; and reported on the Resolution creating the Planning Commission. C. Bradley provided a report on the commons development committee. In observance of New Year's Day the January 2019 meeting has been rescheduled to January 8.

J. COMMITTEE REPORTS

1. Commons Development – Fran Westbrook, Council Member

F. Westbrook stated at the October Town Council meeting the commons development committee presented a list of recommendations and the committee stated they felt they had met the charge and requested to be disbanded. For clarification, the Town Council's commons development committee is not disbanded. The group of people working on that particular charge is now disbanded. Reminded members of Council to attend the November 20 commons development meeting at the Irvington Baptist Church for the purpose of presenting its recommendations to the public in a town hall style meeting. She also reported a request from Hillary Smith of Chesapeake Academy to the committee that the 7th grade class be allowed to design a proposal for a new playground. The academic exercise would include researching potential playground equipment, plans for the Commons, research into site design, ADA, CAD, preparing a budget and ultimately presenting their mock proposal to the Council. Mayor Ransone suggested R. Kime secure a certificate of insurance. F. Westbrook asked R. Kime to be the point of contact and to work with the Committee to provide acceptable parameters. A brief discussion followed. W. Nunnally made a motion to support Chesapeake Academy academic exercise which was seconded by K. Pollard.

Vote:	Kathleen Pollard	Aye
	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Jackie Brown	Aye
	Wayne Nunnally	Aye
	Michael Bombay	Aye

K. OLD BUSINESS –

1. First Reading of Ordinance 2018-11.01 Authorizing Charter Amendments – W. Nunnally, Council Member

W. Nunnally made a motion to place Ordinance 2018-11.01 *An Ordinance Authorizing Certain Amendments to the Town Charter* in the minutes of the November 2018 meeting. M. Bombay seconded the motion. The public hearing has been scheduled for November 20th at the Irvington Baptist Church.

ORDINANCE 2018-11.01

AN ORDINANCE AUTHORIZING CERTAIN AMENDMENTS TO THE TOWN CHARTER

WHEREAS, the Irvington Town Charter was granted by the Virginia General Assembly in 1958; and

WHEREAS, the Town Charter, Article III, Section 2, was amended in 1962; and

WHEREAS, the General Assembly passed legislation on April 19, 2000, as an emergency provision, and uncodified, which changed the terms of office for Irvington Town Council and Mayor to four year staggered terms ("Uncodified Legislation"); and

WHEREAS, the Council desires that the Town Charter be further amended by the General Assembly, and that the Uncodified Legislation be reflected in the Town Charter; and

WHEREAS, a public hearing regarding this Ordinance was held under VA Code Ann. Section 15.2-202 on November 20, 2018; and

WHEREAS, this Ordinance was read twice at meetings of the Council before being enacted.

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

The Council hereby authorizes the following amendments to the Charter:

1. Article II, Section 1. Add a footnote notation following each reference to "Virginia State Highway #3" on lines 1, 17, 22 and 25 and drop the following footnote text at the bottom of the section: "Renumbered as Virginia State Highway 200".
2. Article II, Section 1. Add the following to the end of the paragraph: ", Instrument number 180001509, and also shown on a certain plat of survey of a portion of the boundary of Irvington, made by Robert C. Buckley, Jr., Certified Surveyor, dated October 28, 1994, which said plat is of record in the Clerk's Office of the Circuit Court of Lancaster County, Virginia, Instrument number CLR 940000938."
3. Article III, Section 2. Delete the first sentence. Insert the following: "On the second Tuesday in May 2020, there shall be elected by the qualified voters of the town, one elector of the town who shall be denominated the mayor, and three other such electors, all of whom shall serve terms of four years. On the second Tuesday in May 2022, there shall be elected by the qualified voters of the town, an additional three electors who shall serve terms of four years. The six electors other than the mayor shall constitute the town council."
4. Article III, Section 2. Second sentence, change the word "September" to "July".
5. Article III, Section 7. Insert the following after "council" in line 1: ", voting only in case of a tie,"
6. Article III, Section 11. In line 1, change "September" to "July".
7. Article III, Section 13. In line 1, change "September" to "July".
8. Article III, Section 15. In line 1, change "September" to "July".
9. This Ordinance is effective upon passage.

BE IT FURTHER ORDAINED BY THE TOWN OF IRVINGTON, VIRGINIA that the Town of Irvington shall provide a certified true copy of the Ordinance to the Commonwealth of Virginia Division of Legislative Services for further handling.

Vote:	Kathleen Pollard	Aye
	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Jackie Brown	Aye
	Wayne Nunnally	Aye
	Michael Bombay	Aye

2. **First Reading of Ordinance 2018-11.02 Repealing, Amending and Restating Sections 154.085 and 154.086 of the Town Code, Zoning Chapter of the Town of Irvington and Amending and Restating those same sections to clarify B-1 District uses and prohibitions – J. Brown, Council Member**

Jackie Brown introduced Ordinance 2018-11.02 and I note that there is a 2 page attachment entitled Business District B-1

Jackie Brown made a motion to place Ordinance 2018-11.02 into the November 2018 meeting minutes. W. Nunnally seconded the motion. F. Westbrook asked the town attorney if the conditional use permit would aid in defending the Town if necessary. N. Keane stated if you compare Irvington's zoning regime to other localities, Irvington's zoning regime is on the more restrictive side currently because you require a conditional use permit for all uses in the business district, there are none by right. M. Bombay asked J. Brown for clarification on human scale in the business district. J. Brown stated it has to do with relationships with business owners, having a walkability in the commercial district, maintaining a small town feel as opposed to a shopping mall feel, basically how humans relate to each other and promoting a sense of community.

ORDINANCE 2018-11.02

An Ordinance Repealing Town Code §§154.085, 154.086, portions of the Zoning Ordinance of the Town of Irvington and Amending and Restating those same sections to clarify B-1 District uses and prohibitions

WHEREAS, the Irvington Town Council desires to repeal Town Code §§154.085, 154.086, which were adopted on September 12, 2013; and

WHEREAS, the Council desires to amend and restate §§154.085, 154.086; and

WHEREAS, these changes to the Zoning Chapter of the Town Code were recommended to Council by the Irvington Planning Commission; and

WHEREAS, these changes were discussed in a public hearing held on November 20, 2018, pursuant to VA Code Ann. § 15.2-2204; and

WHEREAS, this Ordinance was read twice before enactment.

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

See attached

1. This Ordinance is adopted pursuant to VA Code Ann. §15.2-2204 and the authority granted to localities by VA Code Ann, §15.2-2280.
2. Town Code §§154.085 and 154.086, adopted September 12, 2013, are repealed, The attached language amending and restating §§154.085 and 154.086 is incorporated herein by this reference and enacted.
3. This Ordinance is effective upon passage.

BUSINESS DISTRICT B-1

“§154.085 STATEMENT OF INTENT.

“(A) The B-1 District covers that portion of the Town shown on the Zoning Map, and which is intended for the conduct of general business to which the public requires direct and frequent access.

“(B) The B-1 District uses are stated in §154.086. A conditional use permit is required for all uses in §154.086(B), and an additional conditional use permit is required in the event of expansion of or change to an existing permitted use. Uses specified in §154.086(C) are prohibited.

“§154.086 USE REGULATIONS.

“(A) All uses allowed in R-1 and R-2 Districts are permitted.

“(B) Subject to (C) below, all of the following uses are allowed with an approved conditional use permit:

- (1) Retail food stores that sell gasoline;
- (2) Bakeries;
- (3) Dry cleaners;
- (4) Laundries;
- (5) Wearing apparel stores;
- (6) Drug stores;
- (7) Post offices, county offices, town offices, and other similar public uses;
- (8) Barber and beauty shops;
- (9) Theaters and assembly halls;
- (10) Hotels, motels, inns, rooming and boarding houses, tourist homes;
- (11) Office buildings, newspaper office, bank;
- (12) Church;
- (13) Library;
- (14) Marina, boat and yacht sales and service agencies;

See attached

- (15) Service stations (with major repair under cover);
- (16) Clubs and lodges;
- (17) Plumbing and electrical supply (with storage under cover);
- (18) Furniture stores; and
- (19) Restaurants whether serving or not serving alcoholic beverages. Off-street parking as required by this chapter.

“(C) The following uses are not allowed , thus, a conditional use permit will not be approved.

- (1) Formula restaurants defined as: food service businesses required by contractual or other business arrangements to offer standardized menus, ingredients, food preparation, employee uniforms, interior décor, signage, or exterior design or which adopts a name, appearance or food preparation format which causes it to be substantially identical to another restaurant regardless of ownership or location.
- (2) Formula retail businesses defined as: a single source high traffic retailer, operated directly by or under contract with a manufacturer or distributor of merchandise or services for sale within, and required to adopt standardized layout, décor, uniforms, or similar standardized features.
- (3) Manufacturer outlets defined as: retail businesses whose main purpose is the quick turnover of after-market, overstock, defective, or past season merchandise. This includes stores offering merchandise of a single or multiple manufacturers that is offered at discount pricing.
- (4) The foregoing definitions apply to §154.086 only; in the event of a conflict between the foregoing definitions and those elsewhere in this chapter 154, these definitions control §154.086.

“(D) The public purposes for prohibiting the uses stated in (C) include but are not limited to: (i) public demand, (ii) maintaining the unique community character and function of Irvington, including its unique look and feel, (iii) maintaining links of the unique town center to its waterfront and agriculture, (iv) preserving and protecting the historic designation of Irvington on the National Register of Historic Places, and (v) maintaining the human scale of the district. The prohibitions are reasonable and necessary to achieve the public purposes stated above because they prohibit uses that directly conflict with the concepts of uniqueness, human scale and historic status which are important to the public.”

Vote:	Kathleen Pollard	Aye
	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Jackie Brown	Aye
	Wayne Nunnally	Aye
	Michael Bombay	Aye

See attached

3. **First Reading of Resolution 2018-010 - Amending the 1969 Resolution Creating the Planning Commission - J. Brown, Council Member**

Jackie Brown introduced Resolution 2018-010 Amending the 1969 Resolution Creating the Planning Commission stating this is a First Reading of two documents pertaining to the Planning Commission. These were discussed but passed by at the October 11 meeting. These documents cite the different

statutes as the law changed in the 1990's. Resolution 2018-011 seeks approval of the By-Laws of the Planning Commission. The By-Laws cover the internal operation of the Planning Commission. Items passed by in the October 11 meeting include: can the Town Council Liaison vote; and can the Town Council Liaison chair a committee; and do we need to appoint an additional member to the Commission if the Liaison cannot vote. J. Brown asked members of Council if they wanted to discuss tonight or table until December. N. Keane stated any revisions would be included in the draft using the amended language and would be considered a First Reading as amended. W. Nunnally stated he was opposed to the Liaison to the Planning Commission voting on the Planning Commission if he/she has a vote on Town Council. F. Westbrook stated the Liaison to the Planning Commission should not chair a committee or subcommittee of the Planning Commission. N. Keane asked Council for clarification regarding the number of voting members on the Planning Commission. A brief discussion followed. N. Keane recommended against using a range of members such as 'not to exceed' or 'up to,' even though Virginia law allows up to 15 members further suggesting to use caution when establishing the number of voting members and make sure the documents accurately reflect each other. The document that needs to define how many voting members is the document that creates the Planning Commission. The Town Council determines the number of members on the Planning Commission, qualifications, and whether they vote. The Planning Commission By-Laws determines the internal order such as meeting dates, times, and location. Council decided through conversation to go with number allowed by statute. N. Keane requested moving on to the next agenda item to allow her to amend Resolution 2018-010 as requested. Mayor Ransone asked for a motion to withdraw W. Nunnally's motion. W. Nunnally withdrew his motion.

RESOLUTION #2018 – 010

AMENDING AND RESTATING THE 1969 RESOLUTION CREATING THE IRVINGTON PLANNING COMMISSION, AND, FURTHER, REPEALING MOTIONS WHICH AMENDED THE MAKE-UP AND NUMBER OF COMMISSION MEMBERS

WHEREAS, the Town Council created a Planning Commission by Resolution dated October 9, 1969 (the "1969 Resolution"); and

WHEREAS, the 1969 Resolution has been in full force and effect since November 13, 1969; and

WHEREAS, the Town Council has amended the 1969 Resolution by Motions which modified the make-up and number of Planning Commission members, on January 13, 1983, January 11, 2007, and March 20, 2015, respectively; and

WHEREAS, the Town Council now desires to amend and restate the Resolution creating the Irvington Planning Commission and to repeal the foregoing amending Motions.

NOW THEREFORE, it is RESOLVED, that the 1969 Resolution shall be amended and restated, and the foregoing motions repealed, as follows:

"1. A Town Planning Commission (referred to as the Irvington Planning Commission, or the Commission) is hereby created for the Town of Irvington, Virginia, as an advisory commission to the Town Council, and in accordance with VA Code Ann. Section 15.2- 2210 *et seq.* Said Commission shall consist of the number of members stated in VA Code Ann. Section 15.2-2212, one (1) of whom shall be a member of Town Council as Liaison who is *ex-officio* and non-voting. The appointed members, shall be qualified voters of Irvington who also possess qualifications required by VA Code

Ann. Section 15.2-2212. All of the members appointed, including those filling vacancies, shall be appointed by the Town Council for the terms and in the manner stated in VA Code Ann. Section 15.2-2212. Any appointed member may be removed by the Council in accordance with VA Code Ann. Section 15.2-2212.

"2. The Commission shall have the functions and duties which are prescribed by state law, the Town Code and this Resolution.

"3. The Commission shall adopt rules for the transaction of its business, referred to as By-Laws for its operation, which do not conflict with state law, the Town Code or this Resolution, and shall provide a copy of such By-Laws to the Town Council. However, if additional officers other than Chair and Vice Chair are proposed, or if employees or consultants are proposed in the By-Laws, then the By-Laws shall be approved by the Town Council prior to their effect.

"4. The Commission's functions are as follows: (a) The Town Council may, from time to time, assign projects to the Commission and will identify in advance what research and analysis is requested to be performed by the Commission, in cooperation with the Town Staff, as a recommendation to the Town Council, and the Commission shall submit a written report of its recommendation to Town Council at the conclusion of each project; and (b) the Commission shall periodically prepare and recommend to Town Council a comprehensive plan for Irvington, in consultation with the Town Staff, in accordance with VA Code Ann. Section 15.2-2223 *et seq*; and (c) the Commission shall perform such other services as are provided in the Irvington Town Code.

"5. The Commission shall have the duties stated in VA Code Ann. Section 15.2-2221 when performing its functions.

"6. Any funds required to be expended by the Commission for its operation require prior approval of Town Council.

"7. This Resolution shall take effect immediately upon passage."

4. **First Reading of Resolution 2018-011 to approve *Amend and Restated By-Laws of the Planning Commission - J. Brown, Council Member***

Jackie Brown presented the First Reading of Resolution 2018-011

W. Nunnally made a motion to place Resolution 2018-011 as amended into the November 2018 meeting minutes. M. Bombay seconded the motion.

RESOLUTION 2018-011

Authorizing The Amended and Restated By-Laws of the Planning Commission

WHEREAS, the By-Laws of the Planning Commission were last amended March 1, 2016; and

WHEREAS, the Council desires to authorize various amendments to the Planning Commission By-Laws.

NOW THEREFORE, BE IT RESOLVED that the By-Laws of the Planning Commission are amended and restated as attached.

IT IS FURTHER RESOLVED that the Town of Irvington place this Resolution in the Minutes of its November 2018 regular meeting.

**BY-LAWS
IRVINGTON PLANNING COMMISSION**

Irvington, Virginia

Adopted December 6, 1994

Revised March 1, 2016

Proposed Amended and Restated December 13, 2018

BY-LAWS

Irvington Planning Commission of Irvington, Virginia

Adopted December 6, 1994

Revised March 1, 2016

Amended and Restated December 13, 2018

ARTICLE 1 - AUTHORITY

The Irvington Planning Commission, established by Resolution of Irvington Town Council on October 9, 1969 and Amended and Restated by Resolution 2018-011, hereby amends and restates By-Laws for its operation and to comply with VA Code Ann. Section 15.2-2210 *et seq*, the Town Code and Irvington Town Council Resolution 2018-011 dated, December 13, 2018

ARTICLE 2 - OFFICERS AND THEIR SELECTION

The officers of the Irvington Planning Commission (the "Commission") shall consist of a Chairman, a Vice-chairman, and a Secretary, who shall be chosen pursuant to VA Code Ann. Section 15.2-2217.

Nomination of officers shall be made from the floor at the regular May meeting each year. Election of officers shall follow immediately.

A candidate receiving a majority vote of the entire membership of the Commission shall be declared elected. He/she shall take office immediately and serve for one (1) year or until his/her successor shall take office.

Vacancies in office shall be filled immediately by the same procedures used at the May meeting.

ARTICLE 3 - DUTIES

The Commission shall perform the duties identified in VA Code Ann. Section 15.2-2221.

The Chairman shall:

Preside at all meetings.

Appoint committees, special and/or standing.

Rule on all procedural questions (subject to a reversal by a two-thirds (2/3) majority vote by the members present).

Be informed immediately of any official communication and report same at the next regular meeting.

Carry out other duties as assigned by the Commission.

The Vice-Chairman shall:

Act in the absence or inability of the Chairman to act

Have the power to function in the same capacity as the Chairman in cases of the Chairman's inability to act.

The Secretary shall:

Assume the administrative duties for the Commission.

Notify all members of special meetings.

Attend to the correspondence of the Commission, and keep a written record of all business transacted by the Commission.

Provide a copy of all records to the Town Clerk for the public record.

ARTICLE 4 - STANDING AND SPECIAL COMMITTEES

The following standing committees shall be appointed by the Chairman to serve as needed:

A Comprehensive Plan Committee. It shall coordinate the work of the other committees as it progresses and relate it to the overall program and keep the Comprehensive Plan developing in a realistic and reasonable manner.

Special committees may be appointed by the Chairman for the purpose and terms approved by the Commission.

The Chairman shall be an *ex officio* member of every committee.

The Council Liaison shall not chair a committee.

ARTICLE 5 - MEETINGS

Regular meeting of the Commission shall be held on the first Tuesday, at 6:30 pm of each month or at the advertised time. . When a meeting date falls on a legal holiday, the meeting shall be held on the following Tuesday unless otherwise designated by the Commission.

Special meetings shall be called at the request of the Chairman or at the request of a quorum of the membership with a notice of at least ten (10) days or more.

All regular meetings, hearings, records and accounts shall be open to the public.

A majority of the membership of the Commission shall constitute a quorum.

The number of votes necessary to transact business shall be a majority of the membership present and voting. Voting may be by roll call in which case a record shall be kept as a part of the minutes.

ARTICLE 6 - ORDER OF BUSINESS

The order of business for a regular meeting shall be:

Call to order by Chairman
Determination of a quorum
Approval of minutes
Report of Chairman/Secretary
Report of Zoning Administrator
Unfinished Business
New Business
Adjournment

Parliamentary procedure in Commission meetings shall be governed by the current Robert's Rules of Order.

The Commission shall keep a set of minutes of all meetings, and these minutes shall become a public record.

ARTICLE 7 - HEARINGS

In addition to those required by law, the Commission at its discretion may hold public hearings when it decides that a hearing will be in the public interest.

Notice of a special hearing shall be published as required by VA Code Ann. Section 15.2-2214..

The matter to be addressed by the Commission shall be summarized by the Chairman or by the Zoning Administrator if requested by the Chairman.

A record shall be kept of those speaking before the hearing.

ARTICLE 8 - AMENDMENTS

These By-Laws may be changed by a recorded majority vote of the entire Commission membership after ten (10) days prior notice, subject to prior approval by Town Council if required by state law or Irvington Town Council Resolution 2018 -011.

Following a discussion the following amendments were made.

Add to Article 4, 'The Council Liaison shall not chair a committee.'

Article 4, typo change "very" to "every"

Article 5, remove 'entire'

Back to Resolution 2018-010 Article 1, four lines down, "Said Commission shall consist of the number of members stated in Virginia Code Section 15.2-2212, one of whom shall be a member of Town Council as liaison who is *ex officio* and nonvoting. The appointed members shall be qualified voters of Irvington.

The town attorney amended the draft documents and handed both to the town clerk.

J. Brown made a motion to incorporate Article 1, Article 3 and Article 4, as amended, into the November minutes which was seconded by W. Nunnally.

Vote:	Kathleen Pollard	Aye
	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Jackie Brown	Aye
	Wayne Nunnally	Aye
	Michael Bombay	Aye

5. **Resolution 2018-004 Amending Certain Minutes of the April 2018 Meeting**

N. Keane stated W. Nunnally requested she look into the role of the Planning Commission and as a result of that inquiry the comment made by M. Merrill in April 2018 was identified as inaccurate. After a brief discussion F. Westbrook requested to table indefinitely Resolution 2018-004. W. Nunnally made a motion to have the November 2018 minutes reflect the Planning Commission is an advisory board not an independent body which was seconded by K. Pollard.

Vote:	Kathleen Pollard	Aye
	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Jackie Brown	Aye
	Wayne Nunnally	Aye
	Michael Bombay	Aye

6. Consideration of a motion(s) to appoint committee representatives – **K. Pollard, Council Member**

F. Westbrook stated the Commons Development committee should be incorporated into the Building and Town Property committee. There will no longer be a Commons Development committee. After a brief discussion the following was decided:

Building and Town Property - *The purpose of the Building and Town Property committee is to provide oversight and guidance for properties owned by the Town; Town Commons; North Commons; and sidewalks.*

Members: F. Westbrook; B. Schaschek; W. Nunnally; and R. Kime **Term Expire: June 30, 2020**

Budget and Finance - *The purpose of the Budget & Finance committee is to provide asset management; development of the proposed annual budget, monitor the monthly expenditures at least quarterly; supervise annual financial audit.* **Members:** B. Schaschek; F. Westbrook; R. Kime; and S. Phillips **Term Expire: June 30, 2020**

Human Resources - *The purpose of the Human Resource committee is to provide staff reviews, review of members of Council, and vetting of perspective Planning Commission members.* **Members:** K. Pollard; M. Bombay; and R. Ransone **Term Expire: June 30, 2020**

Public Safety - *The purpose of the Public Safety committee is to provide oversight and general guidance for CERT training, weather related events; and speed limits within Town limits.* **Members:** W. Nunnally; J. Brown; R. Kime; and R. Ransone **Term Expire: June 30, 2020**

Technical Support and Website Development - *The purpose of the Technical Support and Website Development Committee is to provide guidance and oversight pertaining to technical support and a vision for the town website.* **Members:** B. Schaschek; M. Bombay; R. Kime; and S. Phillips **Term Expire: June 30, 2020**

Zoning Ordinances - *The purpose of the Zoning Ordinances committee is to provide recommendations to the town council the boundaries of the various original zoning district and appropriate regulations to be enforced therein and any proposed amendments thereto and shall collect data and keep itself informed as to the best practices generally in effect in the matter town planning and zoning to the end that it may be qualified to act on measures affecting the present and future movement of traffic, the segregation of residential and business districts and the convenience and safety of persons and property in any way dependent on town planning and zoning.* **Members:** W. Nunnally; J. Brown; and R. Kime. **Term Expire: June 30, 2020**

Flags and Lights - *The purpose of the Flags and Lights committee is to provide guidance and oversight regarding the installation of flags/banners and holiday lights, maintenance of existing equipment, and purchase of new equipment.* **Members:** R. Ransone, R. Kime; and S. Phillips **Term Expire: June 30, 2020**

Fourth of July Parade - *The purpose of the Fourth of July Parade committee is to provide guidance and oversight for the planning and execution of the annual Town of Irvington Fourth of July Parade participants and volunteers.* **Members:** K. Pollard; R. Kime; S. Phillips; and community volunteers. **Term Expire: June 30, 2020**

7. Consideration of a motion to appoint a Vice Mayor

F. Westbrook made a motion to appoint K. Pollard as vice mayor which was seconded by M. Bombay. **Term Expire: June 30, 2020**

Vote:	Kathleen Pollard	Aye
	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Jackie Brown	Aye
	Wayne Nunnally	Aye
	Michael Bombay	Aye

Councilwoman Westbrook made a motion to ratify any actions taken by K. Pollard while serving as vice mayor from 2016 through November 7, 2018 which was seconded by W. Nunnally.

Vote:	Kathleen Pollard	Aye
	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Jackie Brown	Aye
	Wayne Nunnally	Aye
	Michael Bombay	Aye

L. NEW BUSINESS

1. Consideration of a motion to disburse 2018 pledge of \$5,000 to the Steamboat Era Museum

W. Nunnally made a motion to disburse \$5,000 to the Steamboat Era Museum which was seconded by B. Schaschek.

Vote:	Kathleen Pollard	Opposed
	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Jackie Brown	Aye
	Wayne Nunnally	Aye
	Michael Bombay	Aye

M. ANNOUNCEMENTS

1. Town Hall Meeting (6PM) and Public Hearing (6:30PM), Tuesday, November 20, IBC
2. In observance of Veterans Day the Town Office will be closed Monday, November 12
3. In observance of Thanksgiving the Town Office will be closed November 22nd & 23rd
4. 19th Annual Turkey Trot November 22nd

N. ROUNDTABLE DISCUSSION

F. Westbrook asked if staff had addressed the letter from R. Capalaces concerns regarding Town based communications after *Hurricane Michael*. After a brief discussion Council instructed R. Kime to respond in writing to R. Capalaces. B. Schaschek asked who authorized the disbursement of funds to the Virginia River Realm in August 2018. K. Pollard stated she authorized the disbursement. F. Westbrook stated the funds were approved in the FY18/19 budget but no authorization was given to disburse said funds. F. Westbrook stated only recurring budget items (general operating funds) can be disbursed without authorization from Council. W. Nunnally made a motion to ratify the disbursement of funds to the Virginia River Realm which was seconded by M. Bombay.

Vote:	Kathleen Pollard	Aye
	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Jackie Brown	Aye
	Wayne Nunnally	Aye
	Michael Bombay	Aye

Mayor Ransone asked for volunteers to help decorate the Irvington Christmas tree on Saturday, November 17 or November 24. Volunteers should arrive at the Irvington Methodist Church at 9:00 a.m.

B. Schaschek suggested running the ad for the 2018 Holiday Lights Contest in the RapRecord.

O. ADJOURNMENT

W. Nunnally made a motion to adjourn which was seconded by B. Schaschek.

Vote:	Kathleen Pollard	Aye
	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Jackie Brown	Aye
	Wayne Nunnally	Aye
	Michael Bombay	Aye

The meeting was adjourned at approximately 8:43 p.m.

Respectfully submitted,
Sharon L. Phillips, Clerk



Ralph D. Ransone, Mayor

ORDINANCE 2018-11.02

An Ordinance Repealing Town Code §§154.085, 154.086, portions of
the Zoning Ordinance of the Town of Irvington and Amending and
Restating those same sections to clarify B-1 District uses and
prohibitions

WHEREAS, the Irvington Town Council desires to repeal Town Code §§154.085, 154.086, which were adopted on September 12, 2013; and

WHEREAS, the Council desires to amend and restate §§154.085, 154.086; and

WHEREAS, these changes to the Zoning Chapter of the Town Code were recommended to Council by the Irvington Planning Commission; and

WHEREAS, these changes were discussed in a public hearing held on November 20, 2018, pursuant to VA Code Ann. § 15.2- 2204; and

WHEREAS, this Ordinance was read twice before enactment.

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

1. This Ordinance is adopted pursuant to VA Code Ann. §15.2-2204 and the authority granted to localities by VA Code Ann, §15.2-2280.
2. Town Code §§154.085 and 154.086, adopted September 12, 2013, are repealed. The attached language amending and restating §§154.085 and 154.086 is incorporated herein by this reference and enacted.
3. This Ordinance is effective upon passage.

BUSINESS DISTRICT B-1

“§154.085 STATEMENT OF INTENT.

“(A) The B-1 Districts cover that portion of the Town shown on the Zoning Map, and which is intended for the conduct of general business to which the public requires direct and frequent access.

“(B) The B-1 District uses are stated in §154.086. A conditional use permit is required for all uses in §154.086(B), and an additional conditional use permit is required in the event of expansion of or change to an existing permitted use. Uses specified in §154.086(C) are prohibited.

“§154.086 USE REGULATIONS.

“(A) All uses allowed in R-1 and R-2 Districts are permitted.

“(B) Subject to (C) below, all of the following uses are allowed with an approved conditional use permit:

- (1) Retail food stores that sell gasoline;
- (2) Bakeries;
- (3) Dry cleaners;
- (4) Laundries;
- (5) Wearing apparel stores;
- (6) Drug stores;
- (7) Post offices, county offices, town offices, and other similar public uses;
- (8) Barber and beauty shops;
- (9) Theaters and assembly halls;
- (10) Hotels, motels, inns, rooming and boarding houses, tourist homes;
- (11) Hotel condominium units, as long as the specific additional following conditions are met:
 - i. The parcel of property on which the hotel condominium units are to be built must have a minimum acreage of 20 acres;
 - ii. The hotel business comprised, in part, of condominium hotel units shall be subject to an overall Floor Area Ratio (FAR) of .3, with reference to the entire real estate parcel upon which the condominium units are constructed. In measuring compliance with that FAR the floor area of all hotel buildings, including but not limited to the condominium hotel units, shall be aggregated,
 - iii. Home Owner Associations(s) shall include all hotel condominium units, whether attached or detached, and shall be established prior to occupancy of the property and maintained throughout the life of its permitted use,
 - iv. All applicable federal, state, county and local statutes, ordinances and regulations must be strictly complied with,
 - v. A central sewage/waste water system approved by the VDEQ and/or Virginia Department of Health, shall be established by the owner/operator prior to occupancy of the property and maintained throughout the life of its permitted use by the owner/operator,

- vi. All utility transmission lines shall be underground, and
- vii. A certificate of Occupancy (CO) shall be obtained from Lancaster County prior to the commencement of the intended use of specific buildings subject to a CO requirement. A copy of each CO shall be furnished to the Town's Zoning Administrator;

- (12) Office buildings, newspaper office, bank;
- (13) Church;
- (14) Library;
- (15) Marina, boat and yacht sales and service agencies;
- (16) Service stations (with major repair under cover);
- (17) Clubs and lodges;
- (18) Plumbing and electrical supply (with storage under cover);
- (19) Furniture stores; and
- (20) Restaurants whether serving or not serving alcoholic beverages. Off-street parking as required by this chapter.

“(C) The following uses are not allowed , thus, a conditional use permit will not be approved.

- (1) Formula restaurants defined as: food service businesses required by contractual or other business arrangements to offer standardized menus, ingredients, food preparation, employee uniforms, interior décor, signage, or exterior design or which adopts a name, appearance or food preparation format which causes it to be substantially identical to another restaurant regardless of ownership or location.
- (2) Formula retail businesses defined as: a single source high traffic retailer, operated directly by or under contract with a manufacturer or distributor of merchandise or services for sale within, and required to adopt standardized layout, décor, uniforms, or similar standardized features.
- (3) Manufacturer outlets defined as: retail businesses whose main purpose is the quick turnover of after-market, overstock, defective, or past season merchandise. This includes stores offering merchandise of a single or multiple manufacturers that is offered at discount pricing.
- (4) The foregoing definitions apply to §154.086 only; in the event of a conflict between the foregoing definitions and those elsewhere in this chapter 154, these definitions control §154.086.

“(D) The public purposes for prohibiting the uses stated in (C) include but are not limited to: (i) public demand, (ii) maintaining the unique community character

CORRECTED

Thursday, September 12, 2019

Pursuant to Town Code §10.09

and function of Irvington, including its unique look and feel, (iii) maintaining links of the unique town center to its waterfront and agriculture, (iv) preserving and protecting the historic designation of Irvington on the National Register of Historic Places, and (v) maintaining the human scale of the district. The prohibitions are reasonable and necessary to achieve the public purposes stated above because they prohibit uses that directly conflict with the concepts of uniqueness, human scale and historic status which are important to the public.”

*This ordinance was passed by the Irvington town Council
on September 12, 2019 to correct original ordinance passed on 1/10/2018.
Thomas J. Kelly, Clerk*



**Mary Cary Bradley
991 King Carter Drive
Irvington, VA 22480**

As I am unable to attend the Town Council meeting on Thursday, November 8, 2018, I have asked that Sharon Phillips share this comment during Public Comments for me.

On behalf of the Board of Directors of the Steamboat Era Museum, I wish to extend our gratitude to The Town of Irvington for graciously allocating \$6,200 to the Museum in the FY 2018 – 2019 budget. We greatly appreciate the \$1,200 we received August 2018 as sponsorship of the Crab Festival.

The Museum's fiscal year ends on December 31, 2018 and we look forward to closing our year-end books with all donations in hand. The Board respectfully requests the \$5,000 balance of the Town's generous pledge prior to our fiscal year end.

Should Town Council have additional questions, please refer them to the Museum's Executive Director, Barbara Brecher.

Barbara, the Board, and I are looking forward to hearing from the Town as to when we can expect the funds and are anxious to apply them to the operating budget, including the development of our exciting new exhibits for the coming season.

It is with your generous contribution and support that helps to make our Museum a positive addition to the Town of Irvington.

We genuinely appreciate your support.



Vice President, Steamboat Era Museum

Barbara's contact information:

Director@steamboatmuseum.org
(804) 438 - 6888



**TOWN OF IRVINGTON, VIRGINIA
235 STEAMBOAT ROAD
TOWN COUNCIL REGULAR MEETING
THURSDAY, NOVEMBER 8, 2018 6:30 PM**

Sign In Sheet

	Name	Address
1.	Marsha Chapman	62 OLD MILL COPS
2.	Klaus J. Schaschek	394 KING CARTER DR.
3.	Julie Harris	1099 King Carter Dr
4.	Bill Harris	" " " "
5.	W. Brown	3952 Strong
6.		
7.		
8.		
9.		
10.		
11.		
12.		

**TOWN OF IRVINGTON, VIRGINIA
235 STEAMBOAT ROAD
REGULAR MONTHLY MEETING
THURSDAY, OCTOBER 11, 2018**

The Irvington Town Council held a regular monthly meeting on October 11, 2018 at 6:30 p.m., in the Town Office.

A. CALL TO ORDER

Acting Mayor Kathleen Pollard called the meeting to order at 6:30 p.m., and reminded everyone the September meeting of the Irvington Town Council was rescheduled for October 11 due to Hurricane Florence. Acting Mayor Pollard welcomed Jackie Brown, to the Town Council.

B. ROLL CALL

Members of Council present: Kathleen Pollard, Acting Mayor
Frances Westbrook
Bonnie Schaschek
Jackie Brown
Wayne Nunnally
Michael Bombay

Administrative Staff present: Roy C. Kime, Town Manager, Zoning Administrator
Sharon L. Phillips, Clerk, Treasurer
Nancyellen Keane, Town Attorney

Guests: see attached sign in sheet.

C. APPROVE AGENDA

W. Nunnally made a motion to approve the agenda which was seconded by M. Bombay.

Vote:	Kathleen Pollard, Acting Mayor	Aye
	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Jackie Brown	Aye
	Wayne Nunnally	Aye
	Michael Bombay	Aye

D. APPROVAL OF MINUTES AND TREASURER'S REPORTS

W. Nunnally made a motion to approve the August minutes with the following amendments:

- 1) Item H Public Hearing – change Baptist Church to Methodist Church.
- 2) Item H Public Hearing – add comment: W. Nunnally stated that in the future no incomplete zoning applications should be accepted by the Planning Commission. Bombay seconded the motion.

Vote:	Kathleen Pollard, Acting Mayor	Aye
	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Jackie Brown	Aye
	Wayne Nunnally	Aye
	Michael Bombay	Aye

M. Bombay made a motion to approve the August and September Treasurer's Reports as presented. J. Brown seconded the motion.

Vote:	Kathleen Pollard, Acting Mayor	Aye
	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Jackie Brown	Aye
	Wayne Nunnally	Aye
	Michael Bombay	Aye

E. SWEARING IN OF APPOINTED OFFICIALS – LANCOVA Circuit Court

Diane Mumford swore in appointed officials and staff. See attached swearing in certificates.

F. PUBLIC COMMENT

K. Schaschek asked the status of the shed and mutual aid contract. B. Sanders thanked Council for their support on the matter of the No Wake Zone. T. Chapman reported the No Wake Zone buoy should be installed in early 2019. F. Westbrook requested T. Chapman to keep the Town updated. With no further comments Acting Mayor Pollard closed public comment.

G. REPORT FROM THE TOWN MANAGER - Roy Kime

R. Kime reported the late summer and early fall had been very busy due to the turn-over on the Planning Commission, board of zoning appeals and town attorney. During that time a number of ordinances and procedures were identified that require updating. During the September Planning Commission meeting Jackie Brown was recommended as the liaison to the Planning Commission but because the September Town Council was not held due to Hurricane Florence the confirmation was delayed until tonight's meeting. After the October 2nd meeting the proposed revisions to the Planning Commission By-Laws were delivered to the town attorney for review. During the August Town Council meeting members of Council tasked the Planning Commission with review the B1 and B2 conditional use permit requirements. The chair of the Planning Commission has requested Council provide a more detailed scope of work. Because of the requirements for conditional use permits Irvington has more restrictions than similar Virginia localities. Additionally, as a result of the August Planning Commission meeting the commission forwarded to the Town Council a recommendation on big box and formula stores. R. Kime requested Council provide direction as to how to proceed. M. Bombay stated he would like for more research to be done before holding a public hearing. N. Keane stated she would research and provide advice. After a brief discussion it was decided to hold a joint public meeting regarding big box and formula restaurants. In response to the letter sent from the Enchantment Group regarding the closing of the Golden Eagle Golf Course a community forum was scheduled and then cancelled. R. Kime and K. Pollard will meet with the management group from the Enchantment Group to discuss future endeavors. The flag pole is scheduled to be installed the week of October 22. David Jones of Connemara has agreed to donate the flag pole and take financial responsibility for the installation of the flag pole. Mr. Kime requested the buildings and town property committee investigate the purchase and installation of a dedication plaque in memory of Lee Stephens. Mr. Kime hand delivered the No Wake letter to Don Gill; and to the Judge of the Circuit Court the petition to appoint members of the board of zoning appeals. There was one reported street light outage. Mr. Kime requested permission to file a new zoning district map. It is statutorily required to file zoning district maps with the Circuit Court and the last zoning district map was filed in 1977.

PERMITS: 115 King Carter Drive, renovation; Galley Hook, dock permit; 72 Creek View, pool permit; Chesapeake Academy, raffle permit; 57 Westham Circle, tree removal; 167 Chase's Cove, debris removal. Mr. Kime received a letter from the homeowner and realtor of 219 King Carter Drive assuring

the property is being marketed as an office and not as a guest house. He is working with the property owner at 915 King Carter Drive to resolve the construction of a shed without a permit. A permit to build a garage within the 10' setback at 242 Steamboat Drive was declined and the property owner was advised as to the process for appealing to the board of zoning appeals. Arrowhead was authorized to cut the grass on Route 200 near the flashing lights because VDOT has communicated funds for mowing are low. Attended a county emergency meeting. Requested permission to attend a finance meeting in Roanoke in December 10 -12. F. Westbrook expressed an interest in attending the meeting. Mr. Kime introduced Resolution 2018-006, *Authorizing IT Consultant Services*. F. Westbrook made a motion to table Resolution 2018-006 as presented. F. Westbrook made a motion to authorize R. Kime to negotiate or amend the current contract with the IT Consultant to address off site storage which was seconded by K. Pollard.

Vote:	Kathleen Pollard, Acting Mayor	Aye
	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Jackie Brown	Aye
	Wayne Nunnally	Aye
	Michael Bombay	Aye

M. Bombay requested R. Kime contact VDOT to replace navigational lights under the bridge on Route 200.

H. REPORT FROM THE TOWN ATTORNEY – *Nancyellen Keane, Esq.,*

N. Keane reported she has contacted Jim Cornwell, attorney for Lancaster County regarding the mutual aid contract for enhanced patrol but Mr. Cornwell has been temporarily assigned as the attorney for the City of Petersburg thus he has not responded to her call. N. Keane attended the September Planning Commission meeting where a member of the commission requested research into the use of a blog or other electronic chat room blog/forum. It is not possible for the Planning Commission or the Town Council to have a blog or electronic chat room because if you have more than two members of council or commission present it is considered an illegal electronic meeting. All meetings require proper notice. It is possible to establish an email address which would be handled by the town clerk.

1. Consideration of a motion to adopt Resolution 2018-009 *Authorizing Preparation of Charter Amendments*

N. Keane introduced Resolution 2018-009 stating the town charter has not been amended or updated since 1962 and there are a number of housekeeping items that need to be addressed. Resolution 2018-009 authorizes the town attorney to produce a draft of an amended charter. Members of council were asked to share any concerns they may have. W. Nunnally made a motion to approve Resolution 2018-009 which was seconded by J. Brown.

RESOLUTION 2018-009

Authorizing Preparation of Charter Amendments

WHEREAS, the Irvington Town Charter was granted by the Virginia General Assembly in 1958; and

WHEREAS, the Town Charter was amended in 1962; and

WHEREAS, the Council desires to authorize housekeeping amendments to the Town Charter.

NOW THEREFORE, BE IT RESOLVED that the Town Attorney shall work with Staff and General Assembly representatives to propose a draft of Charter Amendments for presentation to Council for approval.

IT IS FURTHER RESOLVED that the Town of Irvington place this Resolution in the Minutes of its October 2018 regular meeting.

I, Kathleen Pollard, Acting Mayor of the Town of Irvington, do hereby certify that the above is a true copy of Resolution 2018-009 adopted at a regular meeting of the Town Council of Irvington, Virginia held on October 11, 2018, at which a quorum was present and voting. The vote was:

Vote:	Kathleen Pollard, Acting Mayor	Aye
	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Jackie Brown	Aye
	Wayne Nunnally	Aye
	Michael Bombay	Aye

2. Consideration of a motion to adopt Resolution 2018-010 *Amending the 1969 Planning Commission*

N. Keane introduced Resolution 2018-010. At the request of the Planning Commission the town attorney reviewed the Planning Commission By-Law suggested changes and discovered the Planning Commission was created by Resolution in 1969. The original Resolution was not in agreement with subsequent amendments occurring in 1982, 2009, and 2015; changing the makeup of the people who were on the commission or the number of people on the commission. The town attorney suggested an amended and restated Resolution creating the Planning Commission and repealing all other motions that changed the number of members, in order to make it simpler to follow in the future. The proposed Resolution follows very closely in format the 1969 Resolution; sites the 1997 Virginia State law Section 15.2; and provides additional definition regarding the purpose of the Planning Commission. There are two items omitted but recommended by the Planning Commission namely: 1) Council liaison to the Planning Commission should not have a vote on the Planning Commission; and 2) Council liaison to the Planning Commission should not be able to chair a committee. A discussion followed. Additionally, N. Keane asked Council to consider whether the council liaison should be an ex officio non-voting member of the Planning Commission. If so, should Council add a voting member to the Planning Commission? These questions need to be answered to finalize the Resolution. F. Westbrook stated she did not receive a copy of the proposed Resolution prior to the meeting and therefore felt unprepared to participate in the discussion and vote. F. Westbrook made a motion to table Resolution 2018-010. No vote was taken.

I. REPORT FROM THE PLANNING COMMISSION – Jackie Brown, Liaison

1. Consideration of a motion to adopt Resolution 2018-008 *Appoint Liaison to the PC*

W. Nunnally made a motion which was seconded by M. Bombay to appoint Jackie Brown as the liaison to the Planning Commission. F. Westbrook stated she did not receive a copy of the proposed Resolution prior to the meeting and therefore felt unprepared to participate in the discussion and vote.

RESOLUTION 2018-008

Appointing Liaison to the Planning Commission

WHEREAS, there is a vacancy on the Planning Commission; and

WHEREAS, the vacancy is the position for liaison from Town Council.

WHEREAS, the Council desires to appoint its liaison to the Planning Commission.

NOW THEREFORE, BE IT RESOLVED that the Town Council hereby appoints Jackie Brown, Council member, as liaison to the Planning Commission.

IT IS FURTHER RESOLVED that the Town of Irvington place this Resolution in the Minutes of its October 2018 regular meeting.

I, Kathleen Pollard, Acting Mayor of the Town of Irvington, do hereby certify that the above is a true copy of Resolution 2018-008 adopted at a regular meeting of the Town Council of Irvington, Virginia held on October 11, 2018, at which a quorum was present and voting.

Vote:	Kathleen Pollard, Acting Mayor	Aye
	Bonnie Schaschek	Aye
	Jackie Brown	Aye
	Wayne Nunnally	Aye
	Michael Bombay	Aye
	Frances Westbrook	Abstain

The vote was: 5 in favor 1 abstain

J. COMMITTEE REPORTS

1. Budget & Finance – Fran Westbrook, Council Member

F. Westbrook reported the budget and finance committee has finished the internal audit and before they release the report to the Town Council they welcome the opportunity to review with the town manager and town clerk.

2. Commons Development – Fran Westbrook, Council Member

F. Westbrook reported the commons development committee survey results were complete and requested permission to present the findings to the town in a public meeting format at the Irvington Baptist Church. W. Nunnally made a motion which was seconded by B. Schaschek to allow the commons development committee to hold a public meeting at the Irvington Baptist Church for the purpose of presenting survey findings.

Vote:	Kathleen Pollard, Acting Mayor	Aye
	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Jackie Brown	Aye
	Wayne Nunnally	Aye
	Michael Bombay	Aye

B. Schaschek requested the public hearing regarding big box retailer/formula restaurants be held at the same date and time. After a brief discussion it was decided to hold a combined meeting including the public meeting and a public hearing. The meeting will be held at the Irvington Baptist Church.

F. Westbrook stated the commons development committee has answered the charge of the Town Council and would like for the council to consider disbanding the committee unless there is an overriding reason to pursue additional subject matter. W. Nunnally made a motion which was seconded by J. Brown to disband the commons development committee.

Vote:	Kathleen Pollard, Acting Mayor	Aye
	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Jackie Brown	Aye
	Wayne Nunnally	Aye
	Michael Bombay	Aye

W. Nunnally thanked the committee for their hard work.

K. OLD BUSINESS – none

L. NEW BUSINESS

1. Consideration of a motion to adopt *DAR Constitution Week, September 17-23*

On a motion made by M. Bombay and seconded by W. Nunnally the motion to adopt September 17-23 as DAR Constitution Week is approved.

Vote:	Kathleen Pollard, Acting Mayor	Aye
	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Jackie Brown	Aye
	Wayne Nunnally	Aye
	Michael Bombay	Aye

2. Consideration of a motion to adopt Resolution 2018-003 *Irvington Town Council- Staff*

W. Nunnally made a motion which was seconded by M. Bombay to approve Resolution 2018-003.

F. Westbrook stated she did not receive a copy of the proposed Resolution prior to the meeting and therefore felt unprepared to participate in the discussion and vote.

RESOLUTION 2018-003

Irvington Town Council

WHEREAS, the Council voted at its regular meeting held October 11, 2018 on the following officer and staff appointments.

NOW THEREFORE, BE IT RESOLVED that Sharon Phillips is appointed Clerk, to serve at the pleasure of the Council, pursuant to Town Charter, Article III, Section 11 and Town Code Title III, Section 32.03; and

FURTHER RESOLVED that Sharon Phillips is appointed Treasurer, to serve for a term of two (2) years, pursuant to Town Charter, Article III, Section 13 and Town Code Title III, Section 32.03; and

FURTHER RESOLVED that Roy Caldwell Kime is appointed Zoning Administrator, Town Manager and Code Enforcement Officer, to serve at the pleasure of the Council, pursuant to Irvington Town Code Title III, Sections 32.03 and 32.06; and

FURTHER RESOLVED that Nancyellen Keane is appointed Town Attorney, to serve for a term of two (2) years, pursuant to Irvington Town Code Title III, Sections 32.03 and 32.07; and

FURTHER RESOLVED that the Town of Irvington prepare a copy of this Resolution for its records.

I, Kathleen Pollard, Acting Mayor of the Town of Irvington, do hereby certify that the above is a true copy of Resolution 2018-003 adopted at a meeting of the Town Council of Irvington, Virginia held on October 11, 2018, at which a quorum was present and voting, said Resolution being in full force and effect.

Vote:	Kathleen Pollard, Acting Mayor	Aye
	Bonnie Schaschek	Aye
	Jackie Brown	Aye
	Wayne Nunnally	Aye
	Michael Bombay	Aye
	Frances Westbrook	Abstain

The vote was: 5 in favor 1 abstain

3. Consideration of a motion to adopt Resolution 2018-004 *Amending Certain Minutes of the April 2018 Meeting*
B. Schaschek stated she had a problem with the Resolution. After a brief discussion W. Nunnally made a motion to table the Resolution. No vote was taken.
4. Consideration of a motion(s) to appoint Committee Representatives
K. Pollard made a motion to table this Resolution until November. No vote was taken.
5. Consideration of a motion to approve request from Irvington Baptist Church to use Town Commons on Sunday, October 28, 2018 noon – 2:00 p.m.
6. W. Nunnally made a motion which was seconded by B. Schaschek to approve the request from Irvington Baptist Church to use Town Commons on Sunday, October 28, 2018 noon – 2:00 p.m.

Vote:	Kathleen Pollard, Acting Mayor	Aye
	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Jackie Brown	Aye
	Wayne Nunnally	Aye
	Michael Bombay	Aye

M. ANNOUNCEMENTS

1. AWL Dog Gone Dog Show Saturday, October 13th Town Commons
2. VIA Halloween Event – Wednesday, October 31st 5:00 p.m.

N. ROUNDTABLE DISCUSSION

R. Kime stated that at a recent meeting several members of council expressed concern regarding the number of closed sessions held by Town Council. Of the last 15 meetings of the Town Council, 12 included closed sessions where members of council voted to go into closed session for legally appropriate reasons. The town manager and town clerk have no influence on the frequency or nature of closed

sessions. Mr. Kime also stated the public has responded very favorably to the Planning Commission decision to have public comment at the end of the public meeting and suggested the Town Council consider moving public comment to the end of the agenda. J. Brown asked the town attorney about electronic meetings and asked if there was a way to establish a blog in an effort to increase transparency. N. Keane stated a community blog is an option but only one or two members of council and/or commission may be on the blog otherwise it is considered a public meeting without proper notice. R. Kime suggested an additional page on the town website for the purpose of presenting current topics and requesting public comment. W. Nunnally suggested utilizing Next Door Neighbor – an existing community forum but cautioned against having more than one member present. J. Brown stated efforts should be made to improve community involvement and transparency. N. Keane responded there are ways to encourage community involvement and transparency but an electronic chat room or blog is not the solution. W. Nunnally left the meeting due to a family emergency. K. Pollard stated the volume of work accomplished by the manager and clerk has increased significantly and requested members of council give adequate time for requests.

O. CLOSED SESSION

I, Kathleen Pollard hereby move that the Town Council of the Town of Irvington go into closed or executive session, to discuss or consider personnel matters regarding an appointee to the Planning Commission pursuant to the Code of Virginia, Section 2.2-3711 (A)(1)(I). I, Kathleen Pollard, so move. M. Bombay seconded the motion. The public meeting adjourned at approximately 8:00 p.m.

Vote:	Kathleen Pollard, Acting Mayor	Aye
	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Jackie Brown	Aye
	Michael Bombay	Aye

P. RETURN TO PUBLIC MEETING

F. Westbrook made a motion to return to the public meeting which was second by M. Bombay.

Vote:	Kathleen Pollard, Acting Mayor	Aye
	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Jackie Brown	Aye
	Michael Bombay	Aye

Kathleen Pollard read the motion for certification: "I, Kathleen Pollard 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, Frances Westbrook, so certify.

I, Jerry Latell, so certify.

I, B. Schaschek, so certify.

I, Michael Bombay, so certify.

The public meeting resumed at approximately 8:10 p.m. B. Schaschek made a motion which was seconded by M. Bombay to appoint Mary Cary "Cay" Bradley to the Planning Commission.

Vote:	Kathleen Pollard, Acting Mayor	Aye
	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Jackie Brown	Aye
	Michael Bombay	Aye

Q. ADJOURNMENT

M. Bombay made a motion to adjourn which was seconded by F. Westbrook.

Vote:	Kathleen Pollard, Acting Mayor	Aye
	Frances Westbrook	Aye
	Bonnie Schaschek	Aye
	Jackie Brown	Aye
	Michael Bombay	Aye

The meeting was adjourned at approximately 8: 15 p.m.

Respectfully submitted,
Sharon L. Phillips, Clerk



Kathleen Pollard, Acting Mayor



**TOWN OF IRVINGTON, VIRGINIA
235 STEAMBOAT ROAD
TOWN COUNCIL REGULAR MEETING
THURSDAY, OCTOBER 11, 2018 6:30 PM**

Sign In Sheet

	Name	Address
1.	William H Harris	1099 King Carter Dr.
2.	Julie Harris	1099 King Carter Dr.
3.	Gay Bradley	991 King Carter
4.	Smay	220 Spadars LA
5.	Jim McBurns	220 Sadon Lane
6.	Kean J. Schaschel	394 KING CARTER
7.	Marsha Chapman	62 Old Mill Cove Rd.
8.	Tom Chay	" "
9.	Dick Mire	Clerk's office
10.	Robert Fleet	
11.	Bruce Sanders	70 Rapp. Pond.
12.	Albert V. [unclear]	48 Steam boat Rd



RESOLUTION 2018- 001

Irvington Town Council

Unanimous Written Consent in Lieu of Meeting

WHEREAS, the Council seeks to concur in Circuit Court appointments to the Irvington Board of Zoning Appeals.

NOW THEREFORE, BE IT RESOLVED that Town Council concurs with appointments by the Lancaster County Circuit Court, pursuant to VA Code Ann. Section 15.2-2308, of the following individuals to fill five vacancies on the Board of Zoning Appeals for terms beginning on September 13, 2018, and expiring as set forth below:

Jeffrey Schroeder	P.O. Box 451 Irvington, VA 22480	Term expires September 12, 2023
Albert Pollard, Jr.	48 Steamboat Road Irvington, VA 22480	Term expires September 12, 2022
Shirley Crockett	P.O. Box 47 Irvington, VA 22480	Term expires September 12, 2021
Robert H. Fleet, III	PO Box 678 Irvington, VA 22480	Term expires September 12, 2020
Michael Mattheisen	27 Virginia Road Irvington, VA 22480	Term expires September 12, 2019

FURTHER RESOLVED that the individual members of Town Council signing below hereby certify their unanimous written consent to Resolution 2018-001 concurring in these Circuit Court appointments.

PG 1
RCH 8/30/2018

Kathleen D. Pollard
Kathleen Pollard

Fran Westbrook
Fran Westbrook

Wayne Nunnally
Wayne Nunnally

Mike Bombay
Mike Bombay

Jackie Brown
Jackie Brown

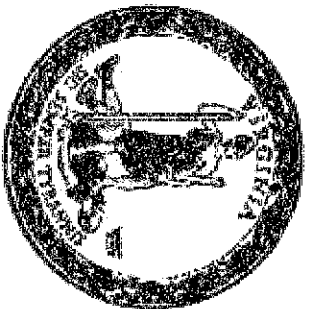
Bonnie Schaschek
Bonnie Schaschek

Jerome Latell
Jerome Latell

*This resolution was adopted by the Wynton town council
on August 30, 2018. Shawn Phillips, Clerk.*

852
RCK 8/30/2018





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 2, 2018 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 May 1, 2018,

B. W. "Bonnie" Schaschek

was duly elected

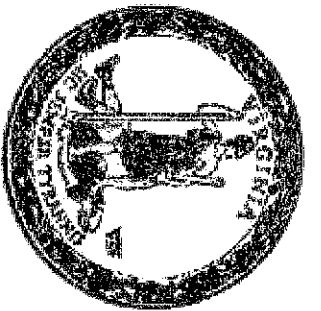
Member Town Council

For the ~~AMENDED~~ term ending June 30, 2022

WITNESS the following official Signature and the Seal of the Board at Lancaster, Virginia,
this 24th day of October 2018.

A handwritten signature in cursive script, appearing to read "J. Lee Puller".

Secretary



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 2, 2018 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 May 1, 2018,

Jackie Y. Brown

was duly elected

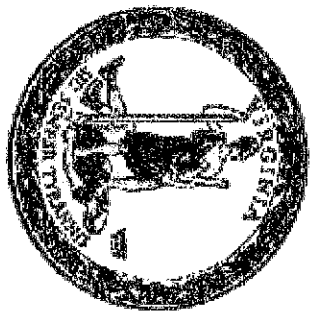
Member Town Council

For the ~~AMENDED~~ term ending June 30, 2022

WITNESS the following official Signature and the Seal of the Board at Lancaster, Virginia,
this 24th day of October 2018.

Dee Fulbright

Secretary



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 2, 2018 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 May 1, 2018,

R. Wayne Nunnally

was duly elected

Member Town Council

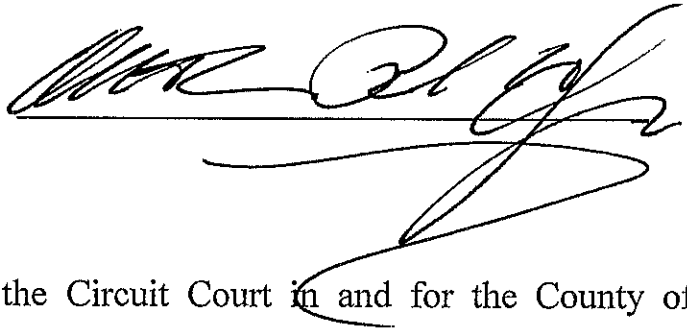
For the ~~AMENDED~~ term ending June 30, 2022

WITNESS the following official Signature and the Seal of the Board at Lancaster, Virginia,
this 24th day of October 2018.

A. Lee Fuller
Secretary

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

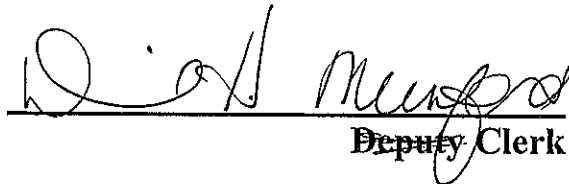
I, Albert Pollard, Jr., do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the Commonwealth of Virginia, and that I will faithfully and impartially discharge all the duties incumbent upon me as a member to the Irvington Board of Zoning Appeals for a term beginning on September 13, 2018 and to expire September 12, 2022, according to the best of my ability, (So help me God.)



I, Diane H. Mumford, Clerk of the Circuit Court in and for the County of Lancaster, in the Commonwealth of Virginia, do certify that Albert Pollard, Jr., this 11th day of October, 2018 personally appeared before me in my County aforesaid and took and subscribed the above oath.

Diane H. Mumford

Clerk



Deputy Clerk

A TRUE COPY

TESTE:

DIANE H. MUMFORD, CLERK

BY [Signature] D.C.

LANCASTER COUNTY CIRCUIT COURT

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

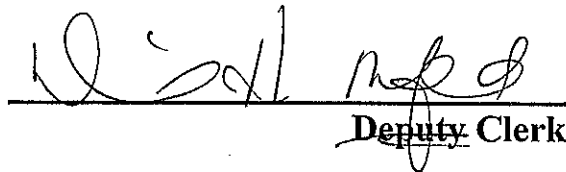
I, Jeffrey Schroeder, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the Commonwealth of Virginia, and that I will faithfully and impartially discharge all the duties incumbent upon me as a member to the Irvington Board of Zoning Appeals for a term beginning on September 13, 2018 and to expire September 12, 2023, 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 Jeffrey Schroeder, this 11th day of October, 2018 personally appeared before me in my County aforesaid and took and subscribed the above oath.

Diane H. Mumford

Clerk



Deputy Clerk

A TRUE COPY

TESTE:

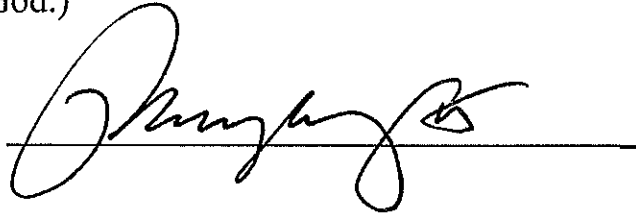
DIANE H. MUMFORD, CLERK

BY Diane H. Mumford D.C.

LANCASTER COUNTY CIRCUIT COURT

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

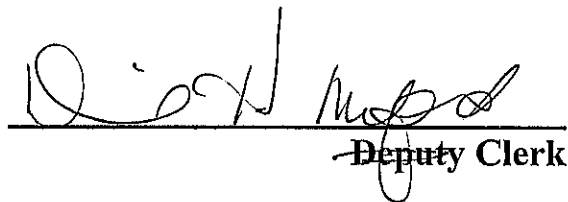
I, Robert H. Fleet, III, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the Commonwealth of Virginia, and that I will faithfully and impartially discharge all the duties incumbent upon me as a member to the Irvington Board of Zoning Appeals for a term beginning on September 13, 2018 and to expire September 12, 2020, 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 H. Fleet, III, this 11th day of October, 2018 personally appeared before me in my County aforesaid and took and subscribed the above oath.

Diane H. Mumford

Clerk



Deputy Clerk

A TRUE COPY

TESTE:

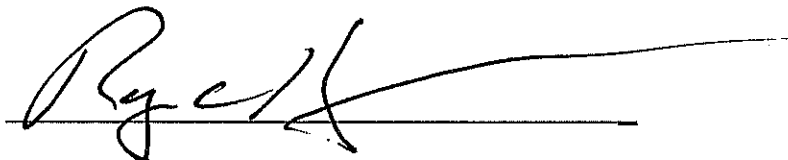
DIANE H. MUMFORD, CLERK

BY Diane H. Mumford D.C.

LANCASTER COUNTY CIRCUIT COURT

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

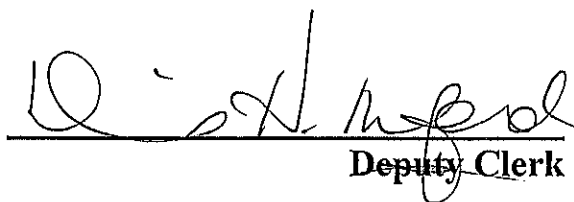
I, Roy Caldwell Kime, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the Commonwealth of Virginia, and that I will faithfully and impartially discharge all the duties incumbent upon me as a Zoning Administrator, Town Manager and Code Enforcement Officer for the Town of Irvington beginning on September 13, 2018 and ending at the pleasure of the Council, 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 Roy Caldwell Kime, this 11th day of October, 2018 personally appeared before me in my County aforesaid and took and subscribed the above oath.

Diane H. Mumford

Clerk



Deputy Clerk

A TRUE COPY

TESTE:

DIANE H. MUMFORD, CLERK

BY Diane H. Mumford D.C.

LANCASTER COUNTY CIRCUIT COURT

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

I, Jackie Y. Brown do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the Commonwealth of Virginia, and that I will faithfully and impartially discharge all the duties incumbent upon me as Town Counsel Member for the Town of Irvington for a 4 year term beginning July 1, 2018 and ending June 30, 2022, according to the best of my ability, (So help me God.)

Jackie Y. Brown

I, Diane H. Mumford, Clerk of the Circuit Court in and for the County of Lancaster, in the Commonwealth of Virginia, do certify that Jackie Y. Brown this 20th day of September, 2018 personally appeared before me in my County aforesaid and took and subscribed the above oath.

Diane H. Mumford
Clerk

Judge

A TRUE COPY
TESTE:

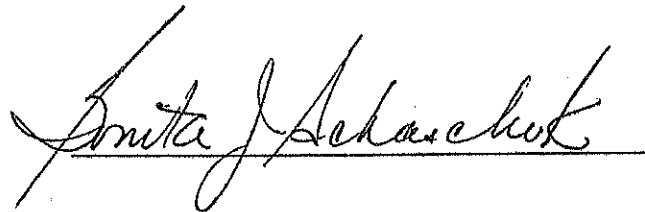
DIANE H. MUMFORD, CLERK

BY: Diane H. Mumford ETC.

LANCASTER COUNTY CIRCUIT COURT

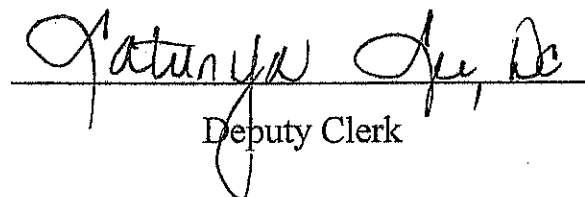
**Commonwealth of Virginia,
County of Lancaster, to-wit:**

I, B.W. "Bonnie" Schaschek do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the Commonwealth of Virginia, and that I will faithfully and impartially discharge all the duties incumbent upon me as Town Council Member for the Town of Irvington for a 4 year term beginning July 1, 2018 and ending June 30, 2022, 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 B.W. "Bonnie" Schaschek this 20th day of September, 2018 personally appeared before me in my County aforesaid and took and subscribed the above oath.


Clerk



Deputy Clerk

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

I, R. Wayne Nunnally do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the Commonwealth of Virginia, and that I will faithfully and impartially discharge all the duties incumbent upon me as Town Council Member for the Town of Irvington for a 4 year term beginning July 1, 2018 and ending June 30, 2022, according to the best of my ability, (So help me God.)

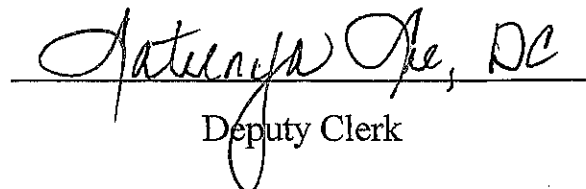


A handwritten signature in dark ink, appearing to read "R. Wayne Nunnally", written over a horizontal line.

I, Diane H. Mumford, Clerk of the Circuit Court in and for the County of Lancaster, in the Commonwealth of Virginia, do certify that R. Wayne Nunnally this 20th day of September, 2018 personally appeared before me in my County aforesaid and took and subscribed the above oath.

Diane H. Mumford

Clerk



A handwritten signature in dark ink, appearing to read "Jateanya Oke, DC", written over a horizontal line.

Deputy Clerk

TOWN OFFICIALS

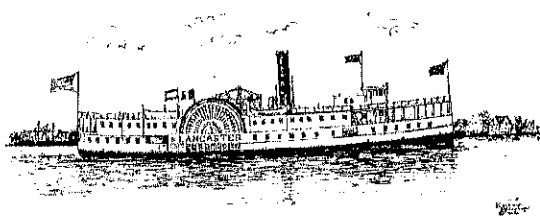
Ralph D. Ransone
Mayor

Roy C. Kime
Zoning Administrator
Town Manager

Nancyellen Keane, Esq.
Town Attorney

Sharon L. Phillips
Clerk of Council

Town of Irvington



TOWN COUNCIL

Kathleen F. Pollard
Acting Mayor

Michael Bombay

Jerome S. Latell

Bonnie Schaschek

R. Wayne Nunnally

Frances E. Westbrook

August 29, 2018

HAND DELIVERY

Board of Supervisors
County of Lancaster
8311 Mary Ball Road #105
Lancaster, VA 22503

RE: Proposed No Wake Zone in a Portion of the Northern Branch Carter's Creek

Dear Supervisors:

The Town of Irvington has been approached by a group of interested businesses of the Town which operate on the shores of Carter's Creek seeking to apply to the Department of Game and Inland Fisheries ("DGIF") to install a No Wake Zone in a portion of the Northern Branch of Carter's Creek for safety reasons. These businesses represent a significant number of Town employers. The Town established a No Wake Zone Advisory Committee and provided opportunities at several recent public meetings for parties to speak about a proposed No Wake Zone. Besides the supporting businesses, there were several other interested residents who spoke, one against the proposal and the others in favor of a No Wake Zone. Additionally, a family in the fishing business which accesses Carter's Cove in Weems daily expressed its desire that a No Wake Zone be placed in a location that would not affect their commercial operations.

As a result of the work of its No Wake Advisory Committee and the statements at several public meetings, the Town of Irvington is aware of the continued interest in this proposal within Irvington.

Since Weems residents would also be affected, it is appropriate that your body consider a No Wake Zone in a portion of the Northern Branch of Carter's Creek and place this matter on your Agenda for your consideration.

Sincerely,

Kathleen Pollard
Acting Mayor

cc: Nancyellen Keane, Esq.

235 Steamboat Road ✉ Post Office Box 174 Irvington, Virginia 22480
Telephone (804) 438-6230 ✉ Fax (804) 441-9048
sPhillips@town.irvington.va.us ✉ rkime@town.irvington.va.us
www.town.irvington.va.us

Date

To: Town Council Members, Irvington VA
From: Commons Development Committee members
Re: Recommendations for the Main Commons and the North Commons

The recommendations listed below are based on the survey designed and administered by the Commons Development Committee (CDC). A copy of the tabulated survey is attached.

- 1) The committee is aware that the town council is considering the construction of a storage building, sooner rather than later, and a future new town office. The survey strongly indicates a preference for any and all buildings to be relegated to the North Commons, leaving the Main Commons open and green, which is also strongly indicated. Therefore the CDC feels it is logical to focus only on the Main Commons.
- 2) The continuation of the monthly Farmer's Market, as managed by the Village Improvement Association, is a popular seasonal event. The CDC recommends that a permanent structure to facilitate this type of event NOT be built on the Main Commons to reflect the above stated preference.
- 2) The overriding vision is to keep the Main Commons open and green for public use. Many residents indicated a strong desire for shade trees and gardens. The CDC recommends utilizing the inclusion of "memorial trees" to provide much needed shade, and to install and/or augment existing gardens for visual color/interest.
- 3) A new playground was the other popular response to the survey, citing concerns for location and equipment safety. The CDC recommends a new play area to be included on the Main Commons, and consideration of a joint task group with the Steamboat Era Museum for an educational component to the play area.
- 4) The CDC recommends hiring a professional landscape architect to design and implement a plan. This would also include a hardscape component for the location of the children's play area as well as the possible placement of the town's recent acquisition of a bell tower and street lamps.
- 5) The CDC recommends that plans for the Main Commons should include the costs of installation and ongoing maintenance. Maintenance would include increased water usage and paid man hours for garden and playground upkeep.

Include a statement that the committee has completed its assignment?

Include a list of committee member's names?

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

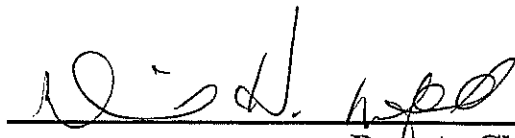
I, Sharon Phillips, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the Commonwealth of Virginia, and that I will faithfully and impartially discharge all the duties incumbent upon me as **Treasurer** for the Town of Irvington beginning on September 13, 2018 for a two-year term to serve at the pleasure of the Council, 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 Sharon Phillips, this 11th day of October, 2018 personally appeared before me in my County aforesaid and took and subscribed the above oath.

Diane H. Mumford

Clerk




Deputy Clerk

A TRUE COPY

TESTE:


DIANE H. MUMFORD, CLERK

BY  D.C.

LANCASTER COUNTY CIRCUIT COURT

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

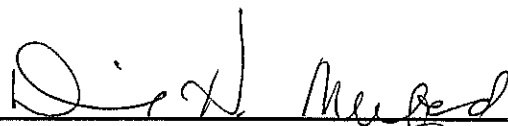
I, Sharon Phillips, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the Commonwealth of Virginia, and that I will faithfully and impartially discharge all the duties incumbent upon me as **Clerk** for the Town of Irvington beginning on September 13, 2018 for a two-year term to serve at the pleasure of the Council, 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 Sharon Phillips, this 11th day of October, 2018 personally appeared before me in my County aforesaid and took and subscribed the above oath.

Diane H. Mumford

Clerk


Deputy Clerk

A TRUE COPY

TESTE:

DIANE H. MUMFORD, CLERK

BY 10-11-18 D.C.

LANCASTER COUNTY CIRCUIT COURT

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

I, Julie W. Harris, 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 Irvington Planning Commission to serve from July 12, 2018 until the term expires on July 11, 2022, according to the best of my ability, (So help me God.)

Julie W. Harris

I, Diane H. Mumford, Clerk of the Circuit Court in and for the County of Lancaster, in the Commonwealth of Virginia, do certify that Julie W. Harris, this 11th day of October, 2018 personally appeared before me in my County aforesaid and took and subscribed the above oath.

Diane H. Mumford

Clerk

[Signature]
Deputy Clerk

A TRUE COPY

TESTE:

DIANE H. MUMFORD, CLERK

BY [Signature] D.C.

LANCASTER COUNTY CIRCUIT COURT

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

I, Nancyellen Keane, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the Commonwealth of Virginia, and that I will faithfully and impartially discharge all the duties incumbent upon me as **Town Attorney** for the Town of Irvington beginning on September 13, 2018 to serve for a two year term, according to the best of my ability, (So help me God.)

Nancyellen Keane

I, Diane H. Mumford, Clerk of the Circuit Court in and for the County of Lancaster, in the Commonwealth of Virginia, do certify that Nancyellen Keane, this 11th day of October 2018 personally appeared before me in my County aforesaid and took and subscribed the above oath.

Diane H. Mumford

Clerk

Diane H. Mumford
Deputy Clerk

A TRUE COPY

TESTE:

DIANE H. MUMFORD, CLERK

BY Diane H. Mumford D.C.

LANCASTER COUNTY CIRCUIT COURT

A PROCLAMATION

Constitution Week 2018

Whereas, September 17 marks the two hundred and thirty-first anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

Whereas, it is fitting and proper to officially recognize this magnificent document and the anniversary of its creation; and

Whereas, it is fitting and proper to officially recognize the patriotic celebrations which will commemorate the occasion; and

Whereas, public law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as constitution week;

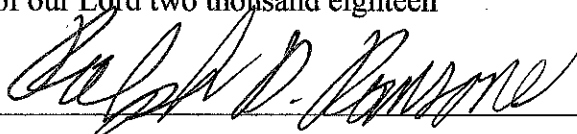
NOW, Therefore, I, Ralph D. Ransone, Mayor of the Town of Irvington do hereby proclaim September 17 through 23, 2018 to be

CONSTITUTION WEEK

In IRVINGTON and ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787

TOWN OF IRVINGTON, VIRGINIA

IN WITNESS WHEREOF. I have hereunto set my hand and caused to be affixed the Great Seal of the Town of IRVINGTON
on this seventeenth day of September in the
year of our Lord two thousand eighteen



Ralph D. Ransone

Mayor of Irvington

**TOWN OF IRVINGTON, VIRGINIA
235 STEAMBOAT ROAD
REGULAR MONTHLY MEETING AND PUBLIC HEARING
THURSDAY, SEPTEMBER 6, 2018**

Due to Hurricane Florence and the concern for public safety the regular monthly meeting of the Irvington town council was rescheduled for October 11, 2018

Respectfully submitted,
Sharon L. Phillips, Clerk

A handwritten signature in cursive script that reads "Kathleen Pollard". The signature is written in dark ink and is positioned above a horizontal line.

Kathleen Pollard, Acting Mayor

**TOWN OF IRVINGTON, VIRGINIA
235 STEAMBOAT ROAD
REGULAR MONTHLY MEETING AND PUBLIC HEARING
THURSDAY, AUGUST 9, 2018**

The Irvington town council held a regular monthly meeting and public hearing on August 9, 2018 at 6:30 p.m., in the town office.

A. CALL TO ORDER

Acting Mayor Kathleen Pollard called the meeting to order at 6:31 p.m., and asked for a moment of silence.

B. MOTION TO ACCEPT LEAVE OF ABSENCE

K. Pollard stated Mayor Ransone requested a leave of absence from August 9, 2018 until November 7, 2018 and asked for a motion to accept the request. Per the Town Charter Article III, Section 8, K. Pollard will serve as the acting mayor. W. Nunnally made a motion to accept the request for a leave of absence which was seconded by F. Westbrook. All were in favor. Vote: Yea - 6 Nay - 0.

C. ROLL CALL

Members of Council present: Kathleen Pollard, Acting Mayor
Frances Westbrook
Bonnie Schaschekincom
Jerry Latell (arrived at 6.32)
Wayne Nunnally
Michael Bombay

Administrative Staff present: Roy C. Kime, Town Manager, Zoning Administrator
Sharon L. Phillips, Clerk, Treasurer
Nancyellen Keane, Town Attorney

Guests: see attached sign in sheet.

D. APPROVE AGENDA

M. Bombay made a motion to approve the agenda which was seconded by B. Schaschek. All were in favor. Vote: Yea - 6 Nay - 0.

E. APPROVAL OF MINUTES AND TREASURER'S REPORTS

F. Westbrook made a motion to strike 'regular monthly meeting' from the May 31 minutes; and to amend the June 14 treasurers report to read 'preliminary June and year end treasurer's report; and to strike 'and public' from the July 12 minutes. B. Schaschek made a motion which was seconded by F. Westbrook to approve the May 31, June 14, and July 12 minutes and treasurer's report as amended. All were in favor. Vote: Yea - 6 Nay - 0.

F. PUBLIC COMMENT

Ian Ormsher, C. Davies, F. Minton, S. Pearson dock master for the Tides Inn, S. Somers, T. Chapman, and B. Saunders spoke in favor of the proposed No Wake zone. J. Harris and A. Sheppard spoke in opposition of the proposed No Wake zone. With no further comments Acting Mayor Pollard closed public comment.

G. REPORT FROM THE PLANNING COMMISSION - *Bonnie Schaschek, Liaison*

B. Schaschek reported the planning commission held a regular meeting and public hearing on August 7, 2018 to consider an application from King Carter Holding, LLC to rezone three parcels. The commission recommended

to council to deny the application to rezone two parcels (Tax Map 33 433; 33 434) on Chesapeake Drive from R-1 to B-1 due to insufficient detail and incomplete application. The commission unanimously approved the application to rezone the property on Irvington Road, (Tax Map 33 430) from B-2 to B-1. The commission is prepared to present the proposed updates to the bylaws to the council. The commission recommended to council an amendment to the use regulations further defining what is allowed and what is not allowed in B-1 and requested council consider and approve the proposed amendment to Ordinance 15.086. A town council public hearing is required to approve the proposed amendment.

H. PUBLIC HEARING

- 1. Consideration of an application submitted by King Carter Holding, LLC to rezone three parcels, (Tax Map 33 433; 33 434; and 33 430).** R. Kime presented a brief history of the parcels and previous applications submitted by the aforesaid applicant and further stated the previous zoning administrator erroneously informed King Carter Holding, LLC the parcel on Irvington Road, (Tax Map 33 430) was zoned B-1 when it was zoned B-2 which is more restrictive than B-1. The current application is the same in nature as the applications that were approved by both commission and council in November 2017. W. Hubbard spoke on behalf of King Carter Holding, LLC, and stated the application had been started several years ago with the intention of rezoning all of the parcels at one time but due to title issues and the misunderstanding of the zoning of Tax Map 33 430 they had suffered unexpected delays. The request was amended to reflect understanding of B-2 and R-1 and noted the requests made are consistent with the comprehensive plan that was adopted in 2017. The comprehensive plan outlines existing zoning uses and outlined on the Existing Zoning District map displayed in the town office, which notes the dentist office property as having business use. Properties across the street such as the Dandelion, Methodist Church, and Town Commons are business use. Applicant is requesting council consider rezoning these parcels, which are all contiguous and adjacent to current business use properties, to make a more coherent and cohesive district for business development. Commission and council will have an opportunity to review future plans as they become more concrete utilizing the conditional use permit. W. Hubbard introduced J. Patterson. J. Patterson thanked the council for their time and consideration and apologized for not attending the planning commission public hearing which was held Tuesday night as they were in Atlanta for a business trip. It has been his commitment to develop a business plan that contributes to the welfare of the Town of Irvington. He requested council disregard hearsay and offered assurances he has no intention of putting up a strip mall or apartments. Development plans hinge on when the Tides Inn will start to make their significant developments. The conditional use permit is the safe guard as to what is and what is not done at whatever point and time. Mr. Patterson affirmed there were 19 people with fractional interest involved with Tax Map 33 433 and 33 434 and after significant effort to make contact it was discovered owners were not alive and resulted in further delays as the court had to be petitioned. This is why the request to rezone appears disjointed. When he purchased Tax Map 33 430 the property was in very bad condition and could not be sold. The town incurred the cost to cut the grass for some time. Again, Mr. Patterson assured members of council ideas and plans for future development will be consistent with the comprehensive plan. Mr. Patterson thanked the council for their time and welcomed questions and comments. K. Pollard thanked Mr. Patterson for his time and detailed level of explanation. F. Westbrook expressed the concern regarding the two small lots behind the dentist office is that those two lots have road frontage which would set a precedent in the town and asked if Mr. Patterson would consider redoing the boundary lines to make it one parcel with complete road frontage on Irvington Road thus removing concerns of B-1 fronting Chesapeake Drive. Mr. Patterson appreciated Mrs. Westbrook bringing that concern to light and stated the two small lots have a drainage ditch that goes through the property(s) and any development will be required by the Chesapeake Bay Act to show certain drainage areas and this area is more prone to remain a drainage area as it currently is, with the trees and stream. The need for increased parking in addition to on street parking is an increasing concern and at some point they will have to give significant thought as to how to develop. The two small lots are used as over flow parking during Farmers Markets but it does need to be zoned B-1 to be included in the overall design phase. B. Saunders stated the

power of the conditional use permit gives the council ultimate power without any restriction over applications to rezone. G. Kuper stated the conditional use permit has not yet been tried in a court of law to be found effective and the problem with a use permit as it has been applied is that it makes attention to zoning much more lax and that needs to be addressed by the commission. He supported the commission's decision to deny the application and cautioned council that not all applicants are as responsible and upstanding as Mr. Patterson who is investing in our community but not every investor will be like that. The planning commission needs to be charged with making sure our zoning standards are what we want them to be and not rely on the conditional use permit. With no further comment from the public members of council had a brief discussion. W. Nunnally made a motion to approve the application submitted by King Carter Holding, LLC to rezone the property on Irvington Road, (Tax Map 430) from B-2 to B-1. All were in favor. Vote: Yea - 6 Nay - 0. K. Pollard asked for discussion regarding the application to rezone two parcels (Tax Map 33 433; 33 434) on Chesapeake Drive from R-1 to B-1. J. Latell asked for clarification from B. Schaschek as to why the commission denied the application. B. Schaschek stated the application was completely empty and those properties are not in the current business district and without a description there is no way to know how the property will be developed. W. Nunnally stated that in the future incomplete zoning applications should not be accepted by the planning commission. A brief discussion followed. M. Bombay reminded council the North Commons is zoned R-1 and the town remains undecided as to future development and the North Commons provides a nice buffer between residential and business districts and there is no need to delay the development of the two small parcels, further stating the back of the Hope & Glory is on Chesapeake Drive. F. Westbrook said she has a concern with businesses fronting Chesapeake Drive but all concerns regarding a buffer between business and residential could be eliminated if the boundary lines were moved and the dentist office became one large lot with road frontage on Irvington Road. W. Hubbard stated Mr. Patterson would be happy to entertain the process of moving boundary lines and/or no business fronting Chesapeake Drive. R. Kime stated a new subdivision plan would be required. J. Latell made a motion which was seconded by F. Westbrook to approve the application submitted by King Carter Holding, LLC to rezone Tax Map 33 433 and Tax Map 33 434 from R-1 to B-1. Vote: Yea - 5 Nay 1 (Schaschek).

I. REPORT FROM THE TOWN MANAGER - Roy Kime

R. Kime reported he attended the planning commission regular monthly meeting and public hearing. He will assist members of the commission with reviewing bylaws and ordinances. Changes to zoning ordinances requires proper notice. He thanked K. Schaschek for his time and assistance in creating end of year financial reports. There is no update on the flag pole. Owners of the Yellow Duck cottage paid for the removal of the downed tree limbs. He and K. Pollard met with Sheriff McCranie to discuss a mutual aid contract addressing increased patrol within town limits. The town attorney is reviewing the draft agreement. Rappahannock Rentals will be given a specific window of opportunity to install and remove the tent for the 2019 SEM Crab Festival due to delays removing the tent in 2017 and early installation in 2018 both of which interfered with grass cutting. VDOT completed the installation of a drainage pipe near Trick Dog and painted lines on King Carter Drive presumably for golf carts; the blinking lights at the crosswalk are still malfunctioning; and the weed overgrowth was removed on Route 200. Permits: **Sign permit** approved for King Carter Holdings, LLC Tax Map 33 431 The Office Café.

J. COMMITTEE REPORTS

1. Budget & Finance – Fran Westbrook, Council Member

F. Westbrook reported the budget and finance committee met July 31 to review year end financials for 2017/2018 and August 7 to discuss internal audit procedures; a committee meeting was scheduled for August 21 to launch the audit process; town resident K. Schaschek was appointed to the committee due to his role in other financial processes. Westbrook requested a motion to appropriate all general operating budget line items for FY18/19, approximately \$158,000, and the town manager will request appropriation for the remaining line items on an individual basis. The Lokey Fund is a CD in the amount of \$27,842 and is designated for a town library which now serves as the town office. The CD matures in February 2019; B.H.

Hubbard was the trustee for the Lokey Family Foundation until his recent passing. F. Westbrook suggested asking the Lokey Family to release the restrictions because the town no longer has a library and suggested the Lokey Fund be used for one of the following: 1) transfer the funds to the capital improvement fund, 2) donate the funds to Chesapeake Academy Library, 3) donate funds to the Lancaster Community Library. F. Westbrook ask the town to consider releasing the restriction on the Bike Path Fund, a CD in the amount of \$5,600 which matures in December 2018, and transferring said funds to the capital improvement fund. F. Westbrook requested permission from town council to speak with Chesapeake Bank and Virginia Commonwealth Bank to discuss cash management accounts and other banking tools which may offer a better yield on cash assets and for permission to meet with the Lancaster County treasurer to discuss collection and delinquency on real estate and personal property taxes. After a brief discussion it was decided a motion and vote were not required for discovery purposes.

2. Commons Development – Fran Westbrook, Council Member

F. Westbrook reported the committee did not meet in July. The August 16 meeting will include discussions on writing a RFP based on the results of the survey. W. Nunnally stated that at the public hearing held to present the results of the survey to the public, the public stated they were content with things how they currently are and did not want future development. F. Westbrook stated committee had been tasked with taking the results of the survey and moving them into a RFP.

K. OLD BUSINESS

1. Consideration of a motion to extend term expire for Shirley Crockett, member zoning board of appeals

On a motion made by W. Nunnally and seconded by M. Bombay the council voted to extend the term expire (September 12, 2021) for Shirley Crockett, member zoning board of appeals. Vote: Yea -6 Nay -0

2. Consideration of a motion to discuss the proposed No Wake zone

Town attorney N. Keane commented the topic would be discussed in closed session. J. Latell stated the topic should be discussed in open session. N. Keane asked the council if they wanted to waive attorney client privilege. After a brief discussion, council decided not to waive attorney client privilege. J. Latell made a motion to go into closed session and resume the agenda after closed session. All were in favor. Vote: Yea - 6 Nay - 0.

L. CLOSED SESSION

I, Kathleen Pollard hereby move that the town council of the Town of Irvington go into closed or executive session, for consultation with the town attorney regarding specific legal matters requiring the provision of legal advice by the town attorney pursuant to the Code of Virginia, Section 2.2-3711 (A)(8). I, Kathleen Pollard, so move. M. Bombay seconded the motion. All were in favor. Vote: Yea - 6 Nay - 0. The public meeting adjourned at approximately 8:00 p.m.

M. RETURN TO PUBLIC MEETING

Kathleen Pollard read the motion for certification: "I, Kathleen Pollard 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." The public meeting resumed at approximately 8:15 p.m.

I, Kathleen Pollard, so certify.

I, Frances Westbrook, so certify.

I, Jerry Latell, so certify.

I, B. Schaschek, so certify.

I, Wayne Nunnally, so certify.

I, Michael Bombay, so certify.

J. Latell made a motion which was seconded by W. Nunnally that the town attorney will draft a letter from the mayor to the county board of supervisors endorsing that the matter of the No Wake zone be placed on the agenda of Lancaster County board of supervisors for approval. All were in favor. Vote: Yea - 6 Nay - 0.

N. OLD BUSINESS (continued)

1. Consideration of a motion to discuss use violation

W. Nunnally reported he had spoken with the property owner who agreed to change the real estate listing from a guest house to an office. F. Westbrook and K. Pollard requested the property owner receive a letter from the town manager indicating the matter has been discussed by council.

2. Consideration of a motion to discuss a Resolution for the town manager to sign an agreement with Lancaster County for the enhanced patrol services, capped at \$ \$4,000, from execution until June 30, 2019. Form of such agreement to be determined

W. Nunnally made a motion which was seconded by M. Bombay to draft a Resolution for the town manager to sign an agreement with Lancaster County for the enhanced patrol services, capped at \$4,000, from execution until June 30, 2019. A brief discussion followed. N. Keane reported the insurance would be held by the county, insurance policies cover off duty work.

All were in favor. Vote: Yea - 6 Nay - 0.

3. Consideration of a motion to discuss blight ordinance

M. Bombay proposed a discussion to address blighted and unsightly properties. A brief conversation followed. N. Keane stated she would look at current nuisance laws. A nuisance law may be more substantive. Health and safety issues have more impact than cosmetic issues.

O. NEW BUSINESS

1. Consideration of a motion to post ad seeking planning commission member

W. Nunnally made a motion which was seconded by M. Bombay for the town clerk to post an advertisement in the Rappahannock Record seeking one planning commission member. All were in favor. Vote: Yea - 6 Nay - 0.

2. Consideration to appoint an Irvington 130 year celebration committee

F. Westbrook reported the Irvington 130 year celebration will commence in 2021 and a committee of town residents should be established in advance in anticipation of time sensitive tasks. K. Pollard suggested members of council talk with town residents to determine interest in serving on the committee.

3. Discussion of current contract for grass cutting on the Main and North Commons

F. Westbrook reported the North Commons is cut every other week and asked council to consider increasing the frequency of services provided on the North Commons to avoid unsightly tall grass and snakes. After a brief discussion it was determined this was under the purview of the town manager.

4. VML Annual Conference Sept 30th thru Oct 2nd, Hampton Rhoads VA

F. Westbrook invited interested members of council and commission to register.

5. Discussion of Zoning Permit process between Town and County

After a brief discussion N. Keane suggested further discussion take place during closed session.

6. Consideration of a motion to review B-1 and B-2 zoning by Planning Commission

F. Westbrook requested the council task the commission with reviewing B-1 and B-2 zoning ordinances in anticipation of development in the business district. B. Schaschek, W. Nunnally, and J. Latell agreed additional review of B-1 and B-2 ordinances is needed. N. Keane stated she would review the current zoning ordinances and report back to council. F. Westbrook made a motion which was seconded by W.

Nunnally to task the planning commission with review of the B-1 and B-2 zoning ordinances and to make recommendations to council. All were in favor. Vote: Yea - 6 Nay - 0.

7. Consideration of a motion to disband the No Wake Zone Committee

R. Kime stated the No Wake Zone has been resolved and there is no future action required by the committee and suggested a motion to disband. N. Keane suggested the committee be disbanded after the letter to the Lancaster board of supervisors has been delivered. J. Latell made a motion which was seconded by F. Westbrook to disband the No Wake Zone Committee once the letter has been approved and delivered to the Lancaster board of supervisors. All were in favor. Vote: Yea - 6 Nay - 0.

P. REPORT FROM THE TOWN ATTORNEY – Nancyellen Keane, Esq.,

N. Keane reported the role of the planning commission is defined by Virginia state law §15.2-2210 as an advisory body and can only provide recommendations to the council. This pertains to all Virginia localities, not only Irvington. There is very little mention of the commission in the Irvington Town Ordinances because the Charter was submitted to the Court in 1955 and planning commissions were not part of state law until approximately 1970. When tasking an advisory body council should utilize formal motions and resolutions defining the subject matter area, problem statement, and the parameters to be considered. A brief discussion followed.

Q. ANNOUNCEMENTS

W. Nunnally stated he has had the pleasure of serving eight years with J. Latell. All members present thanked J. Latell for his service and wished him the very best.

R. ROUNDTABLE DISCUSSION

B. Schaschek requested the planning commission bylaws need further review. The governing body liaison does not have voting privileges. Representative from the town council will not have voting privileges if the town council will also vote on the same subject matter. N. Keane requested further discussion be tabled until closed session.

S. CLOSED SESSION

I, Kathleen Pollard hereby move that the town council of the Town of Irvington go into closed session for consultation with the town attorney regarding specific legal matters requiring the provision of legal advice provided by the town attorney pursuant to the Code of Virginia, ann. Section 2.2-3711 (A)(8), I, Kathleen Pollard, so move. M. Bombay seconded the motion. All were in favor. Vote: Yea - 6 Nay - 0. The public meeting adjourned at approximately 8:55 p.m.

T. RETURN TO PUBLIC MEETING

Kathleen Pollard read the motion for certification: "I, Kathleen Pollard 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." The public meeting resumed at approximately 9:40 p.m.

I, Kathleen Pollard, so certify.

I, Frances Westbrook, so certify.

I, Jerry Latell, so certify.

I, B. Schaschek, so certify.

I, Wayne Nunnally, so certify.

I, Michael Bombay, so certify.

Nancyellen Keane attended. Legal advice was provided by the town attorney. No action was taken.

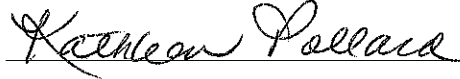
U. ADJOURNMENT

J. Latell made a motion to adjourn which was seconded by W. Nunnally. All were in favor.

Vote: Yea - 6 Nay - 0.

The meeting was adjourned at approximately 9:41 p.m.

Respectfully submitted,
Sharon L. Phillips, Clerk

A handwritten signature in cursive script, reading "Kathleen Pollard", written over a horizontal line.

Kathleen Pollard, Acting Mayor

Ralph D. Ransone
PO Box 333
Irvington, VA 22480

August 9, 2018

Town Council
Town of Irvington
235 Steamboat Road
Irvington, VA 24480

Members of Council:

I request a leave of absence for the period of August 9, 2018 – November 7, 2018, resuming my role as mayor November 8, 2018. This leave of absence is necessary due to healthcare needs of my family members.

Respectfully,

A handwritten signature in cursive script that reads "Ralph D. Ransone".

Ralph D. Ransone
Mayor



**TOWN OF IRVINGTON, VIRGINIA
235 STEAMBOAT ROAD
TOWN CONCIL REGULAR MEETING
AND PUBLIC HEARING
THURSDAY, AUGUST 9 2018 6:30 PM**

Sign In Sheet

	Name	Address
1.	Marsha Chapman	RR Old Mill Cove Rd.
2.	Antoin P. Sheppard	1083 Ocean Rd, White Stone
3.	Tom Cg	62 OLD MILL COVE RD
4.	Julie Harris	1099 King Carter Dr.
5.	Harry Lee Pearson	180 King Carter Drive
6.	Bill Harris	1099 King Carter Dr
7.	William Hubbard	293 Steamboat Rd.
8.	Carol + Dunn Davis	Critchell's Landing
9.	SPAWY McGEORGE STONE	220 SANDERS LA
10.	JACKIE BROWN	26 GALLEY HOOK
11.	Karen D Schach	394 KC Dr.
12.	Judy Fay	90 The Pony Pasture

13. Ian Ormesher 90 The Pony Pasture
14. Fred M. Minton 692 King Carter Dr.
15. Mike Mattheisen Virginia Rd.
16. Bruce Sanders 902 King Carter
17. George Kuper Haywood Place
18. Terri Patterson 1172 King Carter
19. Julie Patten
20. Steve Sommers 492 Chesapeake Dr
21. _____
22. _____
23. _____
24. _____
25. _____
26. _____
27. _____
28. _____
29. _____
30. _____
31. _____
32. _____
33. _____

**TOWN OF IRVINGTON, VIRGINIA
235 STEAMBOAT ROAD
REGULAR AND PUBLIC MEETING
THURSDAY, JULY 12, 2018**

The Irvington town council held a regular and public meeting on July 12, 2018 at 6:30 p.m., in the town office.

A. CALL TO ORDER

Vice Mayor Kathleen Pollard called the meeting to order at 6:32 p.m., and asked for a moment of silence.

B. WELCOME

Vice Mayor Pollard welcomed Nancyellen Keane, Esq., Keane Law LLC, as the town attorney.

C. ROLL CALL

Members of Council present: Kathleen Pollard, Vice Mayor
Frances Westbrook
Bonnie Schaschek
Jerry Latell (arrived at 6:34)
Wayne Nunnally (arrived at 6:36)

Absent: Ralph D. Ransone, Mayor
Michael Bombay

Administrative Staff present: Roy C. Kime, Town Manager, Zoning Administrator
Sharon L. Phillips, Clerk, Treasurer

Guests: see attached sign in sheet.

D. APPROVE AGENDA

F. Westbrook made a motion to table the Roundtable Discussion until further information is available and to table the June 14, 2018 regular meeting minutes until August 2018 which was seconded by B. Schaschek. All were in favor. Vote: Yea - 5 Nay - 0.

E. APPROVAL OF MINUTES AND TREASURER'S REPORTS

B. Schaschek made a motion which was seconded by W. Nunnally to approve the June 28, 2018 special called meeting minutes and to accept the June 2018 preliminary year - end financial treasurer's report. All were in favor. Vote: Yea - 5 Nay - 0.

F. PUBLIC COMMENT

B. Sanders, representing Rappahannock Yacht Club, spoke on behalf of T. Chapman representing Rappahannock River Yacht Club, and C. Davies representing Crockett's Landing and presented members of council with information on the proposed No Wake zone; see attached. B. Sanders stated the group, previously referred to as the consortium, will assume all financial responsibility for equipment, installation, and maintenance of the buoy and clarified their request of the town council is to write a letter of support for the proposed No Wake zone to the Lancaster County board of supervisors asking the board of supervisors to approve the No Wake zone application which Lancaster County will submit to DGIF. The Town of Irvington will not be on the application. C. Davies has been designated as the point of contact for maintenance of the buoy. W. Nunnally stated his opposition to the town endorsing the proposed No Wake zone due to liability. J. Harris spoke in opposition to the proposed No Wake zone; see attached. D. Davies spoke in favor of the proposed No Wake zone; A. Sheppard, local waterman, spoke in opposition of the proposed No Wake zone, see attached. M. Merrill requested town council address speeding within town limits and the power pole at the intersection of King Carter and Carter's Creek as both are

public safety concerns. C. Davies stated concerns with vehicular speeding in town are no different than concerns about boats speeding in Carter's Creek; they are both public safety issues. With no further public comment Vice Mayor Pollard closed public comment.

G. REPORT FROM THE PLANNING COMMISSION - *Bonnie Schaschek, Liaison*

B. Schaschek reported the planning commission held a regular meeting and public hearing on July 3, 2018. Discussions included updating the bylaws, recommendations and suggestions were made for changes to the B-1 district ordinances; intentions to maintain the atmosphere of the historic village, nurture the diverse retail and service economy, preserve the uniqueness of the town, and prevent commercial sprawl outside the existing business district; use requirements and area regulations and permitted uses to be explored further. Members discussed suggested changes to the definitions in the zoning ordinances although some may require legal counsel. There was a discussion to use the survey results from the CDC survey to create a vision for the town and as a guide for future growth. The planning commission requested a meeting with the CDC to discuss their plans going forward. The commission suggested the town shed be built on a skid rather than on a permanent foundation. W. Nunnally commented the commission was designed to serve in an advisory role, and was designed to be a tool of the council, council relies on the commission to review applications prior to coming before council. F. Westbrook stated the commission should consider issues related to land planning and address other issues only as directed by council. A brief conversation followed. Council requested the town attorney review the town charter for clarification.

H. REPORT FROM THE TOWN MANAGER, *Roy Kime*

R. Kime reported a significant amount of time was allocated to managing the Fourth of July Parade and thanked the parade committee for their hard work. Additionally he worked with the budget and finance committee to adopt the FY18/19 budget; attended the June 5 commons development committee meeting, the town is not exempt from the ADA compliance and needs to address the need for a new town hall; he did not attend the July 3 planning commission meeting. A contractor could not be secured to move the flag pole from L. Browns property to the Town Commons in time for the Air Force Band Concert. D. Jones, owner of Connemara has offered to install the flag pole at his expense as a donation to the town. Magic Tree agreed to provide a price to remove the fallen tree limb behind the town office. A meeting with Sheriff McCranie has been scheduled to discuss a mutual aid contract, compensation, and specific dates and times for off duty sheriff's deputies to patrol in Irvington. VDOT has been notified that on May 13 and June 25 vehicles using low boy trailers blocked the intersection of Steamboat Road and Seafood Lane for several hours and required tow assistance due to a 4" – 5" difference in grade between the roads. VDOT will open the clogged drain near the Trick Dog restaurant which will alleviate flooding due to storm water runoff. **Permits:** Tree Removal: John Dubbs; **Demolition:** Henley Drive; **Raffle:** Chesapeake Academy; **Sign:** Lee Taylor.

I. COMMITTEE REPORTS

1. Budget & Finance – *Fran Westbrook, Council Member*

F. Westbrook reported the budget and finance committee will meet in August to address end of year actuals and the audit process and will meet in September to address the capital improvement budget.

2. Commons Development – *Fran Westbrook, Council Member*

F. Westbrook reported the committee conducted a town meeting at the Irvington Baptist Church on June 25, 2018 at 7:00 p.m., for the purpose of presenting survey results to the public. The survey results and the power point presentation are available on the town website. During the August 16 regular monthly meeting the committee will discuss how to quantify hand written comments on the survey. B. Schaschek requested a member of the planning commission be appointed to the commons development committee. F. Westbrook stated she would look into the request.

3. Human Resources – *Kathleen Pollard, Council Member*

K. Pollard thanked R. Kime and S. Phillips for a successful first year serving in their roles and reported each had positive annual performance review.

J. PUBLIC COMMENT

Vice Mayor Kathleen Pollard reopened public comment to allow members of the public to speak that arrived after public comment closed due to their work schedule. R. Sheppard Sr. and R. Sheppard Jr., both watermen, stated they and 65 other watermen operate work boats in cooler months from 5 a.m. – 1 p.m., and during summer months from 6 a.m. – 2 p.m, in Carter's Creek as Kellum's Seafood is located in Carter's Creek and the proposed No Wake zone will interfere with their ability to navigate to Kellum's Seafood. As watermen they are in favor of safety but are concerned they will be negatively impacted because workboats idle at a speed that causes a wake. B. Sanders stated the purpose of the proposed No Wake zone is to address wake caused by power boats not workboats. With no further public comment vice mayor Pollard closed public comment.

K. OLD BUSINESS

1. Consideration of a motion to discuss use violation

R. Kime explained to members of council that a building permit was issued by former zoning administrator B. Hardesty for an accessory building to be used as an office which resulted in a certificate of occupancy being issued by Lancaster county for the accessory building to be used as an office, subsequently the property is for sale and identifies the accessory building as a guest cottage with a full kitchen, bath, and bedroom. R. Kime asked council to consider an appropriate course of action. A brief discussion followed. W. Nunnally offered to advise the property owner to the change the real estate listing identifying the accessory building as a guest cottage to an office space which is in accordance with the building permit and certificate of occupancy. The town attorney advised R. Kime to investigate the septic permit and to have the property owner apply for a conditional use permit.

L. NEW BUSINESS

1. Consideration of a motion to discuss nuisance tree and health and safety concern

R. Kime identified a property adjacent to the town office that had a tree that dropped a limb on the property of the Yellow Duck Cottage. As a result of the fallen limb a septic issue was identified. David Geeson, Field Director, Division of Shellfish Sanitation, Virginia Department of Health communicated to R. Kime his office had taken action to notify the property owners of the septic issue. N. Keane suggested the town manager send notice to the property owner identifying the nuisance violation for the tree and the septic. W. Nunnally made a motion which was seconded by B. Schaschek to declare the property located at 245 Steamboat Road a public nuisance and public safety hazard due to the existence of raw sewage. All were in favor. Vote: Yea - 5 Nay - 0.

2. Consideration of a motion to disperse FY18/19 \$10,000 ATL Fire Grant

W. Nunnally made a motion which was seconded by J. Latell to disperse the \$10,000 FY18/19 ATL Fire Grant to White Stone Volunteer Fire Department. All were in favor. Vote: Yea - 5 Nay - 0.

3. Consideration of a motion to discuss dedication of flag pole in memory of Lee Stephens

W. Nunnally made a motion which was seconded by J. Latell to dedicate the flag pole located on the Town Commons in memory of Lee Stephens. All were in favor. Vote: Yea - 5 Nay - 0.

4. Consideration of a motion to discuss gifts and donations from residents and businesses

B. Schaschek expressed concerns regarding gifts and donations from residents and business and asked for clarification as to why a resident was reimbursed for a gift/donation. A brief discussion followed. F. Westbrook reported there is no policy against accepting gifts and donations and should be considered on a case by case basis. N. Keane stated any gift or donation is subject to FOIA and donors should not expect to be anonymous.

M. ANNOUNCEMENTS - none

N. ROUND TABLE -- none

O. CLOSED SESSION

I Kathleen Pollard hereby move that the town council of the Town of Irvington go into closed or executive session, to discuss personnel matters pursuant to the Code of Virginia, Section 2.2-3711 (A)(29); and appointees pursuant to the Code of Virginia, Section 2.2-3711 (A)(29).1. I, Kathleen Pollard, so move. W. Nunnally seconded the motion. All were in favor. Vote: Yea - 5 Nay - 0. The public meeting adjourned at approximately 8:15 p.m.

P. RETURN TO PUBLIC MEETING

Kathleen Pollard read the motion for certification: "I, Kathleen Pollard 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." The public meeting resumed at approximately 8:35 p.m.

I, Kathleen Pollard, so certify.

I, Frances Westbrook, so certify.

I, Jerry Latell, so certify.

I, B. Schaschek, so certify.

I, Wayne Nunnally, so certify.

I, Ralph D. Ransone, so certify.

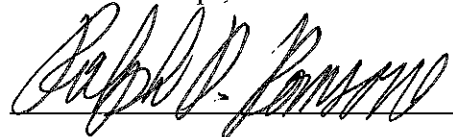
W. Nunnally made a motion which was seconded by J. Lattell to appoint Julie Harris to the planning commission with a term expire of March 2019. All were in favor. Vote: Yea - 5 Nay - 0.

Q. ADJOURNMENT

W. Nunnally made a motion to adjourn which was seconded by F. Westbrook.
All were in favor. Vote: Yea - 5 Nay - 0.

The meeting was adjourned at approximately 8:40 p.m.

Respectfully submitted,
Sharon L. Phillips, Clerk

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

Ralph D. Ransone, Mayor



**TOWN OF IRVINGTON, VIRGINIA
235 STEAMBOAT ROAD
TOWN COUNCIL REGULAR & PUBLIC MEETING
THURSDAY JULY 12, 2018 6:30 PM**

Sign In Sheet

	Name	Address
1.	Julie Harris & Bill Harris	1099 King Carter Dr.
2.	Alana + Carroll Davis	97 Crockett Lantig Lane
3.	Anita P. Sheppard	1083 Ocran Rd.
4.	Cory Bradley	991 King Carter Dr.
5.	Michael Merrill	954 King Carter Dr.
6.	Klaus D. Schaschek	394 King Carter Dr.
7.	Bruce Sanders	902 King Carter Dr.
8.	Joseph Sheppard	1083 Ocran rd.
9.	Ron Sheppard	726 Fleets bay rd
10.	Cameron Hunter	726 Fleets bay rd.
11.	Ronnie Sheppard	1083 ocran rd
12.		

Application for Appointment to the Planning Commission

Irvington, Virginia

Dear Mayor and Members of Town Council,

I would like to be appointed to the Irvington Planning Commission. My family has had a long affiliation with the town as my great-great-grandfather was the first Methodist minister in Irvington. My grandfather was a waterman and a builder and built our family home on Chase's Cove. My father and his brother grew up in Irvington. My grandmother taught at the original Chesapeake Academy, which is now the Hope and Glory Inn. My personal experiences in Irvington date to the 1950s. I believe that all these factors give me a special historical perspective and appreciation of our town.

I have 45 years in public education. During that time I worked with many students and their families, chaired numerous committees and was instrumental in formulating and implementing a variety of instructional programs. I was a Girl Scout leader for 10 years, allowing me many opportunities for organizing. I have been treasurer of different civic groups, giving me a good understanding of planning and budgeting, as well as setting goals and prioritizing. Currently, I own and manage several residential and commercial properties in Virginia and South Carolina. I believe that all these experiences have enabled me to gain valuable insight into management and planning for future needs and development, as well as how to work with the community by listening to people's concerns and wishes.

However, I feel that my strongest qualifications to be a member of the Planning Commission are my long history with the town and my ability to work with various groups of people to preserve the unique character of Irvington while providing for progress.

Thank you.

Sincerely,

Julie W. Harris

1099 King Carter Drive

juliehski@aol.com

Opposition to No Wake Proposal

Some people find barking dogs to be annoying. Some people find loud music to be annoying. Just because some groups of people find boat wakes annoying is not justification to impose a No Wake Zone on such a large expanse of public water. The area proposed for the No Wake on Carters Creek is not owned by those requesting the No Wake, nor is the area owned by the Town of Irvington. This public water belongs to everyone and should remain open and available to everyone for both recreational AND commercial use.

Concerns have been expressed that boat wakes pose a safety issue for paddle boarders and kayakers. Over Memorial Day weekend, I took our 7 year old granddaughter kayaking. Before this trip, she had not taken a kayak out by herself. I taught her how to paddle forward, how to paddle backward and how to angle her kayak when a boat wake came. She was not fearful of the boat wakes, but took great pride in accomplishing these maneuvers on her own.

Concerns have also been expressed that boat wakes cause moored boats to rock in their slips. We all know that if a boat is tied correctly it will not hit the sides of the slip. If a boat wake causes those boats to rock in the water, we know that's what boats are designed to do.

Local dock builders have refuted the claim that wave action from passing boats damages docks, bulkheads or rip-rap.

If we shut down such a large area of Carters Creek, we can only assume that traffic will increase in the areas not affected by the No Wake Zone; thus, making those areas more congested and less safe.

A certain number of people want a No Wake Zone on a huge expanse of public water, but how many more people will be adversely affected by placing restrictions on Carters Creek? Even a VMRC representative stated that the requested area is extensive.

We urge Council to please acknowledge that these waters of Carters Creek are public waters and should remain open and available to the public for recreational AND commercial use.

Julie and Bill Harris

1099 King Carter Drive

pg. 1
So whom it may concern

My name is Ronald W. Sheppard
I have been a long-time
Commercial Waterman who
has been working the waters
of Carter Creek the last
35-40 yrs.

I as well as the other waterman
of this area have never had
anyone question us about coming
in or out the creek I am hoping
I can shed some light here that
a workboat ~~ex~~ runs 11-14 miles
tolling, the cannot idle slower.
It is not that we are trying
to create a wake in any matter.

During Oct-Nov There are
50 to 75 boats in Carters Creek
I think it would be very
excruciating to tell us
waterman we have to slow
down and not be in Carters
Creek because these boats
are unable to slow down
that much

I spend 700-1000 a year in permits that enable to work this creek and its tributaries. I could bring numerous amounts of Commercial Waterman if needed like myself. or you could go to Kellums Seafood Oct-Jan to see these \$50-75 boats daily.

I am sorry that I could not attend your meeting in person because is important to mee. but my wife Anita Sheppard will be there to support me. So I am afraid I have to side with Mrs. Harris on her ~~decision~~ decision. I back her 100% NO I do not live in Bravington and I am sorry for your inconvenience.

In my thirty to 40 years I have raised 2 boys and 1 girl who are Waterman & Woman on this creek. Please don't take our Creek from us.

Our Creek are very important to us, they are what provides us the money to put the food on our plates, the gas to put ~~me~~ back in the vehicles and boats to start the Chain over again.

Thank You.

Ronald W. Sheppard
Ron Sheppard
Joseph Sheppard

(Commerced Waterman)

**TOWN OF IRVINGTON, VIRGINIA
235 STEAMBOAT ROAD
SPECIAL CALLED MEETING
THURSDAY, JUNE 28, 2018 7:00 PM**

A special called meeting of the Irvington town council was held on June 28, 2018 at 7:00 p.m., in the town office.

A. CALL TO ORDER

The Mayor called the meeting to order at 7:00 p.m., and asked for a moment of silence.

B. ROLL CALL

Members of Council present: Ralph D. Ransone, Mayor
 Kathleen Pollard, Vice Mayor
 Frances Westbrook
 Jerry Latell
 Michael Bombay
 Bonnie Schaschek
 Wayne Nunnally

Administrative Staff present: Roy C. Kime, Town Manager, Zoning Administrator
 Sharon L. Phillips, Clerk, Treasurer

Guests: Marsha Chapman, Nancyellen Keane

C. APPROVE AGENDA

On a motion made by M. Bombay and seconded by Jerry Latell the agenda is approved.
All were in favor. Vote: Yea - 6 Nay - 0.

D. FY18/19 PROPOSED BUDGET

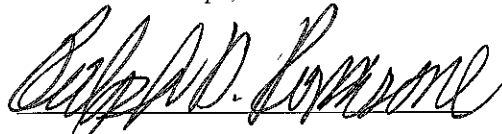
F. Westbrook made a motion to approve the FY18/19 proposed budget which was seconded by K. Pollard.
Mayor Ransone asked for a hand vote: Yea (4) M. Bombay, K. Pollard, F. Westbrook and J. Latell – Nay (2) W. Nunnally and B. Schaschek. The motion is passed and the budget is adopted.

E. ADJOURNMENT

W. Nunnally made a motion to adjourn which was seconded by J. Latell

The meeting was adjourned at approximately 7:05 PM

Respectfully submitted,
Sharon L. Phillips, Clerk



Ralph D. Ransone, Mayor



**TOWN OF IRVINGTON, VIRGINIA
235 STEAMBOAT ROAD
TOWN COUNCIL SPECIAL CALLED MEETING
THURSDAY, JUNE 28, 2018**

Sign In Sheet

	Name	Address
1.	<u>Marsha Chapman</u>	<u>PO Box 36 Irvington, VA</u>
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____
6.	_____	_____
7.	_____	_____
8.	_____	_____
9.	_____	_____
10.	_____	_____
11.	_____	_____
12.	_____	_____

Town of Irvington

Adopted FY18/19 Budget

Cities and Towns Chapter 25 - Budgets, Audits and Reports \$15.2-2504, What Budget to Show		Appropriations Jul 2016 - Jun 2017	Actuals Jul 2016 - Jun 2017	+ / -	Appropriations Jul 2017 - Jun 2018	Actuals Jul 2017 - Jun 2018	+ / -	Adopted Budget Jul 2018 - Jun 2019
Revenue	\$198,423	\$204,941	\$3,518	\$194,868	\$214,941	\$23,073	\$230,240	
Occupancy Tax	\$67,500	\$74,647	\$7,147	\$68,000	\$72,036	\$4,036	\$80,000	
Real Estate Tax	\$80,803	\$75,282	(\$5,521)	\$75,000	\$77,486	\$2,486	\$87,000	
Local Sales Tax (Sales Tax)	\$26,000	\$27,272	\$1,272	\$26,000	\$28,649	\$2,649	\$26,000	
PP Tax (Auto/Golf Tags)	\$9,750	\$9,202	(\$548)	\$9,200	\$9,629	\$429	\$10,000	
Bank Franchise	\$9,700	\$9,072	(\$628)	\$9,072	\$9,871	\$799	\$9,888	
Cable TV (Cable TV/Communications)	\$2,430	\$2,345	(\$85)	\$2,346	\$2,286	(\$60)	\$2,346	
Property Rental	\$1,000	\$1,000	\$0	\$1,000	\$1,000	\$0	\$1,000	
Permit Fees (Zoning Permits)	\$700	\$1,150	\$450	\$700	\$1,050	\$350	\$1,050	
Interest Income	\$475	\$1,900	\$1,425	\$500	\$2,854	\$2,354	\$2,900	
ATL Fire Grant			\$0		\$10,000	\$10,000	\$10,000	
Misc. Income (Misc. & Other Income)	\$65	\$71	\$6	\$50	\$80	\$30	\$56	

Cities and Towns Chapter 25 - Budgets, Audits and Reports \$15.2-2504. What Budget to Show		Appropriations Jul 2016 - Jun 2017	Actuals Jul 2016 - Jun 2017	+ / -	Appropriations Jul 2017 - Jun 2018	Actuals Jul 2017 - Jun 2018	+ / -	Adopted Budget Jul 2018 - Jun 2019
Operating Expenses	\$114,839	\$118,012	(\$3,173)	\$142,705	\$137,876	\$4,829	\$158,519	
Gross Wages	\$42,430	\$45,069	(\$2,639)	\$71,296	\$54,065	\$17,231	\$57,000	
Other Employee Expense	\$3,269	\$1,341	\$1,928	\$5,516	\$1,885	\$3,631	\$2,000	
Payroll Taxes		\$3,483	(\$3,483)	\$1,332	\$4,173	(\$2,841)	\$5,725	
Utilities (Town Utilities)	\$11,940	\$12,803	(\$863)	\$12,100	\$13,835	(\$1,735)	\$14,396	
Professional Services	\$11,650	\$10,806	\$844	\$11,650	\$9,200	\$2,450	\$12,000	
Town Maintenance	\$10,500	\$8,412	\$2,088	\$5,900	\$9,973	(\$4,073)	\$14,950	
Comprehensive Plan Review	\$10,000	\$26,248	(\$16,248)	\$0	\$0	\$0	\$0	
Office Expenses	\$8,000	\$4,804	\$3,196	\$6,000	\$8,305	(\$2,305)	\$15,255	
Municipal Audit	\$5,000	\$0	\$5,000	\$4,000	\$0	\$4,000	\$0	
Insurance (VMLIP)	\$4,600	\$3,167	\$1,433	\$3,861	\$3,696	\$165	\$3,863	
Miscellaneous Expenses	\$750	\$434	\$316	\$750	\$0	\$750	\$0	
Website Technical Support	\$2,400	\$1,641	\$759	\$2,000	\$1,692	\$308	\$0	
Public Safety	\$0	\$0	\$0	\$0	\$20,000	(\$20,000)	\$15,500	
Code Enforcement	\$1,800	(\$3,225)	\$5,025	\$1,500	\$0	\$1,500	\$0	
Municipal Expenses		\$0			\$302	(\$302)	\$12,750	
Election Expenses		\$0		\$1,500	\$2,148	(\$648)	\$0	
Codification of Ordinances		\$77	(\$77)	\$6,000	\$0	\$6,000	\$0	
Town Council	\$2,500	\$1,642	\$858	\$3,000		\$3,000	\$3,540	
Planning Commission		\$590	(\$590)	\$0	\$5,416	(\$5,416)	\$1,540	
Public Notices (Rapp Record)		\$720	(\$720)	\$0	\$3,186	(\$3,186)	\$0	
Town Commons Utilities & Maint		\$0	\$0	\$6,300		\$6,300	\$0	

Cities and Towns Chapter 25 - Budgets, Audits and Reports \$15.2-2504, What Budget to Show		Appropriations Jul 2016 - Jun 2017	Actuals Jul 2016 - Jun 2017	+ / -	Appropriations Jul 2017 - Jun 2018	Actuals Jul 2017 - Jun 2018	+ / -	Adopted Budget Jul 2018 - Jun 2019
Community Support and Tourism Promotion		\$19,050	\$14,902	\$4,148	\$20,350	\$21,669	(\$1,319)	\$34,530
July 4 Parade & AF Band		\$8,100	\$7,738	\$362	\$8,500	\$9,782	(\$1,282)	\$10,030
Christmas Community Events		\$2,700	\$3,799	(\$1,099)	\$2,800	\$3,459	(\$659)	\$3,500
Flags & Banners		\$2,700	\$129	\$2,571	\$2,900	\$104	\$2,796	\$7,900
Fire & Rescue		\$2,100	\$0	\$2,100	\$2,100	\$2,100	\$0	\$2,100
Wi-Fi		\$1,200	\$479	\$721	\$600	\$479	\$121	\$500
Steamboat Era Museum		\$1,200	\$1,200	\$0	\$1,200	\$1,200	\$0	\$6,200
Irvington Open Golf Tourney		\$300	\$0	\$300	\$300	\$0	\$300	\$300
Lancaster Community Library		\$250	\$250	\$0	\$1,000	\$1,000	\$0	\$1,000
Virginia River Realm				\$0				\$1,500
Trolley		\$250	\$250	\$0	\$250	\$250	\$0	\$250
Mayor's Discretionary Fund			\$5	(\$5)	\$500	\$2,305	(\$1,805)	\$1,000
Miscellaneous Community Support		\$250	\$1,052	(\$802)	\$200	\$990	(\$790)	\$250

Cities and Towns
Chapter 25 - Budgets, Audits and Reports
§15.2-2504. What Budget to Show

	Appropriations Jul 2016 - Jun 2017	Actuals Jul 2016 - Jun 2017	+ / -	Appropriations Jul 2017 - Jun 2018	Actuals Jul 2017 - Jun 2018	+ / -	Adopted Budget Jul 2018 - Jun 2019
§ 15.2-2505. Any locality may include in its budget a reasonable reserve for contingencies and capital improvements.							
Dedicated Capital Improvements Funds	\$64,534 Beg Fund Balances	\$5,029 Fund Expenditures	\$59,505 End Fund Balances	\$28,813 Projected Funding	\$32,693	(\$3,880) End Fund Balances	\$37,191 2018-Jun 2019
Sidewalk Repair	\$30,000	\$0	\$30,000	\$0	\$14,386	(\$14,386)	\$0
Tennis Courts Repair		\$0		\$4,000	\$3,975	\$25	\$0
Town Hall Repairs		\$0		\$10,000	\$11,832	(\$1,832)	\$0
Storage Building		\$0		\$10,000	\$0	\$10,000	\$10,000
North Commons Improvements							\$500
Protective Fence in North Commons	\$2,800	\$1,729	\$1,071	\$0	\$0	\$0	\$0
Website Revamp	\$5,000	\$2,500	\$2,500	\$0	\$2,500	(\$2,500)	\$10,000
Contribution to CIP Fund (Future Improvement)	\$26,734	\$800	\$25,934	\$4,813	\$0	\$4,813	\$16,691
Commons Development		\$0			\$0	\$0	
Town Office		\$0				\$0	
Total Revenue	\$198,423	\$201,941	\$3,518	\$191,868	\$214,941	\$23,073	\$230,240
Total Expenditures	\$198,423	\$137,943	\$60,480	\$191,868	\$192,238	(\$370)	\$230,240
	\$0	\$63,998	\$63,998	\$0	\$22,703	\$22,703	\$0

**TOWN OF IRVINGTON, VIRGINIA
235 STEAMBOAT ROAD
REGULAR MEETING AND PUBLIC HEARING
THURSDAY, JUNE 14, 2018**

The Irvington town council held a regular monthly meeting and a public hearing on June 14, 2018 at 6:30 p.m., in the town office.

A. CALL TO ORDER

The mayor called the meeting to order at 6:30 p.m., and asked for a moment of silence.

B. ROLL CALL

Members of Council present: Ralph D. Ransone, Mayor
 Kathleen Pollard, Vice Mayor
 Frances Westbrook
 Bonnie Schaschek
 Michael Bombay
 Wayne Nunnally (arrived at 6:33)

Absent: Jerry Latell

Administrative Staff present: Roy C. Kime, Town Manager, Zoning Administrator
 Sharon L. Phillips, Clerk, Treasurer

Guests: see attached sign in sheet. (Exhibit A)

C. APPROVE AGENDA

On a motion made by M. Bombay and seconded by K. Pollard the agenda was approved.

All were in favor. Vote: Yea - 3 Nay - 0. B. Schaschek abstained from vote. W. Nunnally is not present.

D. APPROVAL OF MINUTES AND TREASURER'S REPORTS

On a motion made by F. Westbrook and seconded by K. Pollard the May 10, 2018 minutes and May 2018 treasurer's reports were approved as presented. All were in favor. Vote: Yea - 4 Nay - 0.

W. Nunnally is not present.

E. PUBLIC COMMENT

W. Nunnally joined the meeting at 6:33 p.m. K. Schaschek expressed concern regarding lack of accurate information on the town website. With no further public comment Mayor Ransone closed public comment.

F. REPORT FROM THE PLANNING COMMISSION, *Bonnie Schaschek, Liaison*

B. Schaschek reported the planning commission held a workshop on May 29, 2018 to welcome three (3) new members, Al Pollard Sr., Cary Schneider, and Tripp Bugg, III. New members were provided copies of the planning commission bylaws, town charter, and town ordinances. During the workshop R. Kime provided an overview of the function and procedure of the planning commission and officer elections which will be held in the June 2018 planning commission meeting. Members were presented a brief review of the conditional use permit (CUP) application for a restaurant on Irvington Road. At the regular meeting on June 5, 2018 the planning commission elected M. Mattheisen as chair, A. Pollard Sr., as vice chair and C. Schneider as secretary. Members voted to approve and recommend to town council the CUP application. Other topics discussed include the B-1 ordinance and the need to update the bylaws.

G. PUBLIC HEARING

1. On a motion made by W. Nunnally and seconded by M. Bombay, Mayor Ransone opened the public hearing to consider a motion to approve an application for conditional use permit submitted by King Carter Holding, LLC. All were in favor. Vote: Yea - 5 Nay - 0. R. Kime provided a brief background on the CUP application. W. Hubbard, representing King Carter Holding, LLC, reported the building will be used as a restaurant. W. Nunnally asked who signed the CUP application to which W. Hubbard confirmed the signature is T. Weisselman's. Mayor Ransone asked for public comment. No public comment was offered. B. Schaschek stated the schematic presented to the planning commission indicated a side patio addition and the schematic presented to the town council indicated a side porch addition and asked W. Hubbard to address the change. W. Hubbard apologized for the difference in nomenclature and reported no difference in intended use. The side porch addition will accommodate patron seating up to 20 and available parking exceeds the required spaces. There is no further comment from the public or members of council. W. Nunnally made a motion to end the public hearing which is seconded by F. Westbrook. All were in favor. Vote: Yea - 5 Nay - 0. On a motion made by W. Nunnally and seconded by F. Westbrook the application for a conditional use permit submitted by King Carter Holding, LLC was approved. There being no further discussion, Mayor Ransone called for a vote. All were in favor. Vote: Yea - 5 Nay - 0.
2. On a motion made by M. Bombay and seconded by K. Pollard, Mayor Ransone opened the public hearing to consider a motion to adopt the proposed FY18/19 budget. All were in favor. Vote: Yea - 5 Nay - 0. F. Westbrook reported there are no changes to the planned revenue and identified the following changes: \$4,000 removed from town municipal maintenance and added to public safety to address speeding within town limits; \$1,500 was removed from special elections and added to community support and tourism for Virginia River Realm; addition of \$700 for the proposed No Wake zone; a total of \$6,000 for the SEM which includes a one-time donation of \$4,800, in addition to the annual donation of \$1,200. Mayor Ransone asked for public comment. C. Bradley thanked the council for their consideration of the SEM request. W. Nunnally stated he is opposed to providing financial support for the proposed No Wake zone. A brief discussion followed. T. Chapman, representing the owners of local yacht clubs, agreed to forgo the proposed \$700 and assume financial responsibility for the cost of equipment, maintenance and repair of the No Wake zone buoy. W. Nunnally made a motion to amend the proposed FY18/19 budget to remove the \$700 which was seconded by M. Bombay. Mayor Ransone called for a hand vote: Those in favor of removing the proposed \$700: Yea - 3 (Nunnally, Schaschek, and Bombay) Nay - 2 (Westbrook and Pollard). The \$700 is removed from the proposed FY18/19 budget. Mayor Ransone asks if there are additional comments on the proposed budget. B. Schaschek stated opposition to removing \$1,500 from special elections and adding \$1,500 to community support and tourism, Virginia River Realm. A brief discussion followed. B. Schaschek made a motion to remove support of the Virginia River Realm and return the \$1,500 to election expenses which was seconded by W. Nunnally. There being no further discussion Mayor Ransone called for a hand vote: Those in favor of removing \$1,500 in support of the Virginia River Realm and returning the \$1,500 to election expenses: Yea - 2 (Nunnally, Schaschek) Nay - 3 (Westbrook, Pollard, and Bombay). The \$1,500 to support the Virginia River Realm remains in the proposed budget. Mayor Ransone asked for public comment prior to returning to the regular meeting. There is no additional public comment or discussion. W. Nunnally made a motion to conclude the public hearing which is seconded by M. Bombay. All were in favor. Vote: Yea - 5 Nay - 0.

H. CONSIDERATION OF A MOTION TO ADOPT THE PROPOSED FY18/19 BUDGET, *AS AMENDED*

K. Pollard made a motion to approve the proposed FY18/19 budget as amended which is seconded by M. Bombay. Mayor Ransone called for a hand vote: All those in favor of adopting the proposed FY18/19 budget as amended. Yea - 3 (Westbrook, Pollard, and Bombay) Nay - 2 (Nunnally, Schaschek). The proposed FY18/19 budget is not approved because a majority of the entire town council of 6 members was needed. A special called meeting to adopt the proposed FY18/19 budget will be held on June 28, 2018 at 7:00 p.m., in the town office.

I. REPORT FROM THE TOWN MANAGER, *Roy Kime*

R. Kime reported he attended various committee meetings and multiple planning commission meetings. Installation of the flag pole on the town commons was delayed due to weather. Kime requested permission to conduct further investigation into a reported code violation (kitchen in an accessory building) on King Carter Drive. A brief discussion followed. Mayor Ransone instructed Kime to delay further investigation until a town attorney can be retained. A motion was made by F. Westbrook and seconded by M. Bombay to reimburse the resident who donated a window unit air conditioner to the town office. All were in favor. Vote: Yea - 5 Nay - 0.

J. COMMITTEE REPORTS

1. **Budget & Finance** – *Fran Westbrook, Council Member* – No report given

2. **Commons Development** – *Fran Westbrook, Council Member*

F. Westbrook reported the commons development committee would like to request the use of the Irvington Baptist Church to hold a public meeting on June 25, 2018 at 7:00 p.m., for the purpose of presenting survey results to the public. A motion is made by B. Schaschek and seconded by M. Bombay to approve the request to hold the public meeting at the Irvington Baptist Church for the purpose of presenting survey results to the public and the release of funds for the use of the church. All were in favor. Vote: Yea - 5 Nay - 0.

3. **Human Resources** – *Kathleen Pollard, Council Member* – No report given

K. OLD BUSINESS

1. **Consideration Of A Motion To Adopt The Proposed Financial Policy**

After a brief discussion, K. Pollard made a motion which was seconded by W. Nunnally to adopt the proposed financial policy commencing July 1, 2018. All were in favor. Vote: Yea - 5 Nay - 0.

L. NEW BUSINESS

1. **Consideration of a motion to approve request from SEM to use the Town Commons on Saturday, August 18, 2018 for the 2018 Crab Festival**

M. Bombay made a motion which was seconded by W. Nunnally to approve the request from SEM to use the Town Commons on Saturday, August 18, 2018 for the 2018 Crab Festival. All were in favor. Vote: Yea - 5 Nay - 0.

2. **Consideration of a motion to elect four (4) members to the zoning board of appeals**

The town clerk reported Al Pollard Jr., and Robert Fleet agreed to renew their term expire dates (5/2022) and the term expire dates for Shirley Crockett and Jeff Schroeder remain undetermined as contact has not been established. On a motion made by W. Nunnally and seconded by F. Westbrook Al Pollard Jr., and Robert Fleet are reappointed to the zoning board of appeals. All were in favor. Vote: Yea - 5 Nay - 0. The motion to reappoint Shirley Crockett and Jeff Schroeder is tabled until August 2018.

3. **Consideration of a motion to disperse \$20,000 to WSVFD – ATL Fire Grant**

On a motion made by W. Nunnally and seconded by M. Bombay the request to disperse \$20,000 to WSVFD-ATL Grant was approved. All were in favor. Vote: Yea - 5 Nay - 0.

M. ANNOUNCEMENTS

1. Challenge Your Sports Soccer Camp: Monday, July 30 - Friday, August 3.
2. July 4th Parade
3. Town Office closed July 4

N. ROUND TABLE

B. Schaschek reported the planning commission is still in need of an additional member. Mayor Ransone instructed the clerk to post proper notice in the Rappahannock Record seeking letters of interest.

O. CLOSED SESSION

F. Westbrook made a motion to allow N. Keane, candidate for town attorney, to remain present during the closed session. K. Pollard seconded the motion. All were in favor. Vote: Yea - 5 Nay - 0.

I Kathleen Pollard hereby move that the Town Council of the Town of Irvington go into closed or executive session, to discuss personnel matters pursuant to the Code of Virginia, Section 2.2-3711 (A)(29). I, Kathleen Pollard, so move. F. Westbrook seconded the motion. All were in favor. Vote: Yea - 5 Nay - 0.

P. RETURN TO PUBLIC MEETING

Kathleen Pollard read the motion for certification: "I, Kathleen Pollard 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 Bombay, so certify.

I, Frances Westbrook, so certify.

I, Wayne Nunnally, so certify.

I, Ralph D. Ransone, so certify.

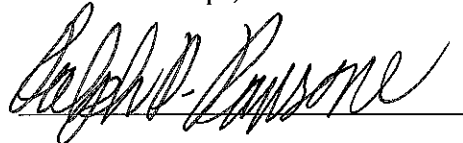
M. Bombay made a motion which was seconded by F. Westbrook to appoint Nancyellen Keane Esq., Keane Law as town attorney. Compensation shall be \$1,000 per month (see attached). All were in favor. Vote: Yea - 5 Nay - 0.

2. ADJOURNMENT

W. Nunnally made a motion to adjourn which was seconded by M. Bombay.

The meeting was adjourned at approximately 8:30 p.m.

Respectfully submitted,
Sharon L. Phillips, Clerk

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

Ralph D. Ransone, Mayor



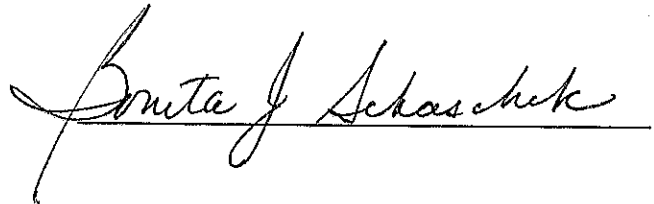
**TOWN OF IRVINGTON, VIRGINIA
235 STEAMBOAT ROAD
TOWN COUNCIL REGULAR MEETING AND PUBLIC HEARING
THURSDAY, JUNE 14 2018**

Sign In Sheet

	Name	Address
1.	Jerlie Harris	1099 King Carter Dr.
2.	Bill Harris	1099 King Carter Dr.
3.	Jane McGeome	220 Sanders Ln
4.	Snowy McGeome	220 Sanders Ln
5.	Teri Patten	1172 Key Ctr
6.	John Patten	1172 Key Ctr
7.	William Hubbard	293 Steamboat Rd.
8.	Lisa W	Rapp Run
9.		
10.		
11.		
12.		

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

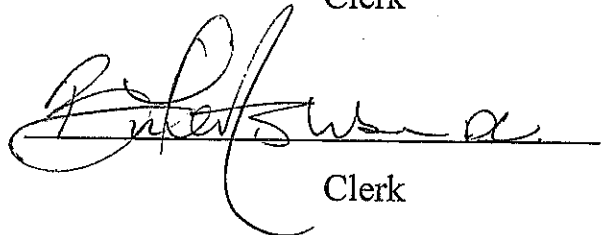
I, Bonita Schaschek do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the Commonwealth of Virginia, and that I will faithfully and impartially discharge all the duties incumbent upon me as Member of Irvington Town Council to fill an unexpired term ending 09/12/2018, 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 Bonita Schaschek this 15 day of May personally appeared before me in my County aforesaid and took and subscribed the above oath.

DIANE H. MUMFORD

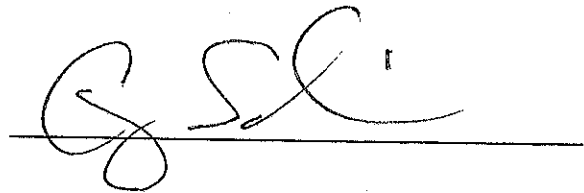
Clerk



Clerk

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

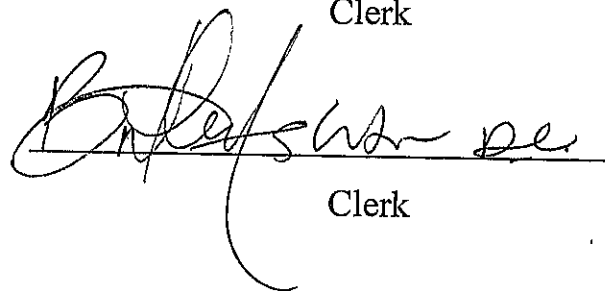
I, Cary Schneider do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the Commonwealth of Virginia, and that I will faithfully and impartially discharge all the duties incumbent upon me as Member of Irvington Planning Commission for a term beginning immediately and expiring February 2020, 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 Cary Schneider this 15 day of May personally appeared before me in my County aforesaid and took and subscribed the above oath.

DIANE H. MUMFORD

Clerk



Clerk

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

I, Albert D. "Tripp" Bugg, III do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the Commonwealth of Virginia, and that I will faithfully and impartially discharge all the duties incumbent upon me as Member of Irvington Planning Commission for a term beginning immediately and expiring October 2020, according to the best of my ability, (So help me God.)

Albert D. Bugg, III

I, Diane H. Mumford, Clerk of the Circuit Court in and for the County of Lancaster, in the Commonwealth of Virginia, do certify that Albert D. "Tripp" Bugg, III this 24th day of May, 2018 personally appeared before me in my County aforesaid and took and subscribed the above oath.

DIANE H. MUMFORD

Clerk

Saturday Oke, Jr.
Clerk

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

I, Albert C. Pollard, Sr. do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the Commonwealth of Virginia, and that I will faithfully and impartially discharge all the duties incumbent upon me as Member of Irvington Planning Commission for a term beginning immediately and expiring February 2020, according to the best of my ability, (So help me God.)

Albert C. Pollard Sr

I, Diane H. Mumford, Clerk of the Circuit Court in and for the County of Lancaster, in the Commonwealth of Virginia, do certify that Albert C. Pollard, Sr. this 21st day of May, 2018 personally appeared before me in my County aforesaid and took and subscribed the above oath.

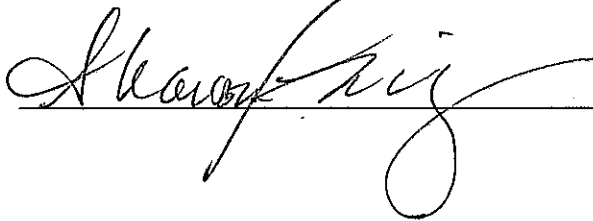
DIANE H. MUMFORD

Clerk

Patricia A. Se, Dep. Clerk
Clerk

**COMMONWEALTH OF VIRGINIA
COUNTY OF LANCASTER, TO-WIT:**

"I, SHARON LEE PHILLIPS do solemnly swear (or affirm) under penalty of perjury that I have carefully read the notary laws of the Commonwealth, and am familiar with their provisions: that I will uphold the Constitution of the United States and the Constitution and laws of the Commonwealth of Virginia, that I am a citizen of the United States and that I will faithfully perform, to the best of my ability, the duties of the office of notary public."



Notary Registration #: 7781854

Date Issued: 05/21/2018

Date Qualified: _____

Date Expires: 09/30/2022

I, *Diane H. Mumford, Clerk of the Circuit Court*, in and for the County of Lancaster, in the Commonwealth of Virginia, to certify that Sharon Lee Phillips, this 25th day of May, 2018, personally appeared before me in County aforesaid and took and subscribed the above oath.

DIANE H. MUMFORD, Clerk

Bura C. Ray, Dep. Clerk

**TOWN OF IRVINGTON, VIRGINIA
IRVINGTON BAPTIST CHURCH
PUBLIC HEARING
THURSDAY, MAY 31, 2018**

The Irvington town council held a public hearing on May 31, 2018 at 6:30 p.m., in the Irvington Baptist Church.

A. CALL TO ORDER

The mayor called the meeting to order at 6:30 p.m., and asked for a moment of silence.

B. ROLL CALL

Members of Council present: Ralph D. Ransone, Mayor
 Kathleen Pollard, Vice Mayor
 Frances Westbrook
 Bonnie Schaschek
 Michael Bombay
 Jerry Latell

Absent: Wayne Nunnally

Administrative Staff present: Roy C. Kime, Town Manager, Zoning Administrator
 Sharon L. Phillips, Clerk, Treasurer

Guests: see attached sign in sheet. (Exhibit A)

C. APPROVE AGENDA

On a motion made by M. Bombay and seconded by K. Pollard the agenda was approved.
All were in favor. Vote: Yea - 5 Nay - 0.

D. PUBLIC COMMENT

No public comment was given.

E. PUBLIC HEARING

1. On a motion made by M. Bombay and seconded by K. Pollard, Mayor Ransone opened the public hearing to present the proposed FY18/19 budget to the public. All were in favor. Vote: Yea - 5 Nay - 0
M. Bombay made a motion which was seconded by K. Pollard to allow the public to comment after each section of the proposed budget is presented as well as at the conclusion of the presentation. All were in favor. Vote: Yea - 4 Nay - 0. Councilman J. Latell explained to the public that the presentation of the proposed budget would start with *Revenue* and then expand to *Operating Expenses, Community Support & Tourism, and Dedicated Capital Improvement Funds*. J. Latell explained the comparison of actual FY17/18 expenses to anticipated FY18/19 expenses. With no questions or comments from the public he explained *Operating Expenses* included *Employee Expenses, Professional Services, Insurance, Public Safety, Operating Expenses, Municipal Expenses, Town Council Expenses, Planning Commission Expenses, Utilities, and Town Maintenance*. Mayor Ransone expressed an interest in securing a single vendor for all town maintenance. A brief discussion followed. J. Latell explained the increase in *Office Expense* is due to anticipated purchase of a new computer, scanner and software. *Website Maintenance* was added as a sub category of *Office Expense*. With no further comment from the public, the presentation advanced to *Community Support and Tourism*. There is a \$5,000 increase in *Flags & Lights* due to a need to replace chords, strands and bulbs for the holiday lights on the Christmas tree. The *Steamboat Era Museum (SEM)*, requested a one -time donation of \$5,000 in

addition to the yearly \$1,200 donation. The SEM focused fundraising efforts on the Pilot House project which strained the annual giving fund. The requested \$5,000 will be used for the SEM general operating fund. A brief discussion followed. T. Ransone, representing the SEM, thanked the council for their consideration. K. Pollard and F. Westbrook requested the SEM provide members of council with copies of financial statements and annual reports. C. Crabill stated town operating expenses continue to increase and objected to paying the Town of Irvington tax. \$750 has been added to *Miscellaneous Community Support* in anticipated support of the No Wake zone. The Virginia River Realm requested \$5,000 in financial support of the tourism based website. A brief conversation followed. J. McGeorge requested council consider allocating monies to address speeding in the town. A brief discussion followed. With no further public comment, J. Latell introduced *Dedicated Capital Improvements* and provided financial details for the *Storage Building* expected to be built on the North Commons and explained the purpose of the *Website Revamp* is to increase ease of use, promptness, and accuracy of time sensitive information. J. Latell stated the contribution to *Capital Improvement Budget* is needed to address a new town hall and large capital projects. J. Latell noted the current town hall is ADA non-compliant and suggested establishing a committee to focus on the planning, design, and build phases of a new town hall. The Commons Development Committee will present survey results to the public in June.

F. ROUND TABLE

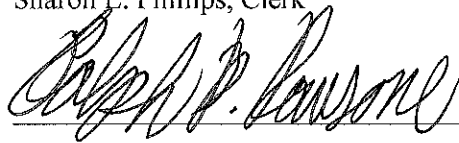
B. Schaschek reported the planning commission is still in need of an additional member. Mayor Ransone instructed the clerk to post proper notice in the Rappahannock Record seeking letters of interest.

G. ADJOURNMENT

W. Nunnally made a motion to adjourn which was seconded by M. Bombay.

The meeting was adjourned at approximately 8:30 p.m.

Respectfully submitted,
Sharon L. Phillips, Clerk

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

Ralph D. Ransone, Mayor

**TOWN OF IRVINGTON, VIRGINIA
235 STEAMBOAT ROAD
BUDGET & FINANCE WORKSHOP
THURSDAY, MAY 17, 2018 4:30 p.m.**

The town of Irvington budget and finance committee held a workshop on Thursday, May 17, 2018 at 4:30 p.m., in the town office.

A. CALL TO ORDER

Town manager Roy Kime called the meeting to order at 4:31 p.m.

B. ROLL CALL

Members of Council present: Frances Westbrook
Jerry Latell
Mike Bombay

Administrative Staff present: Roy C. Kime, Town Manager, Zoning Administrator
Sharon L. Phillips, Clerk, Treasurer

Guests: Klaus Schaschek, Bonnie Schaschek, Marsha Chapman, Cay Bradley

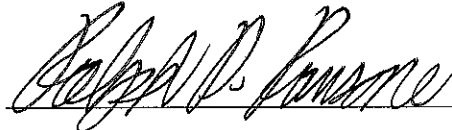
C. ROUNDTABLE DISCUSSION – Budget discussions

D. ADJOURNMENT

F. Westbrook made a motion to adjourn which was seconded by M. Bombay.

The meeting was adjourned at approximately 6:10 p.m.

Respectfully submitted,
Sharon L. Phillips, Clerk

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

Ralph D. Ransone, Mayor

**TOWN OF IRVINGTON, VIRGINIA
235 STEAMBOAT ROAD
REGULAR AND PUBLIC MEETING
THURSDAY, MAY 10, 2018**

A regular and public meeting of the Irvington town council was held on May 10, 2018 at 6:30 p.m., in the town office.

A. CALL TO ORDER

The Mayor called the meeting to order at 6:32 p.m., and asked for a moment of silence.

B. ROLL CALL

Members of Council present: Ralph D. Ransone, Mayor
 Kathleen Pollard, Vice Mayor
 Frances Westbrook
 Jerry Latell
 Michael Bombay
 Michael Merrill

Absent: Wayne Nunnally

Administrative Staff present: Roy C. Kime, Town Manager, Zoning Administrator
 Sharon L. Phillips, Clerk, Treasurer

Guests: see attached sign in sheet. (Exhibit A)

C. APPROVE AGENDA

On a motion made by M. Bombay and seconded by K. Pollard the agenda is approved.
All were in favor. Vote: Yea - 5 Nay - 0.

D. APPROVAL OF MINUTES AND TREASURER'S REPORTS

M. Merrill requested *Item D* of the April 2018 meeting minutes be amended to include "insurance declaration page." On a motion made by M. Merrill and seconded by M. Bombay the April 2018 minutes, as amended, and the Treasurer's Reports are approved. All were in favor. Vote: Yea - 5 Nay - 0.

E. PRESENTATION OF LETTER OF APPRECIATION, GORDON SLATFORD

Mayor Ransone welcomed G. Slatford and asked K. Pollard to present the letter of appreciation. G. Slatford thanked the mayor, members of council and the residents of Irvington for 12 years of comradery and friendship.

F. PUBLIC COMMENT

Public comment was given by C. Bradley, J. McGeorge, J. Bishop, T. Ransone and J. Harris.
(Exhibit's B,C)

G. REPORT FROM THE TOWN MANAGER, Roy Kime

R. Kime reported the May 1, 2018 election results as provided by the state board of elections. (Exhibit's D-I)
A special called meeting was held by the Town Council to address the resignations. Kime attended a Human Resource Committee meeting to address the need for a town attorney; is preparing FOIA/COIA training materials in anticipation of newly elected and appointed officials; attended a Commons Development Committee meeting to review survey results, Fourth of July Parade Committee meetings to prepare for the parade; is working with Paul Elborn to move fixtures and to remove, relocate, and install the mast, which was generously donated by David and Lara Brown, on the Town Commons. Kime also reported one of the window air conditioning units is

broken and will need to be replaced. The following permits were issued: **Building:** Tom Muratore - Carter Creek Estates, lots 28/29. **Tree Removal:** Gene Edmonds, David Bassit.

H. COMMITTEE REPORTS

1. **Budget & Finance** – *Fran Westbrook, Council Member*
F. Westbrook reported the Budget & Finance Committee met March 22nd and 29th, and April 12th to prepare the proposed FY18/19 budget and to discuss the 5 year financial plan.
2. **Commons Development** – *Fran Westbrook, Council Member*
F. Westbrook reported the Commons Development survey is being calculated and the committee anticipates presenting the survey results at the June Town Council meeting.
3. **Human Resources** – *Kathleen Pollard, Council Member* – No report given

I. OLD BUSINESS

1. **No Wake Zone**
T. Chapman requested the Town pay \$700 toward the costs of the equipment necessary for the No Wake Zone and asked for a letter to be addressed to Lancaster County endorsing the No Wake Zone application. A brief discussion followed. Mayor Ransone suggested the topic be tabled until an attorney is secured. K. Pollard made a motion which was seconded by F. Westbrook to table the No Wake Zone until the Town has legal representation. All were in favor. Vote: Yea - 5 Nay - 0.
2. **Local Scoop** – *S. Phillips, Treasurer*
S. Phillips reported all but three (3) Irvington business that participated in the *Spring 2018 Local Scoop* advertorial have reimbursed the Town.

J. NEW BUSINESS

1. **LANCOVA May 2018 election expenses \$1,309.33**
J. Latell made a motion to disperse \$1,309.33 to LANCOVA for 2018 election expenses which was seconded by M. Bombay. All were in favor. Vote: Yea - 5 Nay - 0.
2. **VML FOIA/COIA**
F. Westbrook made a motion which was seconded by M. Merrill to send up to ten (10) newly elected/appointed officials to the VML FOIA/COIA training seminar in Richmond on June 6. All were in favor. Vote: Yea - 5 Nay - 0.
3. **Steamboat Era Museum 2018 Crab Festival**
J. Latell made a motion which was seconded by M. Bombay to approve the SEM Crab Festival 2018 annual appropriation, FY18/19 budget. All were in favor. Vote: Yea - 5 Nay - 0.
4. **VML Insurance Renewal**
M. Bombay made a motion which was seconded by J. Latell to approve the 2018 VML insurance policy, \$4,531. All were in favor. Vote: Yea - 5 Nay - 0.
5. **Arrowhead Lawn Care** - street cleaning not to exceed \$1,100
F. Westbrook made a motion which was seconded by M. Bombay to approve \$1,100 for Arrowhead Lawn Care to clean the streets before the Memorial Day holiday. All were in favor. Vote: Yea - 5 Nay - 0.
6. **Blighted Properties**
M. Bombay reported there are several properties in Irvington that are considered blighted. He would like for the council to consider the best way to define and resolve blighted properties. A brief discussion followed. Mayor Ransone suggested this topic be tabled until the Town secures an attorney. The topic is tabled.

K. ANNOUNCEMENTS

- Thursday, May 17th CDC 1PM, Town Office
- Thursday, May 17th Budget & Finance Committee Workshop 4:30PM, Town Office
- Saturday, May 19th Animal Welfare League Car Show – Town Commons
- Monday, May 21st Street Cleaning NO PARKING 7:00 AM – 4:30 PM on King Carter, Steamboat & Business District

- Thursday, May 24th Town Council Workshop 6:30 PM, Town Office
- Friday, May 25th USAF Heritage of America Band, Jazz Group 'Rhythm in Blue'
- Monday, May 28th Town Office Closed
- Tuesday, May 29th Planning Commission Workshop – welcome new members
- Thursday, May 31st Town Council Public Hearing 1st Reading of the Proposed Budget

L. CLOSED SESSION

Mayor Ransone asked for a motion to allow J. Brown, B. Schaschek, R. Kime and S. Phillips to remain present during closed session. A brief discussion followed. M. Bombay made a motion which was seconded by F. Westbrook to allow J. Brown, B. Schaschek, R. Kime and S. Phillips to remain present during closed session. All were in favor. Vote: Yea - 5 Nay - 0. I Kathleen Pollard hereby move that the Town Council of the Town of Irvington go into closed or executive session, to discuss personnel matters and council appointees pursuant to the Code of Virginia, Section 2.2-3711 (A)(29). I, Kathleen Pollard, so move. J. Latell seconded the motion. All were in favor. Vote: Yea - 5 Nay - 0.

M. RETURN TO PUBLIC MEETING

Kathleen Pollard read the motion for certification: "I, Kathleen Pollard 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, Frances Westbrook, so certify.

I, Jerry Latell, so certify.

I, Ralph D. Ransone, so certify.

M. Bombay made a motion which was seconded by F. Westbrook to appoint Tripp Bugg (October 2020), Cary Schneider (October 2020), and Al Pollard Sr. (February 2020), to the Planning Commission with their respective term expire dates. All were in favor. Vote: Yea - 5 Nay - 0. M. Merrill tendered his letter of resignation from the Irvington Town Council effective at the adjournment of this meeting. M. Bombay made a motion which was seconded by K. Pollard to accept the resignation with regrets. Mayor Ransone and members of council thanked M. Merrill for his hard work and dedication to the Town. All were in favor. Vote: Yea - 5 Nay - 0. J. Latell made a motion which was seconded by M. Bombay to appoint B. Schaschek to fill the remainder of M. Merrill's term (September 2018) and in addition she serve as the liaison to the planning commission until September 2018. All were in favor. Vote: Yea - 5 Nay - 0. (Exhibit J)

7. ADJOURNMENT

M. Merrill made a motion to adjourn which was seconded by M. Bombay.

The meeting was adjourned at approximately 8:30 p.m.

Respectfully submitted,
Sharon L. Phillips, Clerk



Ralph D. Ransone, Mayor

EXHIBIT A



**TOWN OF IRVINGTON, VIRGINIA
235 STEAMBOAT ROAD
TOWN COUNCIL REGULAR AND MONTHLY MEETING
THURSDAY, MAY 10, 2018**

Sign In Sheet

	Name	Address
1.	Bill Harris	1099 King Carter Dr.
2.	Julie Harris	1099 King Carter Dr.
3.	Bonnie Schach	394 King Carter Dr.
4.	Carol + Anne Davis	Crockett's Landing
5.	Charles Sanders	197 Sanders Ln
6.	Theresa Ransone	424 King Carter Dr
7.	June McNamee	220 Sanders Ln
8.	Sherry McNamee	" "
9.	Mary Cary Ford	251 King Carter
10.	MARY CAROL + Jeremy TAYLOR	60 Westman
11.	Tom + MARSHA CHAPMAN	62 Old Mill Cove
12.	Ellen + Jeff Bishop	Mad Cat

EXHIBIT B

Request for additional support for operating from the Steamboat Era Museum

My name is Cay Bradley, and I live at 991 King Carter Drive. I serve on the Board of Directors of the Steamboat Era Museum. I am following up on comments from Teresa Ransone at the May Town Council meeting regarding consideration of additional support the Museum.

The Museum requests the Town of Irvington consider additional financial support to the museum in this fiscal year. The Museum appreciates the sponsorship of the Crab Festival, which is an event that attracts hundreds of people from Irvington and the surrounding areas. The Town will be receiving the same benefits as any other donor to the Crab Festival, including tickets, hats, and inclusion in marketing materials.

As the Town is aware, the Museum has been working to restore the Potomac Pilot House. Work is underway to incorporate the restored Pilot House into the Museum exhibits. Last year, there was a big capital campaign related to the Pilot House, which was successful. The Museum raised nearly \$350,000.

Not surprisingly, given the capital campaign push, contributions to the Annual Campaign were lower than in previous years. Donors frequently choose to support capital campaigns in lieu of annual campaigns when faced with both choices. Following the successful completion of a capital campaign, annual campaigns usually "rebound," which is what the Museum is anticipating.

The Museum request the Town of Irvington consider a donation to the annual fund (operating costs) of between \$5,000 and \$10,000 in this fiscal year. If the Town Council would like additional information, please contact Barb Brecher, executive director of the Museum.

I am submitting this information on May 24, 2018 at the Town Council workshop on the budget rather than the first public reading of the budget on May 31 as I will be out of town on May 31 for work and unable to attend the first public reading. If you would like to read this statement at that meeting, please feel free to do so.

MCBradley

991 King Carter Drive

mary.carey@alumni.upenn.edu

(804) 438-8108 (home)

George Henry Kuper
Haydon Hall
64 Haydon Hall Lane
Irvington, Virginia 22480-0026

7 May 2018

For: Mayor Ransone and Members of the Irvington Town Council

Subject: Planning Commission appointments

I am a recent resident interested in the community's "growth and development" concerned that the agenda of the Planning Commission (PC) needs to better recognize the circumstances of our small town. I am not sufficiently "qualified by knowledge and experience" myself to serve on the PC but have some thoughts regarding governance issues that would serve the Town Council and the community well.

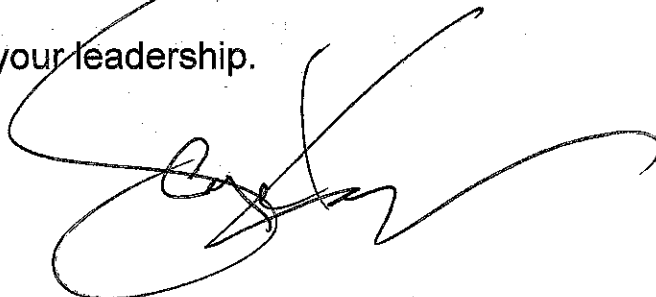
That agenda should include:

- an update/revision of the 2017 Comprehensive Plan (if it is to be used as the guiding direction of the PC's work)
- a review of and recommended improvements to the current zoning rules and implementation process; and,
- a focus on the limited amenities our small town can offer its residents.

To do this well, PC members would have to interact with existing major land owners/developers as well as with the public.

In pursuing such an agenda, the PC would be assisting the Town Council greatly. For instance, recent Council zoning actions might have been better informed had they been considered by Council in the context of the limited capacity of our town government to affect commercial growth. Reliance on unproven – by law – 'use permits' rather than realistic zoning permissions places our town's future at risk to control by land owners' actions.

Thank you for your leadership.



Telephone: 804 438 8029 (home)
Cell: 734 637 5642
e-mail: ghk@cgli.org

ABSTRACT of VOTES

Cast in the Town of IRVINGTON in LANCASTER COUNTY, VIRGINIA
at the 2018 May Town General Election held on May 01, 2018 for,

Member Town Council - Irvington

District: IRVINGTON

NAMES OF CANDIDATES ON THE BALLOT

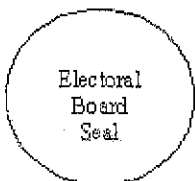
TOTAL VOTES RECEIVED
(IN FIGURES)

Jackie Y. Brown	119
B. W. "Bonnie" Schaschek	99
R. Wayne Nunnally	95
Albert D. "Tripp" Bugg III	82
Mary Cary "Cay" Bradley	80
Total Write-in votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	2
Total Number of Overvotes for Office	0

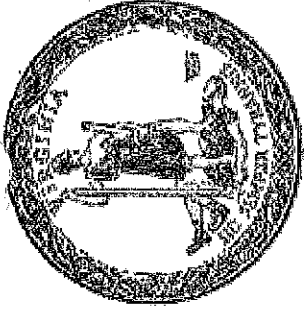
We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on May 01, 2018, do hereby certify that the above is a true and correct Abstract of Votes at the said election and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Member Town Council - Irvington.

1. Jackie Y. Brown
2. B. W. "Bonnie" Schaschek
3. R. Wayne Nunnally

Given under our hands this 2nd day of May, 2018



[Signature], Chairman
[Signature], Vice Chairman
[Signature], Secretary
[Signature], Secretary, Electoral Board



COMMONWEALTH OF VIRGINIA

TO ALL TO WHOM THESE PRESENTS SHALL COME - GREETING:

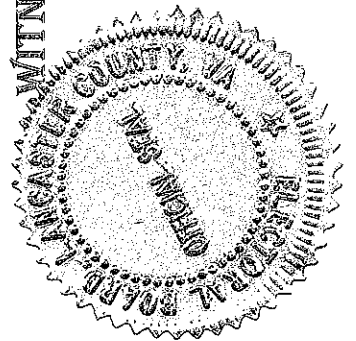
THIS IS TO CERTIFY, that at a meeting of the Electoral Board of the County of Lancaster, held on May 2, 2018 on an examination of the official records deposited in the office of the Clerk of the Circuit Court it was ascertained and determined that at the election held May 1, 2018,

R. Wayne Nunnally

was duly elected

Member Town Council

For the term, ending September 7, 2022

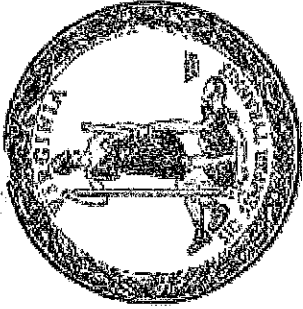


WITNESS the following official Signature and the Seal of the Board at Lancaster, Virginia, this 10th day of May 2018.

J. Lee Pulling

Secreta

EXHIBIT E



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 2, 2018 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 May 1, 2018,

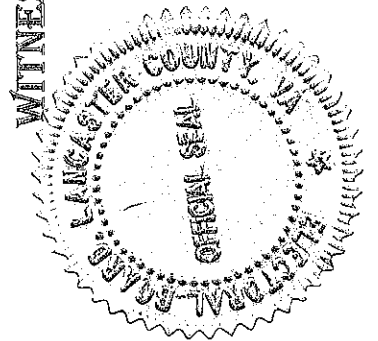
Jackie Y. Brown

was duly elected

Member Town Council

For the term, ending September 7, 2022

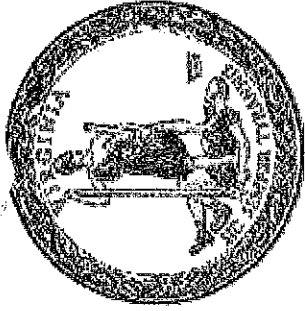
WITNESS the following official Signature and the Seal of the Board at Lancaster, Virginia,
this 10th day of May 2018.



John Felling

Secreta

EXHIBIT F



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 2, 2018 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 May 1, 2018,

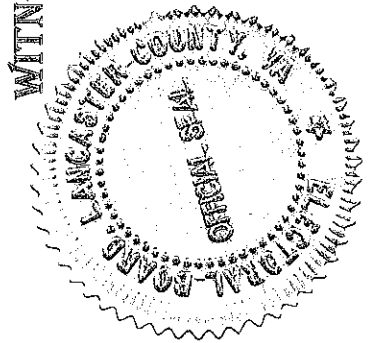
B. W. "Bonnie" Schaschek

was duly elected

Member Town Council

For the term, ending September 7, 2022

WITNESS the following official Signature and the Seal of the Board at Lancaster, Virginia,
this 10th day of May 2018.



J. Lee Pulling

Secret

EXHIBIT G

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

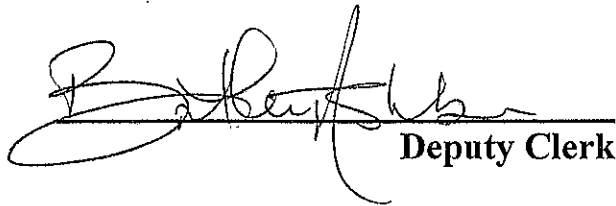
I, Sharon L. Phillips, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the Commonwealth of Virginia, and that I will faithfully and impartially discharge all the duties incumbent upon me as the **Clerk of the Town of Irvington**, according 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 Sharon L. Phillips, this 4 day of May, 2018 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:**

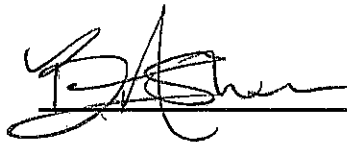
I, Sharon L. Phillips, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the Commonwealth of Virginia, and that I will faithfully and impartially discharge all the duties incumbent upon me as the **Treasurer of the Town of Irvington for a two year term**, 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 Sharon L. Phillips, this 4 day of May, 2018 personally appeared before me in my County aforesaid and took and subscribed the above oath.

Diane H. Mumford

Clerk



Deputy Clerk



**TOWN OF IRVINGTON, VIRGINIA
235 STEAMBOAT ROAD
TOWN COUNCIL SPECIAL CALLED MEETING
FRIDAY, APRIL 20, 2018 AT 11:30 AM**

A special called meeting of the Irvington town council was held on April 20, 2018 at 11:30 a.m. in the Irvington town office.

A. CALL TO ORDER

Mayor Ransone called the meeting to order at 11:35 a.m.

B. ROLL CALL – Sharon Phillips, Town Clerk

Members of Council present: Ralph D. Ransone, Mayor
Kathleen Pollard, Vice Mayor
Michael Merrill
Frances Westbrook
Jerry Latell
Wayne Nunnally

Absent: Michael Bombay
Wesley M. Charlton, Legal Counsel

Administrative Staff present: Roy C. Kime, Town Administrator, Zoning Administrator
Sharon L. Phillips, Clerk, Treasurer

Guests: Audrey Thomasson, Tom Chapman (arrived 11:45 a.m.)

C. APPROVE AGENDA

Mayor Ransone suggested amending the agenda to separate the resignations into two sets: Young, Sulick, and Tetrick allowing Merrill to vote separately. K. Pollard makes a motion to approve the agenda as amended which is seconded by W. Nunnally.
All were in favor. Vote: Yea 5 – Nay 0

D. PLANNING COMMISSION RESIGNATIONS

1. On a motion made by M. Merrill and seconded by J. Latell the resignations of Ed Sulick, Frank Tetrick and Bill Young are accepted with regrets and letters of resignation will be attached and made a part of the minutes. All were in favor. Vote: Yea 5 – Nay 0
2. On a motion made by J. Latell and seconded by K. Pollard the resignation of M. Merrill, Liaison to the Planning Commission, is accepted with regrets and letters of resignation will be attached and made a part of the minutes.
All were in favor. Vote: Yea 4 – Nay 0 (Merrill- abstain)
3. On a motion made by W. Nunnally and seconded by J. Latell public notice will be made for the purpose of considering applications to fill the unexpired terms/vacancies on the Planning Commission. All were in favor. Vote: Yea 5 – Nay 0

E. ROUNDTABLE DISCUSSION

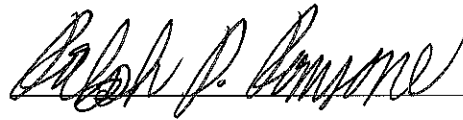
W. Nunnally reports he has secured permission from the Post Mistress, for the Town of Irvington to have reserved space on the bulletin board in the Irvington Post Office for the purpose of displaying public notice. Mayor Ransone encouraged members of council to consider appointees for the position of Liaison to the Planning Commission. M. Merrill states, with a poorly thought out and disguised procedural motion F. Westbrook, who has never served on the Planning Commission, got rid of approximately sixteen year of seasoned experienced planning commission members who had only good intentions and hard work supporting their efforts based on an expression of minority support for her motion. Further stating the PUD/PRD issue was cut short and this was not the democratic way to do things. W. Nunnally stated he supported F. Westbrook and the democratic process was failed in the Planning Commission when they failed to listen to the people.

F. ADJOURNMENT

On a motion made by F. Westbrook and seconded by J. Latell the meeting is adjourned.
All were in favor. Vote: Yea 5 – Nay 0

The meeting was adjourned at approximately 11:45 a.m.

Respectfully submitted,
Sharon L. Phillips, Clerk

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

Ralph D. Ransone, Mayor

**TOWN OF IRVINGTON, VIRGINIA
235 STEAMBOAT ROAD
BUDGET & FINANCE WORKSHOP
THURSDAY, APRIL 12, 2018 4:00 p.m.**

The town of Irvington budget and finance committee held a workshop on Thursday, April 12, 2018 at 4:00 p.m., in the town office.

A. CALL TO ORDER

Town manager Roy Kime called the meeting to order at 4:06 p.m.

B. ROLL CALL

Members of Council present: Frances Westbrook
Jerry Latell
Mike Bombay

Administrative Staff present: Roy C. Kime, Town Manager, Zoning Administrator
Sharon L. Phillips, Clerk, Treasurer

Guests: Klaus Schaschek, Bonnie Schaschek

C. ROUNDTABLE DISCUSSION – Budget discussions

D. ADJOURNMENT

F. Westbrook made a motion to adjourn which was seconded by M. Bombay.

The meeting was adjourned at approximately 5:15 p.m.

Respectfully submitted,
Sharon L. Phillips, Clerk

Ralph D. Ransone, Mayor

**TOWN OF IRVINGTON, VIRGINIA
235 STEAMBOAT ROAD
REGULAR AND PUBLIC MEETING
THURSDAY, APRIL 12, 2018**

The regular and public meeting of the Irvington Town Council was held April 12, 2018 at 6:30 p.m., in the Irvington Town Office.

A. CALL TO ORDER

The Mayor called the meeting to order at 6:37 p.m., and asked for a moment of silence.

B. ROLL CALL

Members of Council present: Ralph D. Ransone, Mayor
 Kathleen Pollard, Vice Mayor
 Michael Merrill
 Frances Westbrook
 Jerry Latell
 Wayne Nunnally
 Michael Bombay

Administrative Staff present: Wesley M. Charlton, Legal Counsel
 Roy C. Kime, Town Administrator, Zoning Administrator
 Sharon L. Phillips, Clerk, Treasurer

Guests: see attached sign in sheet.

C. APPROVE AGENDA

On a motion made by W. Nunnally and seconded by J. Latell, New Business agenda items K(2) & K(4), are moved to the beginning of the meeting. All were in favor. Vote: Yea - 6 Nay - 0. M. Merrill questions why agenda item J(4), "Motion to discuss PUD," is on the agenda. Mayor Ransone states F. Westbrook made the request. M. Merrill makes a motion to remove agenda item J(4), "Motion to discuss PUD" from the agenda. There is no second. The motion dies. On a motion made by W. Nunnally and seconded by J. Latell the motion to approve the agenda as is with the changes is approved. Vote: Yea - 5 Nay - 1 (Merrill)

D. NEW BUSINESS

1. Presentation and request by Kilmarnock Deputy Town Manager and Community Development, Susan Cockrell to consider including \$5,000 in FY18/19 budget for Virginia River Realm.
Request by Lara Brown to use the Town Commons from July 30 – August 3, from 9 a.m. – 5 p.m. for the purpose of hosting Challenge Your Sports, a youth soccer camp. Certificate of Insurance has been given to W. Charlton for review. M. Bombay states the proposed dates of the soccer camp would interfere with setting up for the August Farmers Market. K. Pollard recommends using the North Commons on Friday, August 3 as an alternate location for activities associated with the soccer camp. W. Charlton advises the request necessitates a liability waiver be signed by the parents of enrolled youth and the Town be listed as an additional insured on the insurance declarations page. W. Nunnally makes a motion which is seconded by M. Bombay to allow Challenge Your Sports to use the Irvington Town Commons Monday, June 30 through Thursday, July 2 and the North Commons on Friday, July 3 for the purpose of holding a youth soccer camp provided a signed liability waiver is secured for each participant; identify the Town of Irvington as an additional insured and the Town of Irvington be included on the insurance deck page. All were in favor. Vote: Yea - 6 Nay - 0.

E. APPROVAL OF MINUTES AND TREASURER'S REPORTS

On a motion made by F. Westbrook and seconded by K. Pollard the minutes and treasurer's reports were approved as is. All were in favor. Vote: Yea - 6 Nay - 0.

F. PUBLIC COMMENT

B. Young, E. Sulick, R. Mannino, and B. Saunders, presented concerns related to the Citizens Committee and the proposed planned rural development (PRD) ordinance. G. Kuper encouraged the town council to review the zoning process. J. Harris and B. Saunders commented on the No Wake Zone. D. Headly stated the concrete curb at the entrance of the Trick Dog is unsafe. See attached.

G. REPORT FROM THE TOWN ADMINISTRATOR – Roy Kime, Administrator, Zoning Administrator

R. Kime reported he attended meetings and workshops for various committees including: planning commission, budget and finance, Fourth of July Parade, and No Wake Zone. Kime researched increasing town maintenance and would like for the town council to consider increasing the FY18/19 budget to allow for increased street cleaning. Fiscal policy and short term rental policy have been reviewed. Permits were issued for the following: Jason Konvicka, stair for dock, 76 York Road (33-225B); Greg Sutton, porch, 720 Chesapeake Drive (27C-140); Jason Konvicka, stair for deck, 76 York Road (33-225B); Payton R. Pittman, room addition, 151 Pittmans Drive (33-424); Ginn, tree removal, 42 Lancaster Road; Tides Inn, tree removal.

H. LEGAL COUNSEL – Wesley M. Charlton

W. Charlton stated he has attended planning commission meetings and workshops and met with individual members of the citizens committee to review alternatives to the PUD. J. Brown presented an impressive and viable alternative to the PUD. Counsel is concerned there is still a disconnect between what the town council directed the planning commission to do and what is being done at the planning commission level.

I. PLANNING COMMISSION REPORT – Michael Merrill, Council Member and Liaison to Commission

M. Merrill reported extensive attention has been given to J. Brown's R-3 zoning proposal and it is being actively considered as an alternative to the PUD. A planning commission workshop has been scheduled for April 24. A citizens committee has been scheduled for April 18. The regular monthly meeting is May 2.

J. COMMITTEE REPORTS

1. Budget and Finance – Fran Westbrook, Council Member

F. Westbrook reported the committee has met three times since March to prepare the FY18/19 budget. She asked the clerk to schedule a town council workshop to review the proposed budget.

2. Commons Development Committee – Fran Westbrook, Council Member

F. Westbrook reported the committee met with adjacent property owners on April 5th. Survey results will be shared with members of council and residents when they have been tallied.

K. OLD BUSINESS

1. No Wake Zone

R. Kime reported Crockett's Landing, Rappahannock River Yacht Club, West Irvington Yacht Club and Rappahannock Yacht Services, referred to as the consortium, are the abutting shoreline businesses requesting to have four buoys signaling boat wake restrictions placed in the northern branch of Carter Creek. The no wake zone would not effect the entire creek only the northern branch leading from the Rappahannock River to the Tides Inn. The consortium requested the town draft a letter of support for the zone to the Lancaster board of supervisors, and if approved by the county, the request will then be sent to the Virginia Department of Game and Inland Fisheries. As currently proposed, the consortium would be responsible for 75% of the cost and the town would sponsor the final 25%. W. Nunnally stated he was concerned about the amount of time and effort Kime has invested for the benefit of the consortium. M. Merrill expressed concerns about the town's liability and maintenance of the proposed no wake zone. W. Charlton agreed that an indemnification clause to protect the town from incurring loss needs to be

addressed. On a motion made by W. Nunnally and seconded by J. Latell the council voted to table the request for financial support. All were in favor. Vote: Yea - 6 Nay - 0.

2. Removal of disused telephone poles

M. Merrill identified several Dominion Energy (DE) utility poles, including the recently replaced power pole at the corner of King Carter Drive and Carter Creek Road that are public safety concerns because the secondary utility poles are still in use. The primary utility pole houses DE utility lines and the secondary pole houses utility lines for Verizon and MetroCast. W. Charlton suggested R. Kime schedule a site meeting with a DE representative to create a plan of action to relocate Verizon and MetroCast utility lines to the primary pole and to remove the secondary poles.

3. Consideration of a motion to utilize use of the title and employment classification of town manager

After presenting a brief historical perspective as to the use of manager versus administrator M. Merrill made a request to change R. Kime's title from town administrator to town manager, a more commonly used title. F. Westbrook stated the change was not necessary. Following a brief discussion Mayor Ransone stated he had spoken with R. Kime and both were in favor of the title change. On a motion made by M. Merrill and seconded by M. Bombay the council voted to change R. Kime's title to town manager. All were in favor. Vote: Yea - 6 Nay - 0.

4. Consideration of a motion to discuss PUD

Prior to any discussion, W. Charlton acknowledged M. Merrill's objections to this agenda item and requested F. Westbrook provide a brief summary of her discussion points. F. Westbrook stated she wanted to discuss whether the town council should continue with the discussion of PUD's in general. M. Merrill objected stating the planning commission is an independent body and it is inappropriate for the town council to micromanage their efforts. Mayor Ransone stated the planning commission was acting as directed by the town council and has taken action on the directive to finding alternatives to the PUD. F. Westbrook cited statistics provided by the Virginia Board of Elections specific to Irvington on the number of registered voters and property owners. See attached. F. Westbrook made a motion which was seconded by W. Nunnally to instruct the planning commission to table any and all future action on the PUD/PRD until further notification from the Council. A brief discussion followed. M. Bombay stated he was in favor of allowing the planning commission to continue to seek alternatives to the PUD. W. Nunnally agreed with F. Westbrook. J. Latell is in favor of allowing the planning commission to seek alternatives to the PUD but expressed concerns that residents opposed to any development have not stated what they are in favor of. M. Merrill stated he, along with members of the planning commission and the Citizens Committee, was unfairly disadvantaged by the lack of proper notice of this item being on the agenda. K. Pollard states she is in favor of the PRD. J. Latell asks if the proposed motion includes the PRD. In order to clarify the motion, W. Charlton asks if the proposed motion includes both the PUD and the PRD and if future discussions of development are permitted. F. Westbrook states the proposed motion does include the PRD and future discussions related to development are permitted. Mayor Ransone states he is not in favor of the PUD. Mayor Ransone called for a hand vote. Those in favor: F. Westbrook, J. Latell, W. Nunnally. Those opposed: M. Merrill, M. Bombay, K. Pollard. Being a tie vote, Mayor Ransone voted in favor. The motion is passed and the Town Council will instruct the Planning Commission to table any and all future action on the PUD/PRD until further notification from the Council.

L. NEW BUSINESS

A. Consideration of a motion to discuss letter of recognition and appreciation to Gordon Slatford

- W. Nunnally made a motion which was seconded by J. Latell to present Gordon Slatford with a letter of appreciation at the May meeting. All were in favor. Vote: Yea - 6 Nay - 0.

B. Consideration of a motion to approve \$250 invoice submitted by Bill Mitchell Signs – cost of repair to *Welcome to Irvington* sign

- Merrill makes a motion to approve the invoice and release funds which is seconded by M. Bombay. All were in favor. Vote: Yea - 6 Nay - 0.

M. ANNOUNCEMENTS

W. Nunnally thanks the town council for the flowers delivered to his home and for their support during his recent illness.

N. ROUNDTABLE DISCUSSION

- Mayor Ransone encourages members of council to review the presentation submitted by Al Pollard Sr. See attached.
- K. Pollard suggested purchasing a basket of fruit for former town administrator Bob Hardesty. All were in favor. Vote: Yea - 6 Nay - 0.

O. CLOSED SESSION

I hereby move that the Town Council of the Town of Irvington go into closed or executive session, to discuss personnel matters pertaining to the town attorney pursuant and council appointees to the Code of Virginia, Section 2.2-3711 (A)(29). I, Kathleen Pollard, so move. M. Bombay seconded the motion. All were in favor. Yea - 6 Nay - 0.

P. RETURN TO PUBLIC MEETING

Kathleen 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 (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, Wayne Nunnally, so certify.
I, Frances Westbrook, so certify.
I, Michael Bombay, so certify.
I, Jerry Latell, so certify.
I, Ralph D. Ransone, so certify.

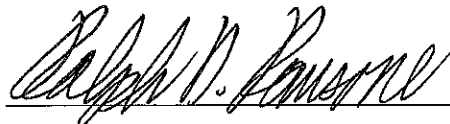
W. Nunnally made a motion which was seconded by M. Bombay to accept the resignation of the W. Charlton, town attorney, pending public announcement, effective May 4, 2018.

Q. ADJOURNMENT

W. Nunnally made a motion to adjourn which was seconded by M. Bombay.

The meeting was adjourned at approximately 9:15 p.m.

Respectfully submitted,
Sharon L. Phillips, Clerk



Ralph D. Ransone, Mayor



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR AND PUBLIC MEETING
THURSDAY, APRIL 12, 2018
235 STEAMBOAT ROAD**

Sign In Sheet

	Name	Address
1.	Robert Mannino	8952 IRVINGTON Rd
2.	Bill + Julie Harris	1099 King Carter Dr.
3.	Ed Squire	527 N. 2nd St
4.	Bill Harris	544 Glebe Road
5.	Mary McGehee	220 SANDERS LANE
6.	June McGehee	220 Sanders Lane
7.	Tom Chapman	62 Old McDowell Rd
8.	MARSH CHAPMAN	" "
9.	Charles Sanders	197 Sanders Ln
10.	GEORGE KUPER	64 Harrison Hall Ct.
11.	Gary Hooper	656 Glebe Rd
12.	MaryCory Brady	091 King Carter Dr
13.	Klaus D. SCHASCHKE	394 King Carter Dr.

14. MARY HEADLEY 51 EDGEWOOD LN
15. David Healey 51 Edgewood Ln
16. Albert & Alfred S. 60 York Rd
17. Carol & Lann Davis Crockett Landing
18. Bonnie Scharchek 394 Ken Carter Dr.
19. _____
20. _____
21. _____
22. _____
23. _____
24. _____
25. _____
26. _____
27. _____
28. _____
29. _____
30. _____
31. _____
32. _____
33. _____
34. _____



RAPPAHANNOCK RIVER YACHT CLUB

Ship: 100 Rappahannock Road
Mail: P.O. Box 55, Irvington, VA 22480

Phone / Fax: (804) 438-6650
Website: www.rryc.org

March 26, 2018

Board of Directors
Rappahannock River Yacht Club
PO Box 55
Irvington, VA 22480

Mayor Ralph Ransone
PO Box 174
Irvington, VA 22480

Dear Mayor Ransone,

This letter is to inform you of our Club's support of creating a no-wake zone in the Western branch of Carters Creek extending from the beginning of the western branch to the Tides Inn.

Large boats traversing the Western branch at speed, creating significant wakes, have for years created problems with the many boats in our slips e.g., causing items on deck to be tossed into the creek when members are working on their boats.

In addition our junior sailors, in small sailing craft, can be put in danger by speeding boats. Safety of junior sailors would be enhanced by the establishment of the proposed no wake zone.

As the proposed zone would only apply to the Western branch, other recreational use of the Eastern branch such as tubing and water skiing would not be limited assuring the creek is open to all current uses and the enjoyment of all.

The RRYC would agree to contribute Club funds to the effort in the event that the Town does not see fit to completely cover the expense.

We urge you and the entire Irvington Town Council to support this proposal and thank you for your consideration.

Sincerely,


Tom Chapman
Commodore RRYC
For the RRYC Board of Directors

CC: Roy Kime

CROCKETT'S LANDING INC.
PO Box 421
97 Crockett's Landing Lane
Irvington, Va. 22480
804-438-6569
Fax 804-438-5432

Mayor Ransone,

March 21, 2018

Crockett's Landing Marina supports the NO WAKE zone in Carters Creek
from #4 day marker to Tides Inn.

Carroll Davies

220 Sanders Lane
Irvington, Va 22480

April 12, 2018

Dear Mayor and Council Members,

As a marina and boat owner, we support a No Wake Zone in Carters Creek from the #4 day marker at the entrance of the creek to Tides Inn. The wakes being thrown by inconsiderate boaters are dangerous to other boaters and destructive to our shoreline and docked boats. Boaters are responsible for their wakes and, unfortunately, have to be reminded.

June McGense

Opposition to No Wake Proposal

Perhaps this whole No Wake issue is a matter of wants vs. needs. Sailors want wind, but not boat wakes. Skiers want calm water. Tubers, wakeboarders and jet skiers want to jump wakes. Watermen want to be able to get from one area to another when crabbing or oystering. But what we all need is to be safe, responsible and respectful of the rights of others as we share our public water.

Concern has been mentioned about the damage of boat wakes to docks and bulkheads, as well as causing shoreline erosion. However, in personally talking to local dock builders, they say that docks, rip-rap and bulkheads are built to sustain pressure of wave action from boats and nor'easters without damage. Damage is done from tornadoes and hurricanes, NOT from boat wakes.

Another concern mentioned is the damage to the creek from turbidity of boat wakes. The Army Corps of Engineers and various environmental groups have carried out studies that show that there might be sedimentation problems at 1-2', but not at the depth of water in the area proposed for the No Wake zone. By the time these boat wakes reach the shoreline, they have dissipated to such an extent that they are not a problem. Spinning boat props in deep water actually put oxygen into the water, which aids in fish and plant population.

As mentioned, what we need are safe boating practices. While we all desire safe boating conditions, why should those of us who frequently use Carters Creek water with respect have to be penalized because of those who come in briefly but with no courtesy?

There are already laws to address reckless use of the water. Why not enforce these laws, rather than add additional laws, which would still need the presence of the Marine Patrol to enforce? Currently, all boaters within the state of VA are required to have taken a boating safety class and receive a boating license. Why not stop reckless boaters and check to see if they have a license?

According to the Code of VA, if a person is convicted of "reckless operation of a watercraft, it is a Class 1 misdemeanor." Punishment for a Class 1 misdemeanor is "confinement in jail for not more than 12 months and a fine of not more than \$2500, either or both." Punishment for a No Wake infraction is a Class 4 misdemeanor, which is a lesser punishment than the Class 1 misdemeanor already described, and a penalty that is left up to the locality. It seems that, if we truly want safe boating, that the current laws are stricter and violators should be punished accordingly.

To conclude, we should all realize that what we need is safe boating practices for everyone and that we need to have the current laws enforced, not add additional, weaker laws. Let's not penalize everyone for the infraction of some, but let's make Carter's Creek known for its safe boating practices and for the enforcement of current safe boating laws. We urge you NOT to support the current No Wake proposal, but TO support the enforcement of the existing boating laws, punishable by the stricter Class 1 misdemeanor.

*Bill + Julie Harris
King Carter Dr.*

ATTENDANCE STATS

416 reg voters per VA Dept Elections

100 + citizens in attendance at least 2 PC PUD meetings = 25% of our voters

402 property owners of record per Lancaster County Land Book

100 + citizens in attendance at least 2 PC PUD meetings = 25% of our RE owners

Additionally, TC meetings and PC meetings have had citizens attending nearly all of the meetings for the past six months. This is unprecedented in our town.

And it's clearly not just the Old Mill Cove Group, as some keep saying. Only 21 people live on Old Mill Cove.

LETTERS

I was aware of 20+ letters haven been received from town citizens re PUD. I was surprised there were actually 40+ letters rec'd by TC / PC, representing 79 people.

- Only 2 were in favor of the PUD, both are developers
- 77 opposed the PUD
- Crossed referenced the names of the people who wrote letters with the state's Voter Registration List, 78% are voters.
- But 99% are tax paying property owners.

WRAP UP

What do all these stats about letters to TC & PC, attendance at meetings, letters to the Editor @ Rapp Rec, phone calls to town office and council members, and a near-weekly Irvington Resident Newsletter have in common?

THEY OPPOSE THE PUD in one form or another!

- #1 reason cited for not wanting the PUD is not the density as the PC thinks, although that comes in as third. It's the concern of changing the town's character, which has drawn most of us here in the first place.
- #2 reason for not wanting the PUD is that it is not supported by the PC's own survey.

So the obvious question is why do we continue to pursue a PUD when it has only served to divide and alienate the town citizens from the governing body? What more can the citizens possibly do to get our attention? Why are we intentionally putting this kind of strain on the relationship between us and them? Is it really worth it?

I, for one, am tired of it all and ask that the town council please consider putting all of us out of our misery.

MOTION

Therefore, I move that the Town Council instruct the Planning Commission to table any and all future action on the PUD until further notification from the council.

I am Albert Pollard Sr. and live on 60 York Road

I propose a plan that would benefit both the Town and the Steamboat Era Museum and would be of low cost to the Town.

The plan is:

- 1. This building would be sold.**
- 2. The proceeds would be provided to the Museum to enlarge their building over the parking lot area thereby providing space for the Town and the Museum.**
- 3. To offset the lost parking, parking would be created on the North Commons.**

The enlarged Museum space would house office space for the Town as well as needed space for the Museum. The added meeting space would be used by the Town for meetings and also used by the Museum for a number of purposes such as socials, screening their excellent video, their group meetings, etc.

The Town would share the maintenance and utilities expenses of the Museum. The Town could help the Museum by answering questions during lunch hour and other times Museum volunteers are away, and the Museum staff could help the Town when the office is not manned by accommodating resident's requests for things such as zoning application forms, etc. This would also be an excellent location for a visitors center which would bring more visitors to the Museum and to Irvington businesses.

There are a number of details to be worked out such as a workable agreement between the Town and the Museum, etc.

I request that the Town consider this plan.

Thank you.

FREN & KENDALL MINTON

692 KING CARTER DR.
IRVINGTON, VA 22460

WE AGREE WITH BRUCE SANDERS
& OTHER BUSINESSES ON CARTER
CREEK, THERE NEEDS TO BE
A NO WAKE ZONE FROM THE
RIVER TO THE TIDES INN
& BEYOND.

WAKES ARE A REAL PROBLEM
FOR OUR PROPERTY NEXT TO
THE DOCK OF THE TIDES
INN.



**TOWN OF IRVINGTON, VIRGINIA
235 STEAMBOAT ROAD
BUDGET & FINANCE WORKSHOP
THURSDAY MARCH 29, 2018 3:00 p.m.**

The town of Irvington budget and finance committee held a workshop on Thursday, March 29, 2018 at 3:00 p.m., in the town office.

A. CALL TO ORDER

Town Administrator Roy Kime called the meeting to order at 3:05 p.m.

B. ROLL CALL

Members of Council present: Frances Westbrook
Jerry Latell
Mike Bombay

Administrative Staff present: Roy C. Kime, Town Administrator, Zoning Administrator
Sharon L. Phillips, Clerk, Treasurer

Guests: Klaus Schaschek, Bonnie Schaschek

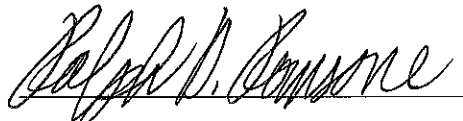
C. ROUNDTABLE DISCUSSION – Budget discussions

D. ADJOURNMENT

F. Westbrook made a motion to adjourn which was seconded by M. Bombay.

The meeting was adjourned at approximately 4:50 p.m.

Respectfully submitted,
Sharon L. Phillips, Clerk

A handwritten signature in cursive script, appearing to read "Ralph D. Ransone", written over a horizontal line.

Ralph D. Ransone, Mayor

**TOWN OF IRVINGTON, VIRGINIA
235 STEAMBOAT ROAD
BUDGET & FINANCE WORKSHOP
THURSDAY, MARCH 22, 2018 4:00 p.m.**

The town of Irvington budget and finance committee held a workshop on Thursday, March 22, 2018 at 4:00 p.m., in the town office.

A. CALL TO ORDER

Town Administrator Roy Kime called the meeting to order at 4:01 p.m.

B. ROLL CALL

Members of Council present: Frances Westbrook
Jerry Latell
Mike Bombay

Administrative Staff present: Roy C. Kime, Town Administrator, Zoning Administrator
Sharon L. Phillips, Clerk, Treasurer

Guests: Klaus Schaschek, Bonnie Schaschek

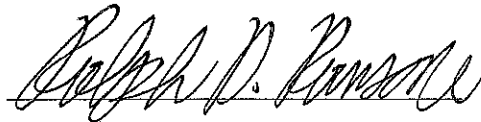
C. ROUNDTABLE DISCUSSION – Budget discussions

D. ADJOURNMENT

F. Westbrook made a motion to adjourn which was seconded by M. Bombay.

The meeting was adjourned at approximately 5:45 p.m.

Respectfully submitted,
Sharon L. Phillips, Clerk



Ralph D. Ransone, Mayor

**TOWN OF IRVINGTON, VIRGINIA
235 STEAMBOAT ROAD
REGULAR AND PUBLIC MEETING
THURSDAY, MARCH 8, 2018 – 6:30 PM**

The regular and public meeting of the Irvington Town Council was held March 8, 2018 at 6:30 p.m., in the Irvington Town Office.

A. CALL TO ORDER

The Mayor called the meeting to order at 6:33 p.m. and asked for a moment of silence.

B. ROLL CALL

Members of Council present: Ralph D. Ransone, Mayor
 Kathleen Pollard, Vice Mayor
 Michael Merrill
 Frances Westbrook
 Jerry Latell
 Wayne Nunnally

Administrative Staff present: Roy C. Kime, Town Administrator, Zoning Administrator
 Sharon L. Phillips, Clerk, Treasurer

Absent: Michael Bombay, Member of Council
 Wesley M. Charlton, Legal Counsel

Guests: June McGeorge, Snowy McGeorge, Tom Chapman, Marsha Chapman,
 Klaus Schaschek, Bonnie Schaschek, Robert Maninno, Cay Bradley

C. APPROVE AGENDA

W. Nunnally makes a motion to strike Item N (motion to discuss personnel matters in a closed session) from the agenda. There is no second and the motion dies. A brief discussion followed. Mayor Ransone asked for a motion to approve the agenda as is, which was made by F. Westbrook and seconded by K. Pollard.

Vote: Yea - 4 Nay - 1 (Nunnally)

D. APPROVAL OF MINUTES AND TREASURER'S REPORTS

K. Pollard stated according to *Robert's Rules of Order*, detailed public comment should not be included in meeting minutes and suggested any handwritten or typed public comment submitted to the Clerk could be attached to the minutes. A brief discussion followed. W. Nunnally stated public comment should be memorialized for future reference. Because there was no formal change to procedure, Mayor Ransone stated no motion was required. On a motion made by J. Latell and seconded by K. Pollard the minutes and treasurer's reports were approved as is. All were in favor. Vote: Yea - 5 Nay - 0.

PUBLIC COMMENT

Public comment was given by K. Schaschek and Robert Maninno.

E. REPORT FROM THE TOWN ADMINISTRATOR – Roy Kime, Administrator, Zoning Administrator

R. Kime reported as a result of high winds from nor'easter Quinn, one of the *Welcome to Irvington* signs was damaged and is being repaired by Bill Mitchell Signs. Outage reports from Dominion Energy and use of the CERT Radio were beneficial to assessing resident needs within town limits. He attended the March 6 planning commission workshop. Sidewalk contract with BH Walker Concrete for \$14,386.25 was executed on February

16. Required signatures were received from Irvington residents R. Crockett and J. Robertson granting permission to remove sections of sidewalks in accordance with the sidewalk contract. Sidewalk repair has begun and is expected to be completed in less than one week. Permits to demolish a structure were granted for properties located at 4305 and 4301 Irvington Road. Permit to remove a tree within the RPA was issued to Bradley Gray of York Road (tax map 27D4). Request to remove trees on private property was denied as the Town is not responsible for private property. The No Wake Zone Committee met on February 13. The application for a No Wake Zone will be submitted through Lancaster County. Julie Harris requested to be appointed to the No Wake Zone Committee. The executed 2018 Tennis Court Agreement with Chesapeake Academy was received. The State Board of Elections reported: R. Wayne Nunnally, B.W. "Bonnie" Schaschek, Jackie Y. Brown, Albert D. "Tripp" Bugg III and Mary Cary "Cay" Bradley will be considered as candidates for town council elections on May 1. Dominion Energy is waiting for Verizon and MetroCast to relocate their wires, lines and equipment to the newly installed power pole. VDOT has repaired/replaced multiple road signs damaged during the winter months. Efforts to repair the flashing lights on the pedestrian crosswalk are ongoing. W. Nunnally makes a motion to appoint Julie Harris to the No Wake Zone Committee. Mayor Ransone states no motion is necessary and instructs R. Kime to make the appointment.

F. LEGAL COUNSEL – Wesley M. Charlton – Absent

G. PLANNING COMMISSION REPORT – Michael Merrill, Council Member and Liaison to Commission

M. Merrill reported the planning commission held a workshop on March 6. Topics included: J. Brown's proposed R-3 rezoning approach which is an alternative to the existing proposed Planned Unit Development (PUD); concerns about the lack of specific zoning for businesses in the Village Commercial Area; suggestions to rename the PUD; definition of a residence; commentary from T. Chapman on density reduction; and discussions that the 2 acre minimum in R-2 is not compatible with Irvington as 60 % of Irvington is zoned R-1 followed with concerns that the 2 acre minimum is not economically suitable in today's market. No votes were taken on the potential changes to the PUD during the workshop. The next planning commission meeting will be April 3 at 6:30 p.m. M. Merrill reported W. Charlton stated the Town's zoning related ordinances are out of date and updating them would be beneficial. F. Westbrook asked how the planning commission intended to handle increased resident attendance during public meetings and workshops. M. Merrill stated Chairman Young has verified the availability of the Irvington Baptist Church should the need arise.

H. COMMITTEE REPORTS

1. Budget and Finance – Fran Westbrook, Council Member

F. Westbrook reported J. Latell attended the workshop and M. Bombay was absent therefore it did not constitute a meeting. Time was used to discuss what information is needed from respective committees to prepare for the next workshop, scheduled for March 22, 4:00 p.m., in the Town Office. Mayor Ransone suggested the first reading of the budget be presented during the June 14 town council meeting and the second reading be scheduled for June 21; both meetings will be public hearings and should be held at the Irvington Baptist Church to accommodate resident attendance.

2. Commons Development Committee – Fran Westbrook, Council Member

F. Westbrook reported the survey will be mailed by the end of the week. Additional copies of the survey will be available in the Town Office and a link to the survey will be available on the Town website.

3. Technical Support – Kathleen Pollard, Council Member

K. Pollard reported the old website has been redirected to the new website.

4. Flags and Lights – Ralph Ransone, Mayor

Mayor Ransone reported he will coordinate with Paul Elborn to schedule a date to install banners.

I. OLD BUSINESS

1. S. Phillips reported the proof of the advertorial to be published in *The Local Scoop* will be available for review the week of March 12 and members of council are encouraged to provide feedback. When the advertorial is approved, J. Ammons will provide a list of participants for invoicing.
2. K. Pollard made a motion which was seconded by J. Latell to approve dispersing funds appropriated for the town attorney's monthly retainer effective March 2018. The town attorney contract was approved in February 2018. All were in favor. Vote: Yea - 5 Nay - 0.

J. NEW BUSINESS

1. A motion was made by F. Westbrook and seconded by W. Nunnally to adopt the VML Wireless Resolution as presented. All were in favor. Vote: Yea - 5 Nay - 0. Resolution is attached and made a part of these minutes.
2. S. Phillips reported June McGeorge suggested posting town related public notices on the bulletin board inside the Irvington Post Office in addition to existing legal requirements for public notice. S. Phillips suggested installing an all-weather menu board on the exterior of the Town Office. A brief discussion followed. W. Nunnally offered to speak with the Irvington Post Office. K. Pollard made a motion to table the topic until more information is presented which was seconded by W. Nunnally. All were in favor. Vote: Yea - 5 Nay - 0.
3. On a motion made by W. Nunnally and seconded by F. Westbrook proposals submitted by Bartlett Tree and Elbourn Electrical were approved. All were in favor. Vote: Yea - 5 Nay - 0.

K. ANNOUNCEMENTS

- Irvington town elections will be May 1 and voting will take place at the Irvington Baptist Church.
- VIA 2018 events
 - May 19 Memory Lane Car (**not a VIA event**)
 - May 25 Air Force Band Jazz Ensemble
 - July 2 Air Force Concert Band
 - Oct 31 Halloween
 - Nov 22 Turkey Trot

L. ROUNDTABLE DISCUSSION - none

M. CLOSED SESSION

W. Nunnally and A. Thomasson objected to the closed session and left the meeting prior to the closed session. A brief discussion followed. Mayor Ransone asked for a motion to go into closed session. I hereby move that the Town Council of the Town of Irvington go into closed or executive session, to discuss personnel matters pursuant to the Code of Virginia, Section 2.2-3711 (A)(29). I, Kathleen Pollard, so move. M. Merrill seconded the motion. All were in favor. Vote: Yea - 4 Nay - 0.

Kathleen 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 (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, Frances Westbrook, so certify.
- I, Jerry Latell, so certify.
- I, Ralph D. Ransone, so certify.

N. RETURN TO PUBLIC MEETING

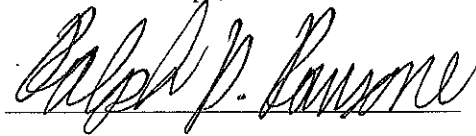
On a motion made by K. Pollard and seconded by M. Merrill the Town of Irvington Email, Computer and Information Usage policy is approved. All were in favor. Vote: Yea - 4 Nay - 0. W. Nunnally did not participate in closed session. M. Bombay was absent.

O. ADJOURNMENT

F. Westbrook made a motion to adjourn which was seconded by M. Merrill.

The meeting was adjourned at approximately 7:50 p.m.

Respectfully submitted,
Sharon L. Phillips, Clerk

A handwritten signature in cursive script, appearing to read "Ralph D. Ransone", written over a horizontal line.

Ralph D. Ransone, Mayor



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR AND PUBLIC MEETING
THURSDAY MARCH 8, 2018 – 6:30 PM
235 STEAMBOAT ROAD**

Sign In Sheet

	Name	Address
1.	Jane McGeorge	220 SANDERS Lane
2.	Snowy McGeorge	200 Sanders Lane
3.	TOM CHAPMAN	62 OLD MILL Cove RD
4.	MARSHA CHAPMAN	62 OLD MILL Cove RD
5.	KELLY D. SCHLESCHER	394 KING CARTER DR
6.	BONNIE SCHLESCHER	— 11 —
7.	Robert Manning	3952 IRVINGTON Rd
8.	Mary Ann Brady	991 King Carter
9.		
10.		
11.		
12.		
13.		

**TOWN OF IRVINGTON, VIRGINIA
235 STEAMBOAT ROAD
BUDGET & FINANCE WORKSHOP
THURSDAY, MARCH 1, 2018 12:00 NOON**

The town of Irvington budget and finance committee held a workshop on Thursday, March 1, 2018 at 12:00 noon, in the town office.

A. CALL TO ORDER

Town Administrator Roy Kime called the meeting to order at 12:01 p.m.

B. ROLL CALL

Members of Council present: Frances Westbrook
Jerry Latell
Mike Bombay

Administrative Staff present: Roy C. Kime, Town Administrator, Zoning Administrator
Sharon L. Phillips, Clerk, Treasurer

Guests: Klaus Schaschek, Bonnie Schaschek

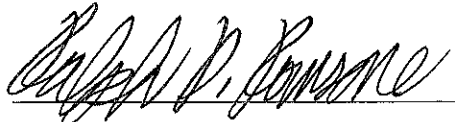
C. ROUNDTABLE DISCUSSION – Budget discussions

D. ADJOURNMENT

F. Westbrook made a motion to adjourn which was seconded by M. Bombay.

The meeting was adjourned at approximately 1:45 p.m.

Respectfully submitted,
Sharon L. Phillips, Clerk



Ralph D. Ransone, Mayor

**TOWN OF IRVINGTON, VIRGINIA
REGULAR AND PUBLIC MEETING
THURSDAY, February 8, 2018 – 6:30 PM
235 STEAMBOAT ROAD**

The regular meeting and public meeting of the Irvington Town Council was held February 8, 2018 at 6:30 PM, in the Irvington Town Office.

A. CALL TO ORDER

Mayor Ransone called the meeting to order at 6:30 PM and asked for a moment of silence.

B. ROLL CALL

Members of Council present: Ralph D. Ransone, Mayor
 Kathleen Pollard, Vice Mayor
 Michael Merrill
 Frances Westbrook
 Michael Bombay
 Jerry Latell
 Wayne Nunnally

Administrative Staff: Roy Kime, Town Administrator
 Sharon Phillips, Town Clerk
 Wesley M. Charlton, Town Attorney (arrived at 6:35)

Guests: See attached sign in sheet

C. APPROVE AGENDA

On a motion made by W. Nunnally and seconded by M. Bombay the agenda was approved. All were in favor. Yea 6 - Nay 0

D. APPROVAL MINUTES AND TREASURER'S REPORTS

On a motion made by K. Pollard which was seconded by M. Bombay, the minutes were approved and the treasurer's reports were adopted as presented. All were in favor. Yea 6 - Nay 0.

E. PUBLIC COMMENT

Public comment was given by K. Schaschek, J. McGeorge, T. Chapman, C. Davies, and B. Sanders. Residents expressed concern about accuracy of financial statements, Vineyard Meadows, lowering the Norris Bridge and expressed support of the proposed No Wake Zone. With no further public comment, Mayor Ransone closed public comment.

F. REPORT FROM THE TOWN ADMINISTRATOR

R. Kime reported spending time researching and responding to several FOIA requests relating to the proposed PUD ordinance. R. Kime requested the town council give him authority to negotiate the contract to repair/remove sidewalks. R. Kime requested approval to remove sidewalks installed on the property of: Ronald D. Crockett and Catherine S. Crockett, 40 The Lane, Irvington Virginia, identified more specifically as Tax Number 33 396 and the property of James M. Robertson, 26 Lancaster Road, Irvington Virginia, identified more specifically as Tax Number 33 459. W. Nunnally asked if the town is

required to take competitive bids. W. Charlton stated the town is not required to take competitive bids due to our population, based on the Public Procurement Act. R. Kime reported repairs to concrete aprons (entrances) in the business district will not be included in the scope of work. F. Westbrook made a motion to grant R. Kime the authority to negotiate contracts to repair/replace town sidewalks not to exceed \$12,000, which was seconded by W. Nunnally. K. Pollard made a motion to amend F. Westbrook's motion to grant R. Kime the authority to negotiate contracts to repair/replace town sidewalks not to exceed \$15,000, which was seconded by W. Nunnally. After a brief discussion and with no further questions Mayor Ransone called for a vote. All were in favor. Yea 6 - Nay 0

R. Kime resolved a complaint about a sign placed at the entrance to the Citgo station. R. Kime contacted Dave Geeson with DGIF to inquire about the process and procedure to request a No Wake Zone on Carters Creek. D. Gill, Lancaster County Director of Planning and Land Use instructed the town apply through Lancaster County, then DGIF. If the application for the proposed No Wake Zone is approved, responsibility for cost and maintenance of the buoy will have to be assumed by a private entity as the county nor state are responsible for any associated costs. J. Latell stated he supports the No Wake Zone and this action is long overdue. W. Nunnally made a motion which was seconded by J. Latell to appoint C. Davies, B. Saunders and T. Chapman as members of the citizen advisory group assigned to work with R. Kime for the purpose of further research and investigation into the proposed No Wake Zone. All were in favor. Yea 6 - Nay 0

W. Nunnally made a motion which was seconded by J. Latell to approve the resolution to disperse \$2,100 to White Stone Fire Department, resolution to disperse \$1,000 to Lancaster County Library, resolution to disperse \$250 to Lancaster, Trolley. All were in favor. Yea 6 - Nay 0

R. Kime introduced J. Ammons, OMNI Design Group, Inc., Operations Manager. J. Ammons requested the town underwrite \$3,500 to reserve a 2 page/4 color, center spotlight advertisement featuring Irvington businesses, in the Local Scoop magazine. Businesses featured in the spotlight will reimburse the town. J. Ammons will cultivate and secure businesses to be featured in the spotlight, the goal is to secure 10 interested businesses or \$350 per business. The Local Scoop will assist with the production and layout of the advertisement. A brief discussion followed. W. Nunnally made a motion which was seconded by K. Pollard for the Town of Irvington to underwrite \$3,500 to reserve a 2 page/4 color, center spotlight advertisement in the Spring edition of the Local Scoop. All were in favor. Yea 6 - Nay 0

R. Kime reported he spoke with G. Edmunds and C. Young about the Town of Irvington 4th of July Parade. He went on to report he spoke with S. Jett, voter registrar, regarding town council elections. He (Kime) is working to create an information packet for newly elected officials. R. Kime reported he requested and received the list of affected property owners receiving correspondence from VDOT related to the Norris Bridge. Affected properties are in Middlesex and Lancaster counties. R. Kime reported he had a meeting with Dr. Bob Westbrook about emergency planning. R. Kime and S. Phillips will attend the Lancaster by the Bay Chamber of Commerce Annual Dinner; R. Kime paid for the tickets. W. Nunnally made a motion which was seconded by J. Latell, to have S. Phillips draft a formal letter objecting to the proposed height of the Norris Bridge. F. Westbrook made a motion which was seconded by W. Nunnally to reimburse R. Kime \$100 for two tickets to attend the Lancaster by the Bay Chamber of Commerce Annual Dinner. Mayor Ransone called for a vote on both motions.

All were in favor. Yea 6 - Nay 0

W. Nunnally made a motion which was seconded by K. Pollard to approve the Northern Neck Regional Hazard Mitigation Plan 2017. All were in favor. Yea 6 - Nay 0

G. LEGAL COUNSEL

W. Charlton reported he reviewed and approved the 2018 Chesapeake Academy licensing agreement. W. Nunnally made a motion which was seconded by J. Latell to accept the licensing agreement as drafted. F. Westbrook requested Chesapeake Academy submit a current certificate of insurance. All were in favor. Yea 6 - Nay 0

W. Charlton reported he attended meetings with members of council and commission related to the proposed PUD ordinance. He reported he attended the planning commission meeting and workshop and stated he had received a request from a member of the planning commission to review and discuss alternatives to the proposed PUD ordinance.

H. PLANNING COMMISSION REPORT

M. Merrill reported the planning commission held a meeting on February 6 to evaluate different measures sought by those opposing the proposed PUD ordinance. During the meeting the draft PUD ordinance was amended and some proposed changes were discussed but not voted upon. Several of the changes were incorporated into the draft which will be updated in preparation of the workshop which will be March 6, 4:30 PM in the town office.

I. COMMITTEE REPORTS

1. Budget and Finance – *Fran Westbrook, Council Member*

F. Westbrook reported the financial policy was discussed during the town council workshop. An additional workshop will be scheduled to review the short term rental agreement. The capital improvement plan and the five year plan will be included in upcoming budget meetings. The five year plan must be approved prior to implementing a capital improvement plan.

2. Commons Development Committee – *Fran Westbrook, Council Member*

F. Westbrook reported the Commons Development Committee has received a quote for the printing and postage of the survey. One survey will be mailed to each household in town limits, the survey will be available on the town website and paper copies of the survey will be available in the town office. F. Westbrook requests a motion to approve up to \$600 to cover the cost of printing and postage for the survey. W. Nunnally requests a second paper survey be included in each mailing. C. Bradley stated the survey she created was written as a household survey and does not require additional mailings. A brief discussion follows. W. Nunnally makes a motion to increase the number of surveys in each mailing from one to two. The motion dies for a lack of a second. M. Merrill makes a motion which was seconded by M. Bombay to approve up to \$600 to cover the cost of printing and postage for the Commons Development survey.

Yea 5 – Nay 1 (Nunnally) the motion is passed.

3. Technical Support – *Kathleen Pollard, Council Member*

K. Pollard reported the old website will be redirected to the new website. S. Phillips reported C. Clark will continue to post notices on the new website through February. The town will continue to utilize Antonio Graphics for website support. K. Pollard reminded members of council and commission to activate their town email address.

4. Flags and Lights – *Roy Kime, Town Administrator*

Mayor Ransone reported he met with S. Phillips to review costs associated with replacing/repairing holiday decorations for the anticipated 2018/2019 budget.

5. Human Resources – *Kathleen Pollard, Council Member*

No report given. W. Charlton suggested placing the employee email policy on the March agenda.

J. OLD BUSINESS - None

K. NEW BUSINESS - None

L. ANNOUNCEMENTS

1. In observance of President's Day the Town Office will be closed Monday, February 19th.
2. The Airforce Concert will be July 2nd.

M. ROUNDTABLE DISCUSSION

Mayor Ransone suggested S. Phillips request a list of VIA events from Deb Lockhart and make available on the town website.

N. CLOSED SESSION

I hereby move that the Town Council of the Town of Irvington go into closed or executive session, to discuss the award of a public contract for the town attorney well as terms and scope of such contract pursuant to the Code of Virginia, Section 2.2-3711 (A)(29). I, Kathleen Pollard, so move. W. Nunnally seconded the motion. All were in favor. Yea - 6 Nay - 0.

Kathleen 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 (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, Wayne Nunnally, so certify.
I, Frances Westbrook, so certify.
I, Michael Bombay, so certify.
I, Jerry Latell, so certify.
I, Ralph D. Ransone, so certify.

O. RETURN TO PUBLIC MEETING

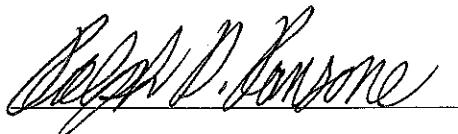
W. Nunnally made a motion which was seconded by M. Merrill to accept the proposal submitted by W. Charlton as the town attorney and to accept the \$100 increase in the monthly retainer. All were in favor. Yea 6 - Nay 0

ADJOURNMENT

W. Nunnally made a motion which was seconded by J. Latell to adjourn.
All were in favor. Yea 6 - Nay 0

The meeting was adjourned at approximately 8:03 PM

Respectfully submitted,
Sharon L. Phillips, Clerk



Ralph D. Ransone, Mayor



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR AND PUBLIC MEETING
THURSDAY FEBRUARY 8, 2018 – 6:30 PM
235 STEAMBOAT ROAD**

Sign In Sheet

Name	Address
1. Mary Cary Brady	991 King Carter
2. Snowy McGeorge	Irvington
3. June McGeorge	Irvington
4. CAROLE C Davis	Irvington
5. Dana J Danner	Irvington
6. KLAUS D. SCHASCHKE	394 KING CARTER DR.
7. Bonnie Schaschek	394 King Carter Dr.
8. Anty	Virginia Rd.
9. Bruce Sanders	902 King Carter
10. Tom Chapman	62 OLD MILL CREEK RD
11.	
12.	
13.	

**TOWN OF IRVINGTON, VIRGINIA
REGULAR AND PUBLIC MEETING
THURSDAY, JANUARY 11, 2018 – 6:30 PM
235 STEAMBOAT ROAD**

The regular meeting and public meeting of the Irvington Town Council was held January 11, 2018 at 6:30 PM, in the Irvington Town Office.

A. CALL TO ORDER

The Mayor called the meeting to order at 6:30 PM and asked for a moment of silence.

B. ROLL CALL

Members of Council present: Ralph D. Ransone, Mayor
 Kathleen Pollard, Vice Mayor
 Michael Merrill
 Frances Westbrook
 Michael Bombay
 Jerry Latell
 Wayne Nunnally

Administrative Staff: Roy Kime, Town Administrator
 Sharon Phillips, Town Clerk
 Wesley M. Charlton, Town Attorney (arrived at 6:32 PM)

Guests: See attached sign in sheet

C. APPROVE AGENDA

On a motion made by F. Westbrook and seconded by M. Bombay the agenda was approved. All were in favor. Yea 6 - Nay 0

D. APPROVAL MINUTES AND TREASURER'S REPORTS

W. Nunnally requested the comment, "J. Latell indicates W. Nunnally is grandstanding" be altered to read "J. Latell indicates W. Nunnally stated his opinion." The request is denied. The comment will be stricken from the December minutes. M. Merrill requested A. Pollard's comment regarding "features in his home" be stricken. M. Merrill requested that page 2 line 10 be amended to include "access." On a motion made by M. Bombay which was seconded by J. Latell, the minutes were approved as amended. All were in favor. Yea 6 - Nay 0. On a motion made by K. Pollard which was seconded by M. Bombay, the treasurer's reports were adopted as presented. All were in favor. Yea 6 - Nay 0.

E. GUEST SPEAKER – *Charles Donato, External Affairs Manager, Dominion Energy (DE)*

Charlie Donato introduced himself and his colleagues, *Catherine Vick - Manager, System Reliability* and *Kelly Balderson, Forestry Coordinator*. Mr. Donato addressed reliability, tree trimming and feedback on previous tree trimming. In light of the recent snow storm, Mr. Donato encouraged all citizens to be prepared for a two to three day power outage and reminded citizens to report outages to ensure timely and accurate response from DE. K. Balderson reported the 2017 trimming of the crepe myrtles occurred during blooming season because branches were touching high voltage power lines resulting in sparks. The second half of King Carter is scheduled to be trimmed this winter to allow the crepe myrtles to fill out and bloom in their natural growth cycle. DE will communicate the schedule to town administrators. In an effort to maintain aesthetics, crepe myrtles will be on a two year cycle to prevent growth into high

voltage power lines and the remainder of the town will be on a 4 year trim cycle. Mr. Donota stated that DE trims trees for function rather than beauty. F. Westbrook thanked the DE team for taking time to visit the town and educate residents. Mr. Donota stated DE will abide by the State Corporation Commission's decision related to the replacement power lines adjacent to the Norris Bridge.

F. PUBLIC COMMENT

B. Schaschek requested follow up information regarding the relationship between Lancaster County and the Town of Irvington as it pertains to current and delinquent tax collection efforts. S. Phillips reported Lancaster County is responsible for collecting both current and delinquent taxes with the full amount including penalties and fees remitted to the Town of Irvington. F. Westbrook explained the two bills associated with tax collection are postage and a fee for data processing service. W. Charlton suggested the clerk communicate with Lancaster County and request notification of any changes to the anticipated cost of 2018 tax collection. M. Chapman asked if the planning commission intends to vote on the revisions to the draft PUD ordinance during the February planning commission meeting. Mayor Ransone reminded those in attendance that should the planning commission vote, the vote is only to approve the revisions to the draft PUD ordinance and not to approve the ordinance. He further stated a public hearing is required by both the planning commission and town council prior to the ordinance being adopted. M. Chapman read her statement. E. Sulick stated there were three public meetings in addition to the regular monthly planning commission meetings in which residents were given the opportunity to provide input related to the draft PUD ordinance. There will be an opportunity for the residents to provide input to the planning commission pertaining to the revisions to the draft PUD ordinance during a planning commission public hearing. B. Schaschek stated the February 6 planning commission meeting is a regular meeting and public comment is on the agenda and requested residents wishing to speak submit their comments in writing to the town office prior to the meeting. C. Bradley asked if the planning commission is required to resolve the proposed PUD ordinance prior to taking on additional concerns. J. Harris questioned if the large tracts of land associated with the proposed PUD ordinance have passed a septic perk test, will accommodate higher density housing, and if dependence on public sewer will be required. W. Charlton stated lack of central sewage and common space liability are concerns being investigated. K. Schaschek responded to the comment by M. Merrill related to the cost of the comprehensive plan and proposed PUD ordinance stating that the second installment for the comprehensive plan included costs associated with the proposed PUD ordinance totaling \$18,000. The total cost of the comprehensive plan was approximately \$24,000. He requested an update on the sidewalk repairs in an effort to assist with budget forecasting. He asked when the town is scheduled to be audited, again to assist with future budget requirements. F. Westbrook stated the town will require an additional year of financial records prior to an audit being scheduled. K. Schaschek cautioned there is too much money in the checking account, and suggested investigating SWEEP accounts to maximize interest income. K. Schaschek stated the following items are required for a capital budget: policy, intent, objectives, financing and preliminary estimates. F. Westbrook reported the budget and finance committee will meet in February to perform a six month review of the budget. J. McGeorge requested an update on the NO THRU TRUCK issue. W. Charlton reported the Town of Irvington has no standing to request a NO THRU TRUCK sign be placed in White Stone as Irvington does not meet the minimum VDOT criteria to reroute traffic. W. Charlton suggested requesting VDOT install signs directing industrial traffic to the by-pass.

G. REPORT FROM THE TOWN ADMINISTRATOR

R. Kime reported repairs to the town office proposed in the FY17/18 budget have been completed, the Dominion Energy Streetlight Outage Reporting System (SORS) is useful and has resulted in the repair of reported outages. The following permits were issued:

48 Steamboat Road (20D 2 419), Al Pollard Jr., permit to rebuild a building
30 Old Mill Cove (34 10A), Runyon, Old Mill Cove, permit rebuild boat house
Bay Design requested an opinion on an easement

Dubbs, Chases Cove – permit to rebuild boathouse

R. Kime reported he spoke with Susan Jett and Barbara Breeden to obtain information on 2018 elections. Additionally, he has been working the US Census. After a brief discussion council gave R. Kime permission to collaborate with other localities to gain a better understanding of the future planning endeavors. M. Merrill suggested Kime speak with Bob Morrison.

H. LEGAL COUNSEL

W. Charlton reported he met with DE and Bruce Sanders regarding the power pole at the corner of King Carter Drive and Carter's Creek Road. B. Sanders is in agreement and DE has accepted responsibility and committed to relocating the power pole; work is expected to be completed before March 2018. Per the request from town council, he attended the planning commission workshop and has been working with members of the commission as it relates to the proposed draft PUD ordinance. Additionally, at the request of the clerk, a computer and information usage policy was drafted and will be discussed in closed session.

I. PLANNING COMMISSION REPORT

M. Merrill reported the planning commission held a workshop on January 9 to review the decision from the December 14 town council meeting. M. Merrill gave a brief overview of the presentations for creating constructive residential situations given by commission members F. Tetrick, E. Sulick, and M. Merrill. Commission members in partnership with W. Charlton considered the legal and practical issues associated with the options discussed during the workshop. The chair and vice chair of the planning commission proposed significant revisions to the previous criteria for growth and density that were possible under the initial draft PUD ordinance. M. Merrill assured residents and members of council the planning commission will continue to work on favorable concepts and that any ideas advanced by a developer will have to go through the planning commission approval process and the town council approval process. W. Charlton is studying liability and septic concerns. M. Merrill requested town council consider allowing S. Phillips to provide administrative support to the planning commission to revise the proposed PUD ordinance. E. Sulick stated the project should not exceed 8 hours. After a brief discussion between members of council and the clerk, all were favorable. W. Charlton stated he received positive and favorable feedback from attendees of the workshop.

J. COMMITTEE REPORTS

1. Budget and Finance – *Fran Westbrook, Council Member*

F. Westbrook reported the budget and finance committee met December 8 to discuss budget overages and determined no action is required.

2. Commons Development Committee – *Fran Westbrook, Council Member*

F. Westbrook reported the Commons Development Committee will meet January 18.

3. Technical Support – *Kathleen Pollard, Council Member*

K. Pollard reported the town.irvington.va.us website and email addresses are operational and live. S. Phillips distributed a list of town email addresses and requested members of council and commission activate their email account as town email addresses will be used exclusively after the February meeting. S. Phillips reported the townofirvington.com website will be archived in accordance with records retention. S. Phillips encouraged residents to review the website and present suggestions for future development.

4. Flags and Lights – *Roy Kime, Town Administrator*

Mayor Ransone reminded members of council and staff to meet Saturday morning to remove the Christmas lights. Mayor Ransone stated he would meet with the clerk to research costs associated with purchasing strands of LED lights for the tree and replacing existing decorations, in phases.

5. Human Resources – *Kathleen Pollard, Council Member*

K. Pollard discussed 2018 observed holidays and days the town office will be closed. W. Nunnally

made a motion to approve the days the office will be closed which was seconded by J. Latell.

All were in favor. Yea 6 - Nay 0.

K. Pollard presented the 2018 meeting schedule for town council regular and public meetings. On a motion made by W. Nunnally and seconded by J. Latell the 2018 Town of Irvington regular and public meetings dates, time, and location were approved. All were in favor. Yea 6 - Nay 0.

F. Westbrook requested the clerk advertise the 2018 meeting schedule for the town council, planning commission and commons development committee in the Rappahannock Record. Mayor Ransone stressed the importance of a quorum and encouraged all council members to notify the clerk if they are not able to attend a scheduled meeting. After a brief discussion, staff was advised to make personal safety a priority and to use their discretion when making a decision to open or close the town office during inclement weather.

K. OLD BUSINESS

W. Nunnally makes a motion to approve Chesapeake Academy request to use the tennis courts in 2018, which was seconded by J. Latell. All were in favor. Yea 6 - Nay 0.

W. Charlton asks members of council reconsider his request to obtain a revocable licensing agreement with a liability waiver from Chesapeake Academy to use the tennis courts. Mayor Ransone suggested this be placed on the February agenda.

L. NEW BUSINESS

W. Nunnally makes a motion to approve Lancaster by the Bay Chamber of Commerce annual dues, \$125, which was seconded by F. Westbrook. All were in favor. Yea 6 - Nay 0.

After a brief discussion, a decision is made to schedule a town council workshop to review the financial policy and employee policy on February 5 at 4:30 PM in the town office. The short term rental agreement and registry will be discussed in a separate committee meeting. M. Merrill suggested scheduling a meeting to review the sign ordinance.

M. ANNOUNCEMENTS

1. In observance of Martin Luther King Jr. Day the Town Office will be closed January 15th.
2. Winners of the 2017 Holiday Lights Contest:
 - Residential: 1st Frank & Mary Ellen Tetrick
2nd Ronnie Crockett
3rd Tim & Stephanie Self
 - Business: 1st Chesapeake Academy
2nd Hubbard, Terry & Britt
3rd Fore & Aft

N. ROUNDTABLE DISCUSSION - None

O. CLOSED SESSION

I hereby move that the Town Council of the Town of Irvington go into closed or executive session, to discuss the proposed IT Policy pursuant to the Code of Virginia, Section 2.2-3711 (A)(29). I, Kathleen Pollard, so move. W. Nunnally seconded the motion. All were in favor. Yea – 6 Nay - 0.

Kathleen 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 (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, Wayne Nunnally, so certify.
I, Frances Westbrook, so certify.
I, Michael Bombay, so certify.
I, Jerry Latell, so certify.
I, Ralph D. Ransone, so certify.

P. RETURN TO PUBLIC MEETING

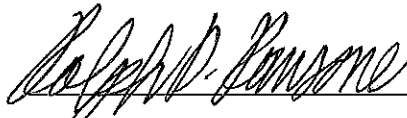
No action taken.

ADJOURNMENT

W. Nunnally made a motion which was seconded by M. Merrill to adjourn. All were in favor. Yea 6 - Nay 0

The meeting was adjourned at approximately 8:15 PM

Respectfully submitted,
Sharon L. Phillips, Clerk


Ralph D. Ransone, Mayor



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL REGULAR AND PUBLIC MEETING
THURSDAY JANUARY 11, 2018 - 6:30 PM
235 STEAMBOAT ROAD**

Sign In Sheet

Name	Address
1. Bill & Julie Harris	1099 King Carter Dr.
2. John Grieco	131 PARK PLACE
3. Mary Cary Bradley	991 King Carter Rd
4. Ed. Quier	527 Glebe Rd.
5. Spangy McGeorge	220 SANDERS LANE
6. June McGeorge	220 SANDERS LANE
7. JoAnne Serio	66 Westham Circle
8. Klaus D. Schmascher	394 KING CARTER DR.
9. Bonnie Schacht	"
10. Tom Chapman	62 Old Mill Cove Rd
11. Maude Chapman	" " "
12. Charles Donato, Catherine Vick, Kelly Bableron Dominion Energy	
13.	